

Formation of separate units
① Custodians
② Secretaries
③ Cooks & Other Related Workers

STATE OF NEW HAMPSHIRE

PUBLIC EMPLOYEE LABOR RELATIONS BOARD

SUPPORT STAFF, WHITE MOUNTAINS
SCHOOL DISTRICT, Affiliated
with NHEA/NEA

Petitioner:

CASE NO. M-0515

and

DECISION NO. 780035

WHITE MOUNTAINS SCHOOL DISTRICT

Public Employer:

APPEARANCES

Representing the Support Staff:

John Fessenden, UniServ Director, NHEA/NEA

Representing the School District:

Bradley Kidder, Esquire, Counsel
James B. Curran, Superintendent
Len Hall, Principal

WITNESSES:

Barbara Newcombe, Secretary
Faye Robar, Teacher's Aide

BACKGROUND

On March 6, 1978, John Fessenden, UniServ Director for NHEA/NEA, on behalf of the Support Staff of White Mountains School District filed a request for certification for a bargaining unit composed of secretaries, aides, custodians, cooks and other related jobs.

The School District filed exceptions to the request on March 14, 1978 and requested a hearing.

A hearing was held on April 19, 1978 with hearing officers' Richard H. Cummings and James C. Anderson. Testimony was offered on the supervisory nature of the head custodial position and that of the supervisor of Food Services. After arguments offered on both positions, the parties agreed to their exclusion from the unit as supervisory.

After hearing the evidence, the hearing officers recommended three separate units, as follows:

- (1) Custodians, (2) Cooks and other related jobs, and (3) Aides and Secretaries.

The School District on May 3, 1978, by its Counsel, Attorney Kidder, appealed the recommendations of the hearing officers in the combining of aides and secretaries in one unit and John Fessenden representing the White Mountains Regional School District Support Staff/NHEA, objected to separate units composed of custodians, cooks and other related jobs whereas he had originally petitioned for the creation of bargaining unit for all categories.

A rehearing before the Board was held on August 2, 1978 at which time further testimony and evidence in the form of exhibits were presented.

FINDINGS OF FACT

1. Attorney Kidder set forth the arguments in his objection to the unit of aides and secretaries: no self-felt community of interest; no compatibility of job skills; difference in wages, etc., however a reversal of the hearing officers' decision would result in the denial for both categories the right to representation. By taking each category separately, aides and secretaries, there would be insufficient numbers to meet the minimum requirement of ten (10) for the creation of a unit.
2. To the question by the Board, "What hardship would result in granting the unit as ruled?", no evidence was presented.
3. Evidence presented and considered on specific duties, hours worked and pay rates of the various positions were not persuasive to the Board to merit the separation.
4. The basic tests applied to the requirements for a bargaining unit appear to be satisfied and to reverse the Hearing Officers' decision in the case of the aides and secretaries would deny this group the right to representation to which they are clearly entitled to under RSA 273-A.
5. There is more than sufficient evidence of the employees' interest in establishing a unit by the signed interest cards to counter the objection raised by the School District on the self-felt community of interest.

DECISION AND ORDER

After considering all of the evidence, the Board hereby reaffirms the Hearing Officers' decision and creates the following bargaining units:

1. Custodians
2. Cooks and other related jobs
3. Aides and Secretaries



EDWARD J. HASELTINE, CHAIRMAN
PUBLIC EMPLOYEE LABOR RELATIONS BOARD

Signed this 8th day of September, 1978

Members Cummings, Anderson and Moriarty also present, all concurred.
Board Clerk Evelyn LeBrun also present.