



State of New Hampshire

PUBLIC EMPLOYEE LABOR RELATIONS BOARD

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AFSCME COUNCIL #93/LOCAL 298	:	:
MANCHESTER EDUCATIONAL ASSISTANTS	:	:
	:	:
Complainant	:	CASE NO. A-0455:18
	:	:
v.	:	DECISION NO. 94-50
	:	:
CITY OF MANCHESTER SCHOOL	:	:
DISTRICT	:	:
	:	:
Respondent	:	:
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APPEARANCES

Representing AFSCME Council #93:

Harriett P. Spencer, Staff Representative

Representing City of Manchester:

David Hodgen, Chief Negotiator

Also appearing:

Mayela Celone, AFSCME Local 298
 Brian Mitchell, AFSCME Local 298
 Dennis Meuse, AFSCME Local 298
 Norman Dallaire, Manchester School Dept.
 Paula Cole, Manchester School Dept.

BACKGROUND

AFSCME Council 93, Local 298 (Union) filed an unfair labor practice (ULP) charge against the Manchester School District (District) on March 9, 1994, alleging violation of RSA 273-A:5 I (i) relative to the unilateral adoption of a rule requiring the performance of duties not in the employee's job description. The City of Manchester School District filed its answer and filed a Motion to Dismiss for failure to exhaust the remedies provided under the bargaining agreement grievance procedure. The Motion to Dismiss was held in abeyance when the matter was heard before the undersigned hearing officer on May 12, 1994.

FINDINGS OF FACT

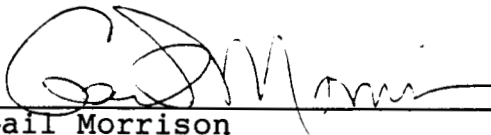
1. The City of Manchester is a "public employer" of teachers, educational assistants and other support staff within the meaning of RSA 273-A:I X.
2. AFSCME Council #93, Local 298 is the duly certified bargaining agent for educational assistants employed by the District.
3. The District and the Union are parties to a collective bargaining agreement (CBA) which includes a grievance procedure. Mayela Celone, an educational assistant filed a grievance, alleging she was required to transport special needs students by bus, a task not within her job description. This grievance was not pursued beyond the second step, a pre-arbitration stage, but was subsumed in a class grievance, EA-94-2, which now awaits arbitration.

ORDER

The parties are directed to follow the arbitration process through to its completion and further action on this matter is deferred. The parties are instructed to notify the PELRB within thirty days of the date of the arbitrator's decision should either desire renewed action. Upon notification, a decision shall issue based on the testimony and documentary evidence in the record. If such notice is not received within that thirty days, the matter shall be dismissed from the docket.

So ordered.

Signed this 7th day of June, 1994.



Gail Morrison
Hearing Officer