

STATE OF NEW HAMPSHIRE

PUBLIC EMPLOYEE LABOR RELATIONS BOARD

MERRIMACK VALLEY TEACHERS ASSOCIATION:
:
:
and
:
:
MERRIMACK VALLEY SCHOOL DISTRICT
:
SUPERVISORY UNION NO. 46
:
:

CASE NO. T-0297

APPEARANCES

Representing the Merrimack Valley Teachers Association:

Jonathan A. Russell, Department Chairman
Thomas G. Dimitriadis, Teacher
Sandra J. McElroy, Teacher

Representing the Merrimack Valley School District:

William Baston, Superintendent
Locke Aldrich, Principal, Merrimack Valley High School
Bernard Miller, Vice Chairman, School Board

BACKGROUND

Petition for certification through the election process filed with the Public Employee Labor Relations Board on October 13, 1977 by the Merrimack Valley Teachers Association by its representative, Sandra McElroy, Negotiations Chairperson for MVTA.

Proposed unit was to consist of all classroom teachers, department chairpersons and special service persons; i.e., guidance counselors, librarians, art, music and physical education specialists employed by the Merrimack Valley School District. To be excluded as "supervisory" were: Superintendent, assistant superintendents, principals, assistant principal, vocational coordinator, library coordinator, physical education supervisor, reading supervisor and the guidance director.

Petition was supported by the required percentage of individual signature cards from employees wishing to be represented by the Merrimack Valley Teachers Association under RSA 273-A, Laws of New Hampshire.

On October 21, 1977, William B. Baston, Superintendent, filed exceptions to the proposed unit and expressed concern over the inclusion of department chairpersons, guidance counselors, readiness teacher, part time elementary music teacher, director of family services, vocational coordinator and three elementary assistant principals.

On October 25, 1977, Mr. Baston, Superintendent, forwarded to this Board, as required under Rules & Regulations, Section 1.2(d), a list of the names of those employees identified in the petition.

On November 17, 1977, by way of a copy of a letter from the Superintendent to Mrs. Sandra McElroy, Negotiations Chairperson, the Board was advised that at a meeting on November 7, 1977 between the Merrimack Valley School Board's Committee and the Teachers' Committee that all points of disagreement on the unit composition was resolved except for department heads.

On November 30, 1977, PELRB held a hearing in the conference room of the James Hayes Safety Building, Hazen Drive, Concord, on the unit and limited to the issue of inclusion or exclusion of department heads from the proposed unit.

In evidence, the Teachers' Association submitted to the PELRB copies of the "Employment Policy of the Merrimack Valley School District relative to all certified full time classroom teachers" as adopted by the School Board and agreed to by the Merrimack Valley Teachers Association; copies of teachers annual contracts which identified salary and amount paid for department head duties, amounts varying from \$474 to \$800 per year; specifications outlining functions of superintendent, assistant superintendent, school building principal, and department heads.

The School District presented in evidence the schedule of classes and supervisory duties of all department heads in the district..

Oral and written evidence was accepted from all parties of interest at the November 30th hearing.

FINDINGS OF FACT

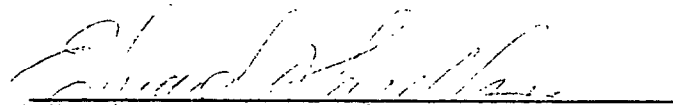
1. Department heads in the Merrimack Valley School District are selected by the Superintendent on the recommendation of the principal. Input in the evaluation of teachers is in cooperation with the principal and assistant principal and advisory in nature and not determinative with any finality. Also such relationship would not be inhibitive or disruptive of any negotiating relationship.
2. Department heads share with the teachers the same conditions of employment with the exception of a small monetary consideration for duties as department heads. They share the same benefits and similar duties along with all classroom teachers.
3. Department heads, based on testimony and agreement by both parties, spend more than 60 percent of their time in the performance of regularly scheduled teaching duties and teach a minimum of four classes per day, other teachers teach five classes, and perform other duties incident to the teaching schedule, such as lunch room and bus duty.
4. The supervisory authority of department heads is minimal with no finality of action.

After careful consideration of all oral and written testimony and evidence, the Public Employee Labor Relations Board rules, as follows:

ORDER

The bargaining unit for the Merrimack Valley School District will consist of all classroom teachers, department chairpersons and special service persons; i.e., guidance counselors, librarians, art, music and physical education specialists.

Excluded from the unit will be the superintendent, assistant superintendents, principals, assistant principal, vocational coordinator, library coordinator, physical education supervisor, reading supervisor and the guidance director.



EDWARD J. HASELTINE, CHAIRMAN

Signed this 25th day of January, 1978

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