

Michael Silverstein v. Andover School Board, Decision No. 2010-203 (Case No. E-0102-1).

An employee of the School District filed an unfair labor practice complaint claiming that School Board breached the CBA when it reduced his work hours and that the CBA did not have a workable grievance procedure because the School Board, and not a neutral party, was the final step of the procedure. The School Board denied the charges and sought dismissal on the ground that the employee failed to exhaust the contractual grievance procedure.

The PELRB dismissed the complaint finding that the grievance procedure was workable even though the employer, and not a neutral party, was charged with making the final decision and that the PELRB had no jurisdiction to interpret the CBA or decide whether it had been violated where, like here, the CBA contained explicit language providing that the last step was final and binding on the parties.

Disclaimer: This summary is intended to provide a brief description of the issues in this case and the outcome. The summary is not a substitute for the decision, should not be relied upon in place of the decision, and should not be cited as controlling or relevant authority in PELRB proceedings or other proceedings.