

A hearing for the purpose of determining the proper bargaining unit was held in the offices of the Superintendent, Keene, N. H. on April 15, 1982.

Counsel for the District submitted an amendment to the previously filed exceptions, as follows:

- a) seven of the administrative secretaries did have a community of interest and shared the same skills, duties, working conditions, etc., however, they acted in a supervisory and confidential nature and should not be included in the proposed unit with other personnel;
- b) that the three part-time secretaries should be excluded as they received no benefits and their positions were to be eliminated at the end of the school year.

Counsel also offered into evidence the 1981-82 Wage/Classification Plan and a copy of the District's Organizational Chart. Oral testimony was presented by the Superintendent, Assistant Superintendent and the Manager of Personnel Services on the duties and necessary qualifications for the administrative secretarial positions.

Representatives for the secretarial group, administrative secretaries, described their duties, degree of supervision, involvement in collective negotiations with teachers, evaluations of personnel and the input of all personnel in the drafting of their job classifications.

FINDINGS

-- The petition submitted by members of the Keene Educational Office Personnel Group was properly filed in accordance with RSA 273-A:10, 1(a) and II.

-- In accordance with PELRB Rules and Regulations, Section 1.2 (a),

"A Petition for Certification as the exclusive representative of a bargaining unit having no certified representative may be filed at any time..."

-- The statute does not say, "Persons exercising supervisory authority may not belong to the same bargaining unit as the employees they supervise", the limiting words, "involving the significant exercise of discretion" is added after "supervisory authority", demonstrating an intent to limit the supervisory exclusion to a narrow group at the top of the administrative staff.

-- The minimal amount of supervision exercised by the administrative secretaries to the various principals over other office personnel is not sufficient to warrant their exclusion from the proposed unit.

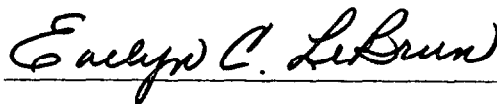
-- A standard for what constitutes a confidential relationship has already been established by the N. H. Supreme Court in University System, supra, when the Court said that a confidential employee is one "who assist(s) and act(s) in a confidential capacity to persons who formulate, determine and effectuate management policies in the field of labor relations". Further, the Court indicated that access to personnel files alone would not require a finding that one is a confidential employee.

-- Administrative secretaries and officer personnel in the School District's Administration office; i.e., Office of the Superintendent, are not part of the proposed unit thereby allowing the District to carry on the required labor relations activities with its staff.

-- By mutual agreement of the parties, the three (3) part-time secretaries to principals at Roosevelt and Lincoln Elementary Schools were excluded from the unit.

DECISION

1. The proposed unit of all office personnel employed by the Keene School District, except those employed in the District office, is a proper unit.
2. The unit will consist of administrative secretaries, secretaries, attendance clerks, secretary-bookkeepers, communications attendants, clerk-typists and clerk-stenographers.



EVELYN C. LeBRUN, Hearing Officer
PUBLIC EMPLOYEE LABOR RELATIONS BOARD

Signed this 18th day of May, 1982.