



State of New Hampshire

PUBLIC EMPLOYEE LABOR RELATIONS BOARD

NASHUA ASSOCIATION OF SCHOOL PRINCIPALS/
TEAMSTERS LOCAL #633

Petitioner

and

NASHUA SCHOOL DISTRICT, S.A.U. #42

Respondent

CASE NO. M-0507:4

DECISION NO. 90-20

APPEARANCES

Representing Nashua Association of School Principals:

Thomas D. Noonan, Business Agent Teamsters Local 633

Representing Nashua School District:

Mark J. Bennett, Esq., Counsel

Also appearing:

Berard Masse, Superintendent
Jane Bangert, Director of Personnel
Joseph R. Giuliano
Robertta A. Barrett
Warren Toohig
Roger Simpson
John Richard
Robert Paul
Robert L. Cote
Hugh Watson, N.H.S.B.A.

BACKGROUND

On July 31, 1989 Nashua Association of School Principals/Teamsters Local #633 petitioned PELRB for modification of the existing bargaining unit to include all principals, associate principals and assistant principals in N.A.S.P./Teamsters Local #633. The unit now recognized by PELRB as the Nashua Association of School Principals includes; "principals and assistant principals in the Nashua School District and excludes principal and associate principal at the Nashua Senior High School and principals at the Elementary Street Fairgrounds and Spring Street Junior High Schools." The petition before us requests inclusion in the bargaining unit those now excluded as cited above. The PELRB decision creating the above unit was issued in November 1977.

The Nashua School District on August 11, 1989 through its counsel objected to the requested modification on the basis that; (1) A previous attempt to modify had been made but subsequently withdrawn by the petitioner; (2) The supervisory relationship had not changed since the original unit determination; (3) That the Nashua school principals, associate principals and assistant principals do not have a sufficient community of interest to be included in the same collective bargaining unit; (4) Confidential relationship to the public employer with responsibilities exercising supervisory authority over assistant principals and therefore should be excluded under RSA 273-A:8, II.

By mutual agreement of the parties the case was heard by a hearing officer on October 31, 1989.

The principal association cited the self-felt community of interest among all assistant principals and associate principals who share the same conditions of employment, history of workable and acceptable collective negotiations, employment in the same historic craft and functioning within the same organizational unit.

The school district stated its satisfaction with the bargaining unit now in existence and referenced several prior PELRB decisions and N.H. Supreme Court decisions dealing with supervisory bargaining units and offered exhibits of previous decisions and noting requirements by principals of assistant principals and offered testimony of several witnesses.

FINDINGS OF FACT

After reviewing all exhibits, written submissions and oral testimony of the witnesses, I find as follows:

1. Existing practice by comparable School District, Manchester, Concord and Portsmouth do include all principals, assistant principals and associate principals in one supervisory unit.
2. The N.H. Supreme Court case of Manchester Board of School Committee vs. N.H. P.E.L.R.B. cannot be construed to dispose of the case at hand, as that case basically dealt with bargaining unit representation and not bargaining unit structure.
3. There is evidence in petition Exhibit #2 of self-felt community of interest as expressed by several school principals, associate principals and assistant principals.
4. The requirement for performance evaluation by Principals or Associate Principals is at best advisory in nature and not final. Finality of performance evaluation rests with the Superintendent and Assistant Superintendent and would not interfere with normal labor relations involved in a bargaining unit.
5. The concerns expressed by the Superintendent over potential disposition of grievances in disciplinary actions were not persuasive as final resolution of such actions must be finalized by the Superintendent and not members of the bargaining unit.

ORDER

The petition of the Nashua Association of School Principals/Teamsters Local #633 to modify the existing bargaining unit to include all principals, associate principals and assistant principals in the Nashua School District is hereby GRANTED.


EDWARD J. HASELTINE
Hearing Officer

Original signed March 1, 1990.

Correction signed March 7, 1990.