

STATE OF NEW HAMPSHIRE

PUBLIC EMPLOYEE LABOR RELATIONS BOARD

ASHLAND TEACHERS' ASSOCIATION

Petitioner:

and

ASHLAND SCHOOL DISTRICT

ASHLAND, NEW HAMPSHIRE

Public Employer:

CASE NO. T-0304

DECISION NO. 78 37

APPEARANCES

Representing the Ashland Teachers' Association:

John E. Healey, President

Representing the School District:

Bradley F. Kidder, Esq., Counsel

BACKGROUND

On June 16, 1978, the Ashland Teachers' Association by its representative, President John E. Healey, filed a petition for certification through the election process for a proposed unit of all teachers, guidance counselor, resource teacher, school librarian and school nurse and unit to exclude the Superintendent, Principal and School Secretary.

Several meetings were held between the parties of interest in an effort to resolve the composition of the unit, however, disagreement still existed over the positions of art teacher and school nurse to which the School District took exception.

Unit determination hearing was held in the Board's office at 1:00 p.m., August 4, 1978 and testimony was presented in support of the two positions by the representative from the Association and testimony in opposition was offered by Counsel for the District.

The Nurse's contract along with a blank copy of a teacher's contract and description of the school health program was presented in evidence by Counsel for the District.

FINDINGS OF FACT

1. ART TEACHER: The Art teacher works three-fifths of the school week, has the same type contract of the full-time classroom teachers and possesses the same community of interest as the full-time teachers.

2. SCHOOL NURSE: Although the school nurse does a minimal amount of optional teaching in health and hygiene on the elementary level plus dental health, nutrition, etc. for Kindergarten thru 12, she deals directly with all levels of students at some time or other during the school year. She is under contract to the School District and receives the same benefits; works the same hours and school year as the full-time teachers.

Even though she is not required to attend after school functions and does not have extra duties such as bus and lunch duties, she does participate in staff development, attends meetings and is a member of the Special Services team dealing with handicapped children, and meets the test of community of interest.

DECISION AND ORDER

After careful consideration of all of the evidence and exhibits before the Board in the case of the Ashland School District, the Board rules, as follows:

- (a) The petition for certification by the Ashland Teachers' Association is hereby granted
- (b) The bargaining unit for the Ashland School District will be composed of all full-time classroom teachers and will include the position of art teacher and school nurse.
- (c) Excluded from the unit will be the Superintendent, Principal and School Secretary.

Signed this 30th day of August, 1978



EDWARD J. HASELTINE, CHAIRMAN
PUBLIC EMPLOYEE LABOR RELATIONS BOARD

Two votes in favor and one opposed to the inclusion of the school nurse. Unanimous on the inclusion of the art teacher. Present and voting, Chairman Edward J. Haseltine, Board Members, Edward L. Allman and Joseph B. Moriarty. Also present, Board Clerk, Evelyn C. LeBrun.