



State of New Hampshire

PUBLIC EMPLOYEE LABOR RELATIONS BOARD

BERLIN EDUCATION ASSOCIATION, NEA-NH :

Petitioner :

v. :

BERLIN SCHOOL BOARD :

Respondent :

CASE NO. T-0201:7

DECISION NO. 89-46

APPEARANCES

Representing the Berlin Education Association, NEA-NH:

John Fessenden, UniServ Director, Region V
Roderick Rand, President, BEA

Representing the Berlin School Board:

Bradley F. Kidder, Esq.
Richard Steudle, Supt.

BACKGROUND

The Berlin Education Association, NEA-NH (Association) on December 23, 1988 filed a Modification Petition to include 13 department heads in the certified unit which was grandfathered under the provisions of RSA-273-A on February 12, 1976 and included teachers, guidance counselors and librarians in the Berlin public schools.

The School Board (District) through its Superintendent, Richard A. Steudle, in answer contends that the department heads do not have the same working conditions as members of the certified unit and are involved in significant administrative functions and responsibilities.

A hearing on the petition was held in the PELRB office in Concord on March 27, 1989 with both parties represented.

FINDINGS OF FACT

1. The current agreement by and between the parties, Article 1-Recognition states;

"The Board recognized the Association as the exclusive representative of all permanent full-time teachers employed by the Berlin Public School for the purpose

of negotiating with the Board with respect to terms and conditions of employment as defined in RSA 273-A. The Board agrees to meet, confer and negotiate with representatives of the Association concerning such matters"

"The term 'teacher' as used in this agreement shall mean a full-time employee of the Berlin Public Schools under contract for the school year whose position required certification by the State Board of Education as a professional engaged in teaching....."

2. Attempts have been made since certification to include department heads as part of the unit, however, such negotiations have been unsuccessful.
3. A majority of the department heads' professional day is spent in the classroom, amounting to over 50% of their time.
4. A base stipend of \$500 plus \$300 additional for each teacher supervised is paid to department heads for their administrative functions.
5. Although department heads do initial evaluations and have input in the hiring and retention of teachers, the ultimate decisions rest with the Principal, the Superintendent and finally with the School Board.

DECISION AND ORDER

After reviewing the testimony and evidence presented in the matter, the Board finds that the supervisory responsibility of department heads is limited and minimal at best, that department heads in reality, act as liaison between the principals and the superintendent, make recommendations as to performance, tenure and to a degree, hiring and firing, but do not possess any final authority in those areas and that the community of interest of the department heads is clearly with other teaching staff rather than the administration.

The modification petition to include department heads in the certified unit is hereby GRANTED.

Amended certification is enclosed for your records.

Signed this 6th day of June, 1989



JACK BUCKLEY, Chairman

By unanimous vote: Alternate Chairman Jack Buckley presiding. Present and voting, members Seymour Osman and James C. Anderson. Also present, Executive Director, Evelyn C. LeBrun.



State of New Hampshire

PUBLIC EMPLOYEE LABOR RELATIONS BOARD

BERLIN EDUCATION ASSOCIATION, NEA-NH

and

BERLIN BOARD OF EDUCATION
BERLIN, NEW HAMPSHIRE

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CASE NO. T-0201(A)

CERTIFICATION OF REPRESENTATIVE AND ORDER TO NEGOTIATE

A representation proceeding having been conducted in the above matter by the Public Employee Labor Relations Board in accordance with RSA 273-A and the Rules and Regulations of the Board, and it appearing that a negotiating representative has been selected;

Pursuant to the authority vested in the Board by the Public Employee Labor Relations Act, and after the recognition granted under the grandfathering provisions of the law enacted in 1975,

IT IS HEREBY CERTIFIED that the BERLIN EDUCATION ASSOCIATION, NEA-NH

has been designated and selected by a majority of the employees of the above named Public Employer, BERLIN BOARD OF EDUCATION, in the unit described below, as their representative for the purpose of collective negotiations and the settlement of grievances.

UNIT: All permanent full-time teachers employed by the Berlin Public Schools. The term "teacher" shall mean a full-time employee under contract for the school year, whose position required certification by the State Board of Education as a professional engaged in teaching. As grandfathered includes Teachers, Guidance Counselors, Librarians and as modified, department heads.

EXCLUDED: Superintendent, Asst. Superintendents, Elementary Consultants, Principals, Asst. Principals, Teaching Principals, Asst. Teaching Principals, Directors, Nurses, Business Administrators and other persons employed by the State Board of Education, paraprofessionals and specialists who teach three (3) periods or less per day or who spend fifty (50%) percent or less of their time per week teaching.

Further, IT IS ORDERED that the above named Public Employer, BERLIN BOARD OF EDUCATION, shall negotiate collectively with the BERLIN EDUCATION ASSOCIATION, NEA-NH with an objective to reaching an agreement with the employee organization on terms and conditions of employment, and shall negotiate collectively with such employee organization in the determination of, and administration of, grievances.

Signed on the 10th day of July, 1989.
Grandfathered on February 12, 1976.

EDWARD J. HASELTINE, Chairman