



State of New Hampshire

PUBLIC EMPLOYEE LABOR RELATIONS BOARD

NEWFOUND AREA TEACHERS ASSOCIATION

Petitioner

and

NEWFOUND AREA SCHOOL DISTRICT

Respondent

CASE NO. T-0270:2

DECISION NO. 82-34

HEARING OFFICER:
Russell Verney

APPEARANCES

Representing the Petitioner, Newfound Area Teachers Association:

Jo Campbell, UniServ Director, NEA-NH Region I
Edie Lindridge, President, NATA
Marilyn Noyes, Nurse, Grades 7 thru 12
Phyllis Robertson, Nurse, Grades 1 thru 6

Representing the Respondent, Newfound Area School District:

George A. Corrette, II, Superintendent
Archie L. Auger, Assistant Principal, High School

BACKGROUND

On May 24, 1982, a hearing before a Hearing Officer was held on a petition by the Newfound Area Teachers Association (NATA) to modify the existing bargaining unit.

The origination of the petition stems from the negotiations leading to the agreement signed by NATA and the Newfound Area School Board in April of 1980. Testimony specified that an agreement could not be reached during negotiations on the inclusion or exclusion of the nurse position in the bargaining unit. The circumstances alleged to have changed the exclusive representative's position on inclusion of the nurses into the bargaining unit occurred prior to April of 1980.

FINDINGS

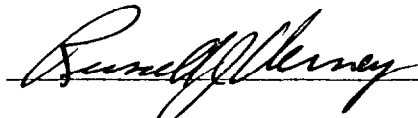
Reserving the Public Employee Labor Relations Board's (Board) ability to dismiss a complaint under such circumstances and on the grounds of fostering harmonious relations, the issue was correctly directed to the Board.

Whereas the first attempt to bring this issue before the Board occurred by a letter dated November 26, 1980, there is no issue of bad faith negotiations on behalf of NATA in conjunction with reopened portions of the agreement signed on August 10, 1981.

Noting that "Teacher" and "Registered Nurse" are distinguishable occupations, both are professional employment categories, in this instance both professions are employed by the same employer, under the same conditions of employment; such as, common work rules, personnel practices, work hours, locations and fringe benefits. Further, the employees involved expressed a self-felt community of interest.

DECISION

Consistent with RSA 273-A:8 and the "Rules and Regulations" of the Board, Sections 2.2, 2.5 and 5.9, the Newfound Area Teachers Association bargaining unit is hereby modified to include "school nurses".

A handwritten signature in cursive script, reading "Russell Verney", is written over a horizontal line.

RUSSELL VERNEY, Hearing Officer
PUBLIC EMPLOYEE LABOR RELATIONS BOARD

Signed this 1st day of June, 1982.