



State of New Hampshire

PUBLIC EMPLOYEE LABOR RELATIONS BOARD

HANOVER SUPPORT STAFF, NEA-NH

Petitioner

v.

HANOVER/DRESDEN SCHOOL DISTRICT

Respondent

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CASE NO. M-0586

DECISION NO. 87-56

APPEARANCES

Representing the Hanover Support Staff, NEA-NH:

James Allmendinger, Esq., NEA-NH Staff Counsel
John Fessenden, UniServ Director, NEA-NH
Constance Anderson, Hanover Support Staff
Alfred Ponce, President HEA

Representing the Hanover/Dresden School District:

David H. Bradley, Esq., Counsel
Hugh Watson, Superintendent

BACKGROUND

The Hanover Support Staff, NEA-New Hampshire petitioned for an all-inclusive unit of educational assistants, secretaries, receptionist and registrars employed in the Hanover/Dresden School District. Petition was filed in accordance with the requirements of RSA 273-A and contained the needed percentage of individual signature cards from employees in the proposed unit as evidence of their desire to be represented by the Hanover Support Staff, NEA-NH for the purpose of collective bargaining and the settlement of disputes.

Counsel for the School District filed exceptions to the proposed unit on the basis that a vast majority of the positions are those of educational assistants, commonly known as teacher aides, and that such employees are directly supervised by professional teachers who are already represented by NEA-NH. Exception was based on the recent N. H. Supreme Court decision in Appeal of Manchester School Board Committee, PELRB No. 86-53, 3 SCR 11, (March 6, 1987). In addition, Counsel stated that the Executive Secretaries and Administrative Assistant to the Principals and Assistant Principals should be excluded as supervisory and confidential employees.

A unit determination hearing was held on September 3, 1987 in the PELRB Office in Concord with all parties represented.

FINDINGS OF FACT

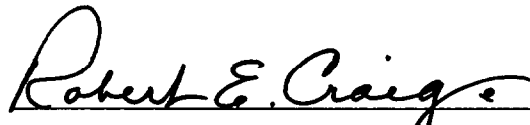
1. Mutual agreement was reached between the parties to exclude the Executive Secretaries and the Administrative Assistant to the Principals and Assistant Principals as supervisory and/or confidential employees.
2. All other employees petitioned for are public employees within the meaning of RSA 273-A and eligible to join together to form a unit for the purpose of collective bargaining and settlement of disputes.
3. The employees share a community of interest; i.e., same conditions of employment, same profession, functioning within the same organizational unit, meeting the requirements under RSA 273-A:8.
4. The degree of supervision exercised by the professional teachers over the teacher aides does not involve the significant exercise of discretion. The supervision is comparable to that of a lead person or working foreman. Teachers cannot change job descriptions, hire or fire employees working as aides, that right is reserved to the principals, superintendent and school board.

DECISION AND ORDER

A unit is hereby created composed of all educational assistants, secretaries, receptionists and registrars employed in the Hanover/Dresden School District with the exception of the Executive Secretaries and Administrative Assistant to the Principals and Assistant Principals.

An election will be held prior to October 4, 1987 to determine if the employees in the petitioned unit wish to be represented for the purpose of collective negotiations and settlement of grievances by the Hanover Support Staff, NEA-New Hampshire.

Petition is hereby granted and respondent's exceptions dismissed.



ROBERT E. CRAIG, Chairman
PUBLIC EMPLOYEE LABOR RELATIONS
BOARD

Signed this 11th day of September, 1987.

By unanimous vote. Chairman Robert E. Craig presiding. Members Richard E. Molan, Esq. and Seymour Osman present and voting. Also present, Executive Director, Evelyn C. LeBrun.