



State of New Hampshire

PUBLIC EMPLOYEE LABOR RELATIONS BOARD

STATE EMPLOYEES' ASSOCIATION OF  
NEW HAMPSHIRE, INC.

Petitioner

and

GRAFTON COUNTY

Respondent

CASE NO. S-0365

DECISION NO. 83-14

APPEARANCES

Representing State Employees' Association, Inc.

William Briggs, Esq.

Ward Freeman

Representing Grafton County

Alan Hall, Esq.

Also in attendance

Katie Johnson, R.N.

Barbara Norcross, L.P.N.

Bettelou Kosakowski

Evelyn Bigelow, R.N.

MaryLee Vigent

Dorothy Campion

William Siegmund

Janet B. Smith

Virginia Smith

Virginia Fuller, R.N.

Harriet Keyes, L.P.N.

Dorothy Moulton

Joanne Pierson

BACKGROUND

The State Employees' Association of New Hampshire, Inc. (SEA) filed a petition for certification of a unit composed of certain employees of the Grafton County Nursing Home on or about January 27, 1983. The Grafton County Commissioners (County) filed exceptions to the petition for certification. A hearing was held by the PELRB at the Board's offices in Concord, N.H. on March 15, 1983.

The SEA petition seeks to form a "nursing service" bargaining unit consisting of registered nurses (10) (including the Director of In-Service Training), licensed practical nurses (16) and nurses aides (71).

The County objects to the creation of this particular unit on the grounds that the proposed unit is not the appropriate bargaining unit in that it excludes many types of employees who also work at the facility; that all employees share in the delivery of health care; and that failure to include all employees would disrupt the service now being performed by "fractionalizing" the employees and otherwise adversely effect the efficiency of the operation of the Nursing Home. The County further argues that the appropriate unit should also exclude those personnel who are supervisory, professionals, confidential employees, or those who are probationary, temporary or irregularly employed. The County also argued that the petition is untimely filed since it clearly comes within a time frame which prevents notification of intent to bargain 120 days prior to their budget submission date of June 1, 1983 and further, that under PELRB's Rule 1.2 (a) no timely election could possibly be held.

FINDINGS OF FACT AND RULINGS OF LAW

Timeliness: The Board heard brief arguments concerning the timeliness of the filing of the petition and ruled that in cases where no unit is in existence the petition may be filed at anytime although, as in this case, if filed so close to the actual submission of the budget then negotiations would by necessity be for the next fiscal year.

The Appropriate Unit: At hearing, SEA established that the Nursing Home was divided into different divisions of work including: housekeeping and dietary (under the supervision of the Assistant Administrator) and nurses division (under the supervision of a director of nurses who was answerable to the Assistant Administrator). It was further established that the In-Service Director is also an R.N. and serves in that capacity as well as Director of In-Service Training; that the nursing staff functions as a "team" composed of R.N.'s (20), L.P.N.'s (6) and nurses aides (78).

The nursing "team" has different skills and certifications and salary but all participate in "direct patient care". All employees work at the same physical location and "patient plans" are drawn up by involvement of many specialists not just by the nursing staff. The facility's personnel policy covers all employees; pay differentials are in force for a variety of jobs and practices; all employees serve the purpose of patient care broadly defined, although some have much more of a direct role (nurses, et al) while others have only the most indirect role (plant maintenance, watchman, etc.).

Testimony was also offered to the effect that some employees transferred within the institution, from one type of job to another with the appropriate training on the job.

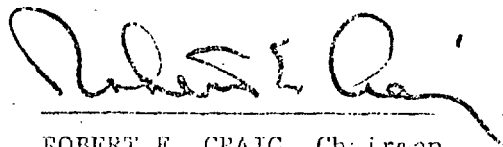
We also heard that from the County Commissioners point of view that they would like not to have the nursing home "split-up" into different organizations and also that it would be more efficient to deal with one unit.

DECISION

The Board is clearly charged with establishing "the appropriate bargaining unit" and has done so in numerous cases involving a wide variety of facts and circumstances.

In this case, the overriding concern must be for the efficient and harmonious operation of the health-care facility and, despite certain differences between employee functions, the PELRB interprets the law as making it necessary, in this as well as similar circumstances to find that the appropriate unit must be all eligible employees at the Nursing Home, excluding supervisory personnel and do so order.

The PELRB also orders that employee signature cards in this case will remain valid for six (6) months from the date of filing.



ROBERT E. CRAIG, Chairman

Signed this 6th day of May 1983.

By unanimous vote. Chairman Craig presiding, members James Anderson and David Mayhew present and voting. Also present, Evelyn LeBrun, Executive Director.