



State of New Hampshire

PUBLIC EMPLOYEE LABOR RELATIONS BOARD

NEWFIELDS STAFF ASSOCIATION

Petitioner

and

NEWFIELDS SCHOOL DISTRICT

Respondent

CASE NO. T-0362

DECISION NO. 85-38

APPEARANCES

Representing the Newfields Staff Association:

Jo Campbell, UniServ Director, NEA-NH, Region II

Representing the Newfields School District:

Robert P. Leslie, Esq., Counsel

Also in Attendance:

Nathan S. Greenberg, Asst. Superintendent

Linda Eberle, Secretary

Hope Washington, Teacher

BACKGROUND

On December 5, 1984, the Newfields Staff Association represented by NEA-NH UniServ Director, Jo Campbell, petitioned for a unit composed of the employees of the Newfields School District; i.e., teachers, nurse and secretary.

The District through their Counsel, Robert P. Leslie, objected to the composition of the unit on the basis of the lack of community of interest; that one of the teachers was also the teaching principal and in that capacity was supervisory; that the nurse was a part time employee and that the secretary's duties involved a confidential relationship with the public employer.

FINDINGS OF FACT

TEACHING PRINCIPAL

- The teaching principal other than administrative duties has the same teaching duties as the other teachers in the building and teaches reading, math and language arts to the 6th grade students.

- The supervision exercised by the Principal over the rest of the employees is not sufficient to warrant her exclusion from the proposed unit.

- Although the Principal does make recommendations and assists in the screening of applicants, final authority for all hiring or firing rests with the Superintendent and the School Board.

NURSE

- The State Department of Education since 1980 no longer requires the certification of school nurses.

- The Nurse is a licensed professional whose duties include first aid, dental health, family life and hygiene. Although not required to teach, evidence showed that she did do some teaching.

- She is under contract to the District for a 1/5 time position and works one day a week during the school year.

- The nurse is included in a bargaining unit in another school district within the same School Administrative Unit.

SECRETARY

- The Secretary holds a full-time position in the Newfields School District centered around the student year, although a couple of weeks longer due to opening and closing of the school.

- She is often called to substitute for both teachers and nurse when necessary and is in daily contact with teachers, students and parents.

- The standard for confidential relationship was established in the N. H. Supreme Court case when the Court said that a confidential employee is one who assists and acts in a confidential capacity to persons who formulate, determine and effectuate management policies in the "field of labor relations". The labor relations matters and negotiations in most cases are carried on by the Central Office out of the Superintendent's office and not from the individual school's offices.

- Access to personnel records and files in the office does not fall within the definition of confidentiality as they deal with matters other than negotiations or other labor relations materials.

OTHER FINDINGS

- All employees of the Newfields School District work in the same location, for the same employer, in public education with similar goals and purposes; i.e., the education of the students in Newfields.

- All are paid by the Treasurer, out of funds appropriated by the Legislative body, the voters of the Town.

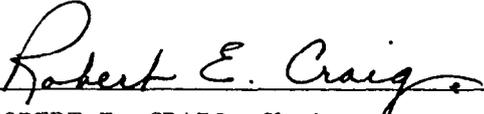
- All employees enjoy similar fringe benefits; such as, paid sick leave, paid emergency days, health insurance, etc.

- The self-felt community of interest among these employees was evidenced by the number of individual signature cards submitted with the petition for certification.

DECISION AND ORDER

Having met the requirements under RSA 273-A:10 and the criteria under 273-A:8, it is hereby ORDERED, as follows:

1. A unit is created composed of all teachers in the Newfields School District including the teaching principal, nurse and secretary.
2. A pre-election and election to be held prior to the close of school in June.



ROBERT E. CRAIG, Chairman

Signed this 17th day of May, 1985.

By unanimous vote. Chairman Robert E. Craig presiding. Members Russell F. Hilliard and Seymour Osman present and voting. Also present, Executive Director, Evelyn C. LeBrun