



STATE OF NEW HAMPSHIRE
PUBLIC EMPLOYEE LABOR RELATIONS BOARD

**STATE EMPLOYEES ASSOCIATION/
SEIU LOCAL 1984**

PETITIONER

and

**NEW HAMPSHIRE POSTSECONDARY
EDUCATION COMMISSION**

CASE NO. E-0081-1

DECISION NO. 2009-085

RESPONDENT

PRE-HEARING MEMORANDUM AND ORDER

Date of Conference: April 28, 2009

Appearances: Petitioner: Michelle McCord, Organizer
Respondent: Thomas F. Manning, Assistant Secretary of State

Background:

State Employees Association/SEIU Local 1984 (SEA) filed a written majority authorization petition for certification on April 16, 2009 seeking to certify a proposed bargaining unit consisting of all full-time and regularly scheduled part-time employees of the New Hampshire Postsecondary Education Commission. The petitioner provided the following description of the proposed unit: Program Specialist (4), Program Assistant (3), Administrative Assistant (1), Student Financial Assistant Coordinator (1), and Program Evaluation Specialist (1).

On April 24, 2009 the State of New Hampshire (State) filed exceptions to the petition asserting that the Administrative Assistant II position should be excluded from the proposed unit because it is a confidential position, and that Program Specialist III, Program Specialist IV, and Student Financial Assistance Coordinator positions should be excluded from the proposed unit because they are supervisory positions involving significant exercise of discretion. The State requested that the PELRB declare that the bargaining unit as proposed did not conform to the statutory requirements.

At the pre-hearing conference on April 28, 2009 the parties indicated that they reached an agreement on the composition of the proposed bargaining unit. The Respondent's representative stated that the Respondent has approved a proposed unit of 6 employees, such approval being required under RSA 273-A:8, I in order for the PELRB to certify a bargaining unit of fewer than 10 employees. Based on the parties' representations, the proposed unit will consist of the following positions:

	Program Specialist I, Program Assistant I, Program Evaluation Specialist
Excluded:	Executive Director, Administrative Assistant II, Program Specialist III, Program Specialist IV, Student Financial Assistant Coordinator

The parties further indicated that they intend to incorporate Program Specialist III, Program Specialist IV, and Student Financial Assistant Coordinator positions into the already existing supervisory employees bargaining unit.

Following the pre-hearing conference, the Petitioner filed an agreed upon amendment to the petition for certification incorporating representations the parties made during the conference.

DECISION

1. "Parties" means the named complainant and respondent or the counsel/representative appearing in the case.

2. Based upon the parties' representations and an agreed upon amendment to the petition, the evidentiary hearing currently scheduled for May 8, 2009 is hereby cancelled. As there is a sufficient written majority authorization given the number of the employees in the agreed upon bargaining unit, a Certification and Order to Negotiate will issue for the following bargaining unit:

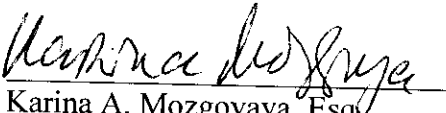
Program Specialist I, Program Assistant I, Program Evaluation Specialist

Excluded: Executive Director, Administrative Assistant II, Program Specialist III,
Program Specialist IV, Student Financial Assistant Coordinator

3. The parties shall file an agreed upon Petition for Modification pursuant to RSA 273-A:8 and Pub 302.05 requesting the PELRB to add the positions of the Program Specialist III, Program Specialist IV, and Student Financial Assistant Coordinator to the existing supervisory employees bargaining unit described in the Appendix to the PELRB Decision No. 2008-148.

So ordered.

April 29, 2009


Karina A. Mozgovaya, Esq.
Staff Counsel/Hearing Officer

Distribution:
Michelle McCord, Organizer
Glenn R. Milner, Esq.
Thomas F. Manning, Assistant Secretary of State