

**Freedom School Employees Association, NEA-NH and Freedom School District**, Decision No. 2008-207 (Case No. E-0059-1).

**Background:** The union filed a modification petition seeking to add the position of paraprofessional to an existing bargaining unit. The district objected claiming that the union did not meet the change in circumstances requirement imposed by Pub 302.05, that there was an insufficient community of interest, that teachers supervise the positions the union seeks to add, and that the paraprofessionals are currently covered by a comprehensive and fair personnel agreement.

**Decision:** The PELRB found that there was sufficient evidence of a change in circumstances since the 1993 proceedings that resulted in the current certification because currently the schools regularly employ several paraprofessionals and aids during the school year and because the No Child Left Behind Act resulted in aids obtaining certificates. The PELRB also found that the Pub 302.05 (b)(2) bar did not apply because the underlying bargaining unit was not negotiated by the parties. The PELRB concluded that there was a sufficient community of interest between paraprofessionals and aids and the positions covered by the current bargaining unit as they work in the same building, have the same daily schedule, have interactions with each other, enjoy similar benefits and work under the direction and control of the principal. The PELRB also concluded that the teachers do not qualify as supervisors of paraprofessionals or aids within the meaning of RSA 273-A:8, II as there was no evidence of meaningful and significant involvement by the teachers in personnel areas such as hiring, firing, evaluation, discipline or general supervisory authority. The PELRB granted the union's modification petition.

*Disclaimer: This summary is intended to provide a brief description of the issues in this case and the outcome. The summary is not a substitute for the decision, should not be relied upon in place of the decision, and should not be cited as controlling or relevant authority in PELRB proceedings or other proceedings.*