



State of New Hampshire  
PUBLIC EMPLOYEE LABOR RELATIONS BOARD

Jaffrey Rindge Support Staff Association,  
NEA-New Hampshire

Petitioner

v.

Jaffrey Rindge Cooperative School District

Respondent

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Case No: T-0419

Decision No. 2005-004

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

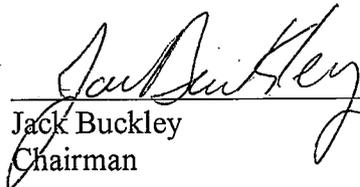
The Public Employee Labor Relations Board ("Board"), meeting on December 29, 2004, took the following actions:

1. It reviewed the Jaffrey Rindge Cooperative School District's Motion for Review and Reversal of Hearing Officer's Decision, filed with the Board on December 20, 2004.
2. It reviewed the Hearing Officer's Decision (PELRB Decision No. 2004-183), dated November 22, 2004, including all Findings of Fact and legal conclusions. It noted that the Hearing Officer specifically found that the instant petitioner, namely the Jaffrey Rindge Support Staff Association ("Association"), and the Jaffrey-Rindge Support Staff Association ("JREA") are both affiliated with NEA-NH, but that "...if certified, the exclusive representative for the support staff would be the Association and not the JREA." (PELRB Decision No. 2004-183, Finding of Fact No. 6). It further noted that the Association seeks to represent a separate and distinct bargaining unit from that which is currently represented by the JREA.
3. It examined the record in this matter, including the Jaffrey Rindge Support Staff Association's Petition for Certification, the District's Answer and Exceptions to the Association's petition, and the Association's Request for Findings of Fact and Rulings of Law.

4. It determined that irrespective of the Hearing Officer's findings relative to the supervisory relationship, or lack thereof, between instructional associates and members of the JREA bargaining unit, the instant case may be decided on the basis that the Association and the JREA do not constitute the same exclusive bargaining representative, agent or union, nor would their respective bargaining units be the same. Hence, the prohibition set forth in RSA 273-A:8 II, providing that "[p]ersons exercising supervisory authority involving the significant exercise of discretion *may not belong to the same bargaining unit* as the employees they supervise..." does not apply to the case at hand. (Emphasis added). It also distinguished the instant case from *Appeal of Manchester Board of School Committee* 129 N.H. 151 (1987), in that the petitioner does not currently represent the JREA bargaining unit. It noted that while this may appear to conflict with the decision in *Support Staff Association of Moultonborough, NEA-NH v. Moultonborough School District* (PELRB Decision Nos. 97-077, 97-103, and 97-123), it is consistent with the wording of the statute and the Court's holding in *Appeal of Manchester Board of School Committee*.
5. It DENIED the District's Motion for Review and Reversal of Hearing Officer's Decision and directed that a representation election proceed forthwith.

So ordered.

Signed this 6<sup>th</sup> day of January, 2005.

  
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Jack Buckley  
Chairman

By unanimous decision. Chairman Jack Buckley and Members Seymour Osman and E. Vincent Hall present and voting.