

**Windham School District, SAU #95 and Windham Education Association, Affiliated with NHEA/NEA**, Decision No. 2015-148 (Case No. E-0111-4).

**Background:** The District filed a modification petition seeking to remove certain Director positions from the existing bargaining unit represented by the Union. The District argued that the Director positions were newly-created positions and that the Directors were supervisory employees within the meaning of RSA 273-A:8. The Union objected to the petition on the grounds that the positions in dispute were the previously-existing Dean positions that the District unilaterally developed into the Director positions; that the job descriptions were virtually identical; and that the District refused to negotiate changes in the terms and conditions of employment of the subject employees.

**Decision:** The District's petition for modification was granted and the Directors were excluded from the bargaining unit because there had been a sufficient change of circumstances since the most recent representation proceedings to justify a modification of the bargaining unit in this case; and because the Directors were "[p]ersons exercising supervisory authority involving the significant exercise of discretion" within the meaning of RSA 273-A:8, II.

***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.***