

State of New Hampshire

PUBLIC EMPLOYEE LABOR RELATIONS BOARD

GORHAM TEACHERS' ASSOCIATION/
NEA-NEW HAMPSHIRE

Petitioner

and

GORHAM SCHOOL DISTRICT

Respondent

CASE NO. T-0276:3

DECISION NO. 89-27

APPEARANCES

Representing Gorham Teachers' Association/NEA-NH:

John Fessenden, UniServ Director, NEA-NH
Christie Laver, Nurse
Karen Sullivan, Nurse
Jean Palm, GTA

Representing Gorham School District:

Bradley Kidder, Esq., Counsel
Robert Bellavance, Supt.

BACKGROUND

On February 28, 1989 a hearing was held before a Hearing Officer on a petition by the Gorham Teachers Association to modify the existing bargaining unit. The contention of the Association is that the nurses work for the same employer as the teachers, within the same school hours and school year; that they are not specifically excluded from the bargaining unit; have many duties that are assigned to teachers; have essentially the same evaluation as teachers; maintain both medical and educational records for the district; and were excluded from the support staff unit.

The School Board countered that as far back as 1970, the parties have agreed that the bargaining unit included "all certified teachers" and excluded other employees "not exclusively engaged in the occupation of teaching", and that the nurses did not have daily teaching assignments; are evaluated in a manner more similar to secretaries and aides; do not evaluate students; have been specifically excluded from the recognition clause of the collective bargaining agreements throughout the years; are not certified by the State as teachers nor are they required to be; have nursing degrees and are "health professionals"; serve as a medical resource to teachers; do not have a regular daily role in the classroom or other primarily education mission; do not supervise children at recess, during bus time and the like; and maintain medical records, not educational records and administer medical tests, not educational tests.

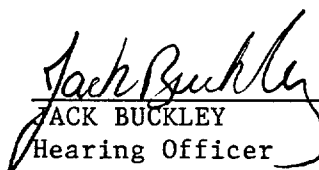
FINDINGS OF FACT

1. Teachers and Registered School Nurses are distinguishable occupations; however, both are professional employment categories, in this instance both professions are employed by the same employer, under the same conditions of employment; such as common work rules, personnel practices, work hours, locations.
2. The employees involved expressed a self-felt community of interest and as such supports such inclusion in the bargaining unit.
3. School nurses do in fact direct educational services to students.

DECISION

Consistent with RSA 273-A:8 and the "Rules and Regulations" of the Board, Sections Pub 302.2 and 302.5, the Gorham Teachers Association bargaining unit is hereby modified to include "School Nurses".

Signed this 28th day of March, 1989.



JACK BUCKLEY
Hearing Officer