



State of New Hampshire

PUBLIC EMPLOYEE LABOR RELATIONS BOARD

Bow School District	*	
	*	
	*	
Petitioner	*	
	*	CASE No. M-0713-1
	*	
Bow Educational Support Staff/ NEA-NH	*	DECISION No. 2002-056
	*	
Respondent	*	
	*	
	*	

ORDER ON RESPONDENT'S REQUEST
FOR REVIEW AND REVERSAL OF HEARING OFFICER'S DECISION

The Board, meeting at its offices in Concord, New Hampshire, on May 7, 2000 took the following actions:

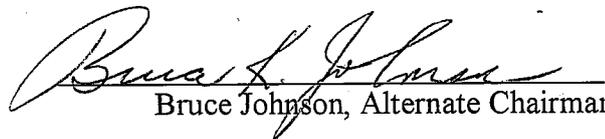
1. It reviewed the request of the Bow Educational Support Staff, NEA New Hampshire, filed April 10, 2002, for it to review the decision of the Hearing Officer, Decision No. 2002-033 and the Bow School District's objections to that request filed on April 25, 2002.
2. It examined the Modification Petition filed by the Bow School District on October 15, 2001, the Objection of the Bow Educational Support Staff, NEA-New Hampshire's to the Modification Petition filed on October 22, 2001, its Motion to Dismiss filed on December 4, 2001, the District's Motion *in Limine* filed on January 29, 2002 and the post-hearing legal memoranda submitted by each party on February 22, 2002.
3. It reviewed the Hearing Officer's Decision No. 2002-033 dated March 11, 2002 including all Findings of Fact and legal conclusions. It noted that the reference by the Hearing Officer that the subject employee petition (District Exhibit #1) was circulated and signed in 1999 was incorrect and that those actions were, in fact, undertaken in 2001. It examined the context in which that reference was used and found that the circulation and signing of that employee petition in 2001, and not in 1999, does not constitute a mistake

such as to alter the result. It found that the Hearing Officer's conclusions, including the self-felt lack of community of interest [see PUB 302.02(b)(3)] held by the kitchen workers supported and justified the Order that granted the District's modification request.

4. It DENIED the Bow Educational Support Staff, NEA-New Hampshire's request that it reverse or modify the Hearing Officer's decision.

So Ordered.

Signed this 7th day of May, 2002


Bruce Johnson, Alternate Chairman

By unanimous decision. Bruce Johnson Presiding. Members Richard W. Roulx and E. Vincent Hall present and voting.