

Mar. 28, 1976

STATE OF NEW HAMPSHIRE

PUBLIC EMPLOYEE LABOR RELATIONS BOARD

EPPING EDUCATION ASSOCIATION,
Affiliated with NHEA/NEA

and

EPPING SCHOOL DISTRICT

CASE NO. T-0225

77-12

APPEARANCES

Representing the School District:

Francis C. Wilson, Superintendent
Robert Wadleigh, School Board Member

Representing the Epping Education Association:

Sally Potter, Project Director, NHEA/NEA
Joseph LaMarca, II, UniServ Director
Donald Bouchard, President, Epping Education Association

FINDINGS

On March 8, 1976, Carol S. Sulovski, UniServ Director, NHEA/NEA Region II, filed a request for certification of an existing employee representative on behalf of the Epping Education Association for a bargaining unit consisting of "all certified professional employees employed in the Epping School District, excluding those persons in administrative capacity. She stated that the Association was currently at the bargaining table and had held meetings with the School Board in order to reach agreement for its first written collective bargaining agreement.

Upon review, and according to policy established by the Public Employee Labor Relations Board, PELRB denied the request for "grandfathering" of the Association.

Request for appointment of a mediator was also filed by Carol S. Sulovski on March 5, 1976 as the Epping School Board and the Association were unable to mutually select a mediator.

On March 17, 1976, Barbara J. Yentzer, NHEA/NEA Project Director, filed a request for a representation election to determine the exclusive bargaining representative for all certified professional employees of the Epping School District with the exception of those in administrative capacity.

All election requests were held in abeyance pending the adoption of the Board's Rules and Regulations, therefore no action was taken on the election request.

On November 17, 1976, Chairman of PELRB and Hearing Officer, Edward Haseltine, held a conference at the Epping Junior High School to set an election date, eligibility period for voting by new employees, voting times, polling places and all other procedures necessary prior to final approval and conduct of election.

Positions of part-time teachers; one in reading and another in special education, and the positions of Guidance Director and School Nurse were in question. After hearing the evidence presented at the conference, Hearing Officer Haseltine ruled that the part-time teachers because they were under contract to teach three days a week would be part of the bargaining unit. However, the Guidance Director and the Nurse because of administrative responsibilities would be excluded from the unit.

The Epping Education Association appealed the Hearing Officer's decision and the matter was brought to a hearing of the Board on December 13, 1976 in Room 306 of the Legislative Office Building, Concord, New Hampshire.


Both parties were afforded an opportunity to present evidence and cross-exam witnesses. Lora L. Lavoie, school nurse, and Donald O. Hatch, Guidance Director were the witnesses.

After reviewing all of the evidence presented and post hearing brief filed by Sally Potter and Donald Bouchard, the Board ruled that in the case of the school nurse, there appeared to be more of a community of interest and work related relationship with the teaching staff and the position of school nurse in Epping did include teaching functions in connection with health and hygiene related subjects, therefore the position to be included in the bargaining unit for the Epping School District.

The position of Guidance Director, however, evidenced a measurable amount of supervisory and a minimal amount of time spent in actual teaching and PELRB ruled that the position would be excluded from the bargaining unit.

ORDER

The bargaining unit for the Epping School District shall consist of certified classroom teachers and including school nurse. Excluded from the unit Superintendent, Assistant Superintendent, Principal, Assistant Principal and administrators. Also excluded, position of Guidance Director.


EDWARD J. HASELTINE, CHAIRMAN
PUBLIC EMPLOYEE LABOR RELATIONS BOARD

Signed this 28 day of March, 1977.