



## State of New Hampshire

### PUBLIC EMPLOYEE LABOR RELATIONS BOARD

NASHUA ASSOCIATION OF SUPERVISORS,  
COORDINATORS and DIRECTORS (NASCD)

Petitioner

and

NASHUA SCHOOL DISTRICT #42

Respondent

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CASE NO. M-0630

DECISION NO. 90-97

#### APPEARANCES

Representing the Nashua Association of Supervisors,  
Coordinators and Directors:

Richard Burpee, Director Computer Ed. & Serv.

Representing Nashua School District #42:

Mark Bennett, Esq., Counsel

Also in attendance:

Donald Grenier, Coordinator  
Jane Bangert, Director of Personnel  
Dr. Berard Masse, Superintendent

#### BACKGROUND

On May 29, 1990 the Nashua Association of Supervisors, Coordinators and Directors (NASCD) filed a petition for certification of a bargaining unit of all supervisory personnel in the Nashua School District #42 (District).

The District by its Counsel filed exceptions to the proposed unit specifically to the inclusion of the Educational Supervisor, Director of Special Education and the Supervisor of Buildings and Grounds on the basis of supervisory stating that each of them supervised other supervisors in the proposed unit, except for the Educational Supervisor. These key administrators, the District alleges do not possess a sufficient and objective community of interest with other members of the proposed unit and also have a confidential relationship with the District in that they participate in its professional, and other staff, retention and non-retention decisions and deliberations relative to other highly sensitive and confidential information.

Hearing on the merits was held in the Board's office on July 10, 1990 with all parties present.

#### FINDINGS OF FACT

Educational Supervisor: Acts in a confidential capacity to the Superintendent and Assistant Superintendent, participates in retention and non-retention, enjoys some salary as Director of Personnel who is excluded, could be called to fill in for Superintendent and Assistant Superintendent and could participate in collective bargaining relative to the proposed unit, therefore, should be excluded from the proposed unit.

Director of Special Education: reports directly to the Assistant Superintendent as other directors, supervisors and coordinators. The Supervisory authority, authority exercised by the Director of Special Education is minimal and does not merit exclusion under the provisions of 273-A:8, II.

Supervisor of Buildings and Ground: Reports to the Business Administrator and although he may recommend, he has no authority to hire, fire, etc. and any aspect of confidentiality would not be germane to collective bargaining or labor relations and like the Director of Special Education the supervisory authority exercised by him does not merit exclusion.

#### DECISION AND ORDER

Consideration was given to the testimony and evidence presented by the parties and the Board grants the unit as petitioned with one exception: the Educational Supervisor is excluded both on the basis of supervisory and confidential.

An election will be held as expeditiously as possible under the provisions of RSA 273-A and the Board's Rules and Regulations.

So ordered.

Signed this 19th day of September, 1990.

  
EDWARD J. HASELTINE  
Chairman

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