

STATE OF NEW HAMPSHIRE
PUBLIC EMPLOYEE LABOR RELATIONS BOARD

PUBLIC PRACTICE PROFESSIONAL:
ASSOCIATION :

Petitioner :

CASE NO. M-0533

and :

DECISION NO. 80031

STATE OF NEW HAMPSHIRE :

NEW HAMPSHIRE HOSPITAL :

Employer :

APPEARANCES

Representing the Public Practice Professional Association:

Vincent P. Dunn, Esquire, Counsel

Luigi N. Dolcino, M.D., Chairman

Representing the State of New Hampshire:

James E. Townsend, Assistant Attorney General

John Ratoff, Chief Negotiator

BACKGROUND

On March 5, 1980, the Public Practice Professional Association filed a petition for certification of a unit consisting of multi-disciplinary medical and dental services, including psychiatrists, neurologists, dentists and physicians employed at the New Hampshire Hospital.

The State through its Counsel, Attorney Townsend, filed objection to the petition on the basis that the petition included hospital directors who in accordance to their job description acted in a supervisory capacity over the remaining members of the proposed unit and as such should be excluded; that unit directors were in a confidential relationship to their employer and, further that on information and belief, they felt the sole purpose of seeking certification was to bargain over wages and that as a matter of policy, unclassified state employees should not be allowed to bargain wages, the topic involving management prerogative, in terms of the legislative classifications found in RSA 94:1-a, was not a proper subject.

A hearing on the merits of the petition was held in the Board's office on May 8, 1980 at which time the parties stipulated that the petitioned bargaining unit involving psychiatrists, neurologists, dentists and physicians at the New Hampshire Hospital was not pre-

cluded from enjoying the benefits of RSA 273-A, the right to organize for representative purposes.

FINDINGS OF FACT

1. Chapter 273-A permits, under Section 8, II, supervisory and professional employees to be recognized provided they meet the criteria established under the statute.
2. Dr. Dubois, Superintendent, testified that the supervision and direction over the employees in the petitioned unit are extremely limited and almost negligible. It was his further testimony that their supervisory activities were in fact over individuals such as nurses, social workers, etc. who are employees of a separate bargaining unit. Further, that it was very unlikely that any of the physicians in the petitioned unit would have occasion to have supervision over other physicians in the unit.
3. Dr. Hauffman, a dentist in the proposed unit, testified that there was another dentist on the staff who worked with him and that he did not exercise any supervisory authority over said dentist as each had specific responsibilities to perform and each went about the performance of those duties without supervision.
4. The State's contention with respect to the supervisory responsibilities of some of the members of the proposed unit was clearly unconvincing.
5. The State's opinion that a conflict could develop relative to Chapter 94, "Compensation of Certain State Officers" did not prove realistic or different from other state salaries established by the legislative process.
6. RSA 273-A:1, X, clearly defines "Public employees" as any person employed by a public employer and lists exceptions under the statute. The State of New Hampshire is a public employer as defined under 273-A:1, XI, and unclassified employees are not exempted under Section X.

DECISION AND ORDER

After careful review of the oral and written evidence presented at the May hearing and in view of the legislative intent of RSA 273-A: to specifically permit individuals in a professional or supervisory capacity to organize for representation purposes,

Board rules, as follows:

- A. A unit is hereby created of multi-disciplinary medical and dental service employees of the New Hampshire Hospital which include psychiatrists, neurologists, dentists and physicians.
- B. A pre-election and election will be held within the next thirty days.


EDWARD J. HASELTINE
CHAIRMAN

Signed this 31st day of July, 1980.

Chairman Haseltine and member Anderson voted in favor of the petition, Member Steele voted in opposition. Members Hilliard and Mayhew abstained. Also present, Executive Director Evelyn C. LeBrun.

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	:	
and	:	DECISION NO. <u>80031</u>
	:	
STATE OF NEW HAMPSHIRE, NEW HAMPSHIRE:	:	AMENDED
HOSPITAL	:	
	:	
Employer :	:	REHEARING REQUEST

DECISION NO. 80031 CORRECTION

Decision No. 80031, dated July 31, 1980, is hereby amended to reflect statements attributed to Superintendent Clifton Dubois should have been attributed to witness, Dr. Luigi N. Dolcino at the May 8, 1980 hearing held in the Board's office. (Finding No. 2).

ORDER DENYING MOTION FOR REHEARING

The Board at its hearing held August 14, 1980, unanimously denied the rehearing request filed by Assistant Attorney General, James E. Townsend, on behalf of the State of New Hampshire, New Hampshire Hospital, and orders an election held to determine if the medical and dental services employees of the New Hampshire Hospital wish to be represented by the Public Practice Professional Association for the purpose of collective bargaining.



EDWARD J. HASELTINE, CHAIRMAN

By unanimous vote. Chairman Haseltine presiding, members Hilliard and Osman present and voting. Also present, Executive Director, Evelyn C. LeBrun

Signed this 26th day of August, 1980.