



State of New Hampshire

PUBLIC EMPLOYEE LABOR RELATIONS BOARD

NASHUA SCHOOL DISTRICT #42 :

Petitioner :

v. :

NASHUA ASSOCIATION OF SCHOOL
PRINCIPALS, TEAMSTERS LOCAL
633 :

Respondent :

CASE NO. M-0507:4

DECISION NO. 90-98

APPEARANCES

Representing the Nashua School District #42:

Mark J. Bennett, Esq., Counsel

Representing the Nashua Assoc. of School Principals, Teamsters, Local 633:

Thomas D. Noonan, Business Agent

Also in attendance:

Warren J. Toohig, Nashua Principal
J. E. Richard, Nashua Principal
Roger Simpson, Nashua Principal
Robert A. Paul, Nashua Principal
William Burns, Manchester Principal
Jane Bangert, Director of Personnel
Roberta A. Barrett, School Board
Dr. Berard Masse, Superintendent
Joseph R. Gurbour, School District
Robert Cote, Nashua Principal

BACKGROUND

On March 1, 1990, Hearings Officer Edward J. Haseltine, issued decision No. 90-20 granting a modification petition to the certified Nashua Association of School Principals unit to include all principals, associate and assistant principals in the Nashua School District #42.

The Nashua School District (District) appealed the above decision contending that it was error, unlawful and unreasonable for the Hearings Officer to fail to find the pertinent facts and law as set forth in its previous objection and answer to the modification and the evidence in the record.

Hearing on the appeal was held in the Board's office in Concord on June 12, 1990 with all parties represented.

Counsel for the District objected to Chairman Haseltine's participation as he as Hearings Officer had rendered the decision on the modification. His objection was noted but overruled. The Chairman reserved his right to vote or abstain from voting in the appeal.

FINDINGS OF FACT

The parties agreed that the hearing before the Hearings Officer was complete and were willing to allow the Board to review and decide the case upon that record.

One witness, not heard from at the last hearing, made an offer of proof.

Briefs were allowed, received and reviewed by the voting members present on June 12, 1990.

Evidence on the composition of the unit in the Manchester School District, history of bargaining, process of grievance and the relationship among unit members was provided by the Principal of Central High School. Counsel for the Nashua School District objected to the testimony as irrelevant as the Manchester School District had agreed to the unit. The Board finds that the relationship by and between public employers and certified principals, units in the state of N.H. is relevant.

Evidence was presented that associate principals assume some of the duty assignments of the assistant principals, assign bus duty, etc., that they all work as a team, meet twice a week as a group, with a team approach, and all have equal input.

None of the principals are involved in the hiring or firing although they may be involved in the interview process, final decision rests with the Superintendent and the School Committee having the ultimate decision.

Whenever someone is out on a short term basis, principals cover for each other.

The principals meet the community of interest requirement under 273-A:8, they are all employees with the same conditions of employment, are employed in the same historical profession, meet and work as a team and for the same employer.

The supervisory authority exercised by the previously excluded principals and associate principals does not involve the degree of significant exercise of discretion to merit exclusion.

DECISION AND ORDER

The Board reaffirms the Hearings Officer decision issued March 1, 1990 and GRANTS the modification petition to include "all principals, associate principals and assistant principals in the Nashua School District."

So ordered.

Signed this 19th day of September, 1990.



EDWARD J. HASELTINE
Chairman

Chairman Edward J. Haseltine presiding but abstained. Unanimous vote by board members E. Vincent Hall and Seymour Osman. Also present, Executive Director, Evelyn C. LeBrun.