



**State of New Hampshire**

PUBLIC EMPLOYEE LABOR RELATIONS BOARD

AFSCME COUNCIL 93/PLYMOUTH  
ADMINISTRATIVE AND SUPPORT  
STAFF EMPLOYEES

Complainant

v.

SCHOOL ADMINISTRATIVE UNIT #48

Respondent

CASE NO. A-0573:1

DECISION NO. 95-19

APPEARANCES

Representing AFSCME/Plymouth Administrative and Support Staff.

James C. Anderson, Staff Representative

Representing S.A.U. #48:

Bradley F. Kidder, Esq.

Also appearing:

Sue Beltrami, S.A.U. #48

Mark Halloran, S.A.U. #48

BACKGROUND

AFSCME Council 93 filed a modification petition on December 5, 1994 seeking the addition of a newly created position to the bargaining unit for the Plymouth Administrative and Support Staff Employees. SAU #48 responded on December 16, 1994 objecting to the addition of the new position, secretary to the assistant superintendent and special education director, on the basis of confidentiality. RSA 273-A:1 IX (c). The matter was heard before the undersigned hearing officer on March 1, 1995.

FINDINGS OF FACT

1. SAU #48 is a public employer within the meaning of RSA 273-A:1 X. It employs support staff at its central office in Plymouth.
2. AFSCME Council 93 is the duly certified bargaining agent for the support personnel employed by SAU #48 as of the date of certification, May 18, 1994.
3. On March 31, 1994, the parties had agreed to the composition of a bargaining unit for support staff which excluded certain positions, among these were secretary to the superintendent and administrative assistant (Joint #1).
4. During the summer of 1994, the position of administrative assistant became vacant and was eliminated. A new position was created entitled secretary to the assistant superintendent and special education director.
5. SAU #48 includes ten (10) corporate school entities each with a school board. Twelve (12), different bargaining units operate within SAU #48.
6. Assistant Superintendent Mark J. Halloran testified that he negotiates with the eleven (11) NEA affiliated bargaining units and he administers the resulting contracts. The AFSCME bargaining unit does not yet have a contract and he is not negotiating with AFSCME.
7. He advises chief negotiator Peter Francesca on proposals to AFSCME regarding the administrative and support staff bargaining unit and will administer the contract that results.
8. Susan Beltrami moved into the position in question at its creation. She types minutes of negotiation sessions and other sensitive labor relations communications. She types letters, memos and other confidential communications between Assistant Superintendent Halloran and Superintendent True or various school boards. She opens all incoming mail including that marked confidential.
9. The position in question is relied on to relay information between Mr. Halloran, school board negotiators and Mr. True. She serves as go between assisting communications

with the NEA-NH Uniserv Director, Jan Paddleford, and representatives of the eleven (11) separate NEA units.

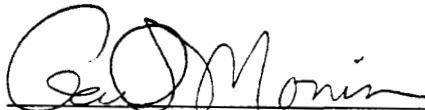
10. Sue Beltrami gathers and organizes information used in negotiation proposals and is consulted by Mr. Halloran regarding her opinion on proposals and strategy.

DECISION

RSA 273-A:1 defines a "public employee" as a person employed by a public employer. The statute then specifically excludes, in RSA 273-A:1 IX (c), employees whose duties imply a confidential relationship to the employer. This newly created position, as outlined in the job description (Union #1) and described in testimony, is confidential and must be excluded. Therefore, the petition is DENIED.

So Ordered.

Signed this 14th day of March, 1995.



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Gail C. Morrison  
Hearing Officer