

State of New Hampshire

PUBLIC EMPLOYEE LABOR RELATIONS BOARD

EARLE W. BADGER

Complainant

CASE NO. M-0670

v.

DECISION NO. 92-187

SANDRA KNAPP, GLENCLIFF HOME AND STATE OF NEW HAMPSHIRE

Respondent

MOTION TO DISMISS COMPLAINT

The Board, meeting at its offices in Concord, New Hampshire on December 8, 1992, took the following actions:

- 1. It reviewed the Complainants' improper practice charge (ULP) filed September 15, 1992 as well as a response from Sandra H. Knapp filed September 28, 1992 and a response from Thomas F. Manning filed on behalf of the State of New Hampshire on September 29, 1992.
- 2. It reviewed the collective bargaining agreement between the State Employees' Association of New Hampshire, SEIU Local 1984, and the State of New Hampshire.
- 3. It found that the Complainant in this case is an employee covered by that contract, notwithstanding the fact that he is not a member of the State Employees' Association.
- 4. It heard opening arguments by both parties' to this case.
- 5. It found that no formal or written grievance was ever filed in this matter.
- 6. It accepted representations by the Respondents that they would waive time limits if these proceedings were to be recommenced as a formal grievance under the contract.
- 7. It directed that the pending unfair labor practice changes be DISMISSED as being untimely and that this matter, if sought to be pursued by the Complainant,

be processed by the filing of a grievance within fifteen (15) work days of the date of this decision, the same time limit as provided under the contract.

So ordered.

Signed this 10th day of December, 1992.

JACK BUCKLEY, Alternate Chairman

By unanimous vote. Alternate Chairman Jack Buckley presiding. Members Seymour Osman and Arthur Blanchette present and voting.