

8/9/76

STATE OF NEW HAMPSHIRE
PUBLIC EMPLOYEE LABOR RELATIONS BOARD

<u>REHEARING</u>	:	
	:	
In the Matter of	:	
	:	CASE NO. <u>U-0601</u>
Bargaining Unit Determination,	:	
	:	
University of New Hampshire System	:	DECISION NO.76-09
	:	
RSA 273-A:8	:	
	:	

The Public Employee Labor Relations Board recognized the petitions for a rehearing in the matter of the bargaining unit determination for the University System, Case No. U-0601, dated May 26, 1976.

MOTIONS FOR RE-HEARING

Motion for rehearing on Librarians and Department Chairmen filed by Attorney Silas Little on behalf of the Board of Trustees, University of New Hampshire System under RSA Chapter 273-A, Section 14 and RSA Chapter 541, Section 3.

As grounds for this motion for rehearing, the Board of Trustees specified that the PELRB determination to include librarians and department chairmen in the bargaining units established for the University of New Hampshire, Keene State College, and Plymouth State College was unlawful and unreasonable .

Motion for rehearing on the exclusion of faculty at the Wheelock Laboratory School of Keene State College from the bargaining unit was filed by Attorney Jack B. Middleton on behalf of the New Hampshire Education Association on June 11, 1976.

As grounds for the motion for rehearing, the New Hampshire Education Association stated the teachers in the Wheelock Laboratory School were involved in teaching at the same level of teaching as other faculty at Keene State College; have always been considered to be Keene State College faculty; and, salary schedule, fringe benefits and qualifications are determined by Keene State College and not the local School District.

REHEARING

Rehearing was held on July 14, 1976 at 1:00 p.m., in Room 306 of the Legislative Office Building, North State Street, Concord, New Hampshire, at which time PELRB heard testimony from all parties relating to the subject matter, and further permitted ten days for the submission of any additional written evidence the petitioners might care to submit.

Additional information was submitted by the parties in appearance, oral and written testimony indicated over 90 percent of the funding for the Wheelock Laboratory School at Keene State College came from Keene Municipal Funds rather than State

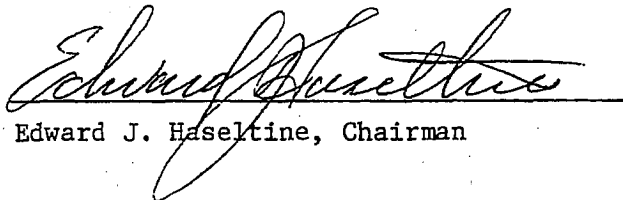
Funds; and, further that the Wheelock Laboratory School of Keene State College was an extension and part of the Keene School System.

Testimony was also heard from existing department chairmen at the colleges who had not previously testified at the original hearing.

Additional oral and written testimony concerning the matter of the librarians being included in the bargaining unit was heard and reviewed by the PELRB.

BOARD DECISION

After careful consideration of all the oral and written testimony offered at the rehearing on July 14, 1976 and additional material submitted during the ten-day period, the Public Employee Labor Relations Board meeting on August 5, 1976 in Executive Session reaffirms its decision of May 26, 1976, Case No. U-0601 without modifications.



Edward J. Haseltine, Chairman

Dated: August 9, 1976

STATE OF NEW HAMPSHIRE
PUBLIC EMPLOYEE LABOR RELATIONS BOARD

In the Matter of

BARGAINING UNIT DETERMINATION --
UNIVERSITY SYSTEM OF NEW HAMPSHIRE:

CASE NO U-0601

FINDINGS ON WHEELOCK SCHOOL
UNIT DETERMINATION

Following a hearing by the Supreme Court and its decision in University System of New Hampshire v. State of New Hampshire et al (Case Nos. 7579 and 7580, February 18, 1977) this Board has been directed by the Supreme Court to reconsider the Wheelock School determination. The Court remanded the issue to the Board based on the Board's possible reliance on the case of Plymouth School District v. State Board of Education, 112 NH 74 (1972).


The Court stated in its decision that it felt the Board could reconsider evidence before it in previous hearings in its decision of the Wheelock School issue without taking further testimony. The Board has received communications from the New Hampshire Education Association, the University System of New Hampshire, and the American Federation of Teachers and has reviewed and considered those communications in reaching its decision.

Based on the evidence before the Board as presented at hearings and based on the communications from the parties,

the Board finds as follows:

Based on the evidence before the Board, it is apparent that the faculty members of the Wheelock Laboratory School, Keene, New Hampshire have certain connections with Keene State College. They are listed in the college catalog, they are given recognition by college title, they receive certain benefits similar to those received by the regular college faculty, and they have contact with college students. Evidence presented at the hearings indicated that they consider themselves to be faculty members at the college as well.

However, looking at the principal function performed by the faculty members, that of non-college teacher, and the close relationship in function, administration and personnel supervision provided by Keene Supervisory Union District No. 29, it is apparent that the predominant community of interest for the Wheelock faculty members is with other Supervisory Union faculty since they share an academic calendar, and other conditions of employment with the Supervisory Union personnel. This is supported by the fact that it is primarily non-college sources which provide funding for Wheelock faculty members. The Board therefore finds that the requisite contacts, characteristics and community of interest of Wheelock School faculty is not with faculty members of Keene State College. The Board determines that the unit of faculty at Keene State College shall not include Wheelock School faculty members.


Edward J. Baseltine, Chairman
Public Employee Labor Relations Bd.

Signed this 15th day of March, 1977