



State of New Hampshire

PUBLIC EMPLOYEE LABOR RELATIONS BOARD

WEARE SCHOOL SUPPORT SERVICES :
ASSOCIATION/NEA-NEW HAMPSHIRE :
: Petitioner :
: and :
WEARE SCHOOL DISTRICT :
: Respondent :
:

CASE NO. M-0662

DECISION NO. 92-91

APPEARANCES

Representing Weare School Support Services Assoc./NEA-NH:

Wally B. Cumings, UniServ Director

Representing Weare School District:

Gary W. Wulf, Chief Negotiator

Also appearing:

Ben Augello, Administrator W.S.B.

Frank Bolton, W.S.B.

James Bucknam, W.E.A.

Steve Sachs, Esq., NEA-NH

BACKGROUND

On February 26, 1992, the Weare School Support Services Association, NEA-NH (Association) filed a Petition for Certification for the following employees of the Weare School District: secretaries (2), custodians (5), and food service workers (5). The District responded by filing of March 9, 1992, objecting to the inclusion of the principal's secretary as a confidential employee under RSA 273-A:1 IX (c) and to the inclusion of the Director of maintenance and the cafeteria manager as supervisors under RSA 273-A:8 II. This matter was then set for and heard by the PELRB on May 19, 1992.

There was no objection to the inclusion of petitioned-for positions per se; therefore, we will devote our attention to the specific exclusions sought by the employer.

FINDINGS OF FACT

1. The principal's secretary types documents associated with personnel actions (e.g., hiring letters, termination notices, grievance reviews, job performance evaluations and leave requests); however, none of these involve confidential communications dealing with collective bargaining. Likewise, there was no showing that the principal has a major or important part in the collective bargaining process. This was reserved to actions at the Board or Superintendent's levels, thus reducing or suggesting very little need for the principal's secretary to become involved with confidential labor relations matters.
2. The Cafeteria Manager (also referred to as Food Service Director) is responsible for performance evaluations, hiring or firing recommendations, setting hours and approving overtime. On the other hand, she works along side other employees in the cafeteria in more of a role as lead worker than a supervisor. She makes personnel recommendations to the principal who forwards them to the superintendent for final action. There is no history of this employee having authority to hire, fire, set salary benefits. She does not exercise a degree of supervisory or make employment decisions over subordinate employees which are not subject to review by the principal, superintendent or board, i.e., she does not satisfy the "significant exercise of discretion" found at RSA 273-A:8 II.
3. The Director of Maintenance is responsible for performance evaluations but has no final say or approval in hiring or firing decisions which are reserved to higher authority. He performs the same kinds of work as the employees he "supervises" and may be characterized more as a "lead man" or "working foreman" than as a supervisor. This employee makes no decisions involving other employees which are not subject to review, approval or modification by the Principal, Superintendent of the Board.
4. All contested positions work for the same employers on the premises of the same employer receive essentially the same benefits within the same "organizational unit" of the employer, i.e., support staff personnel. Governmental efficiency is improved by grouping all petitioned-for employees together.

DECISION AND ORDER

The job functions and activities of both the Cafeteria Manager and the Director of Maintenance do not involve "the significant exercise of discretion" sufficient to warrant their being excluded from the bargaining unit under RSA 273-A:8 II. Likewise, the job functions and activities of the principal's secretary, while they may involve personnel matters, do not involve collective negotiations, in preparation or performance, such as to warrant a confidential exclusion under RSA 273-A:1 IX (c). Accordingly, we grant the unit as petitioned.

There is hereby established a unit of support services personnel consisting of secretaries (5), custodians (5) and food service workers (5).

So ordered.

Signed this 5th day of June, 1992.


EDWARD J. HASELTINE
Chairman

By unanimous vote. Chairman Edward J. Haseltine presiding.
Members Seymour Osman and E. Vincent Hall present and voting.