

STATE OF NEW HAMPSHIRE  
PUBLIC EMPLOYEE LABOR RELATIONS BOARD

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LEBANON ADMINISTRATIVE GROUP

and

LEBANON, NEW HAMPSHIRE SCHOOL  
DISTRICT

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CASE NO. M-510

APPEARANCES

Representing the Lebanon Administrative Group:

Robert Stimson, Anne S. Segal; Carl Van De Bogart,  
Ralph Bowie, Arthur Pease and Bruce Stevens

Representing the Lebanon School District:

Daniel J. Whitaker, Superintendent, W. Myric  
Wood, Jr. and Philip W. Mans, members of the Lebanon  
School Board

BACKGROUND

On November 4, 1977, the Public Employee Labor Relations Board was petitioned by the Lebanon Administrator Group for certification under RSA 273-A:10, Laws of New Hampshire. The proposed unit would include department chairmen, principals and assistant principals directors and coordinator for a total of seventeen (17) employees, all Lebanon School District administrators who are excluded from the bargaining unit of the Lebanon Area Educators Association.

No agreement was reached between the Lebanon School District and the Lebanon Administrative Group and on November 7, 1977 PELRB received exceptions filed by Daniel J. Whitaker, Superintendent, on behalf of the Lebanon School Board to the petition for certification, stating that the School Board did not recognize the group under RSA 273-A, Laws of New Hampshire, since all of the employees were either supervisory or confidential.

Hearing was scheduled for Wednesday, December 21, 1977, in the office of the Public Employee Labor Relations Board, 117 Manchester Street, Concord, New Hampshire. Both parties were heard and written evidence was considered.

Representative of the Lebanon School District contended that recognition as a group would tend to destroy an existing good relationship with the administrators and that, further, they would rather deal

with the administrators on an individual basis. They alleged that recognition of the administrators as a group would act to destroy a confidential relationship existing between the Lebanon Administrative Group and the Lebanon School District.

Upon hearing the School District's position, PELRB inquired as to the possibility of the parties getting together to mutually resolve the composition of the bargaining unit; and, pointed out to the parties that it was the intent of RSA 273-A:8, II to permit "B" unit construction for different groups as long as group separation as far as supervisory responsibilities was maintained.

Hearing recessed to allow the parties an opportunity to discuss the matter. Subsequent to the recess the hearing was reconvened with no resolution to the problem.

#### FINDINGS OF FACT

1. The Lebanon Administrative Group was granted certain rights of organization under RSA 273-A.
2. The Lebanon Administrative Group had been recognized on two occasions by specific School Board action; first, at the School Board meeting held June 30, 1977 when the following motion was passed on a seven (7) to one (1) vote:

"MOTION: The Lebanon School Board recognizes the Lebanon Administrative Group for the purpose of coming to written agreement in the areas of salaries, fringe benefits and conditions of employment",

and, secondly, the Negotiating Committee of the Lebanon School Board met with the committee from the Lebanon Administrative Group on September 27, 1977 for the purpose of reaching agreement; minutes were presented in evidence before PELRB.

3. Committees of the respective groups did meet again on October 17, 1977 to conduct negotiations. At that time a Lebanon School Board position paper was presented which indicated the School Board wanted to negotiate with the Administrators individually; and, that "group negotiations are unnecessary"; further, "asked for reconsideration of request for Group recognition".
4. Historically, for at least two meetings, negotiations were conducted by committee representing both sides and only when the Lebanon Administrative Group petitioned for certification, under RSA 273-A, did the School Board members state, "that the Board did not realize the extensive negotiations and contract that the Lebanon Administrative Group apparently has in mind".
5. It is evident to PELRB from the testimony and evidence that the School Board had every intention of recognizing the

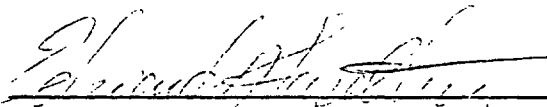
LAG as a group until they sought certification as a "B" unit under RSA 273-A.

6. Certification under RSA 273-A would not in any way alter the supervisory responsibilities of the Administrative Group, nor would the confidential nature of their responsibilities interfere with management's prerogatives.
7. RSA 273-A specifically authorizes the formation of bargaining units of professionals providing such groups do not belong to the same unit as the people over whom they have supervisory jurisdiction. (Section 8. II).

After careful consideration of all evidence before it, the Public Employee Labor Relations Board rules, as follows:

ORDER

A bargaining unit consisting of Department Chairmen, Principals and Assistant Principals, Directors and Coordinator is created in the Lebanon School District and a secret ballot election will be conducted by the Public Employee Labor Relations Board in accordance with RSA 273-A :10.



EDWARD J. HASELTINE, CHAIRMAN

Signed this 25th day of January, 1978

Unanimous vote of the Board. Chairman Edward J. Haseltine, Board Members, Richard H. Cummings, Joseph B. Moriarty and James C. Anderson present and voting. Absent: Board Member, Edward L. Allman.