



**State of New Hampshire**  
Public Employee Labor Relations Board

**Hanover Education Association, NEA-NH**

**and**

**Dresden and Hanover School Boards**  
(SAU #70)

**Case No. E-0238-2**  
**Decision No. 2023-175**

Order

On June 20, 2023, the Hanover Education Association, NEA-NH (Association) filed an agreed upon petition to modify the bargaining unit set forth in PELRB Decision No. 2019-158 (July 8, 2019) pursuant to N.H. Admin. Rules, Pub 302.05. The petition does not request the addition or removal of specific positions. Instead, the petition asks the PELRB to add the following language, currently included in their collective bargaining agreement (CBA), to the bargaining unit description:

1. Add at the end of the unit position list "*and other titles which are properly in the bargaining unit.*"
2. Add at the end of the unit exclusion list "*and those other employees who exercise supervisory authority involving the significant exercise of discretion in 60% or more of their job assignment and other employees who may be excluded pursuant to RSA 273-A.*"

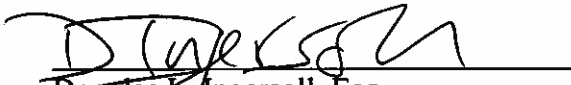
In general, the purpose of the PELRB's bargaining unit description is to identify with specificity the current positions in a bargaining unit and, in turn, the employees who are covered by the CBA and who are represented, in this case, by the Association. The bargaining unit description should be as clear as possible so employees, the public employer, the PELRB, the

Association, the public, and others, can easily identify bargaining unit positions by examining the PELRB's bargaining unit description.

The proposed language will not achieve the parties' apparent objective, since it will not operate, now or subsequently, to add or remove a specific position or positions from the existing bargaining unit without a PELRB order approving such action in a duly filed modification case. For example, suppose the parties subsequently agree that one of the currently listed positions should be excluded because it exercises supervisory authority involving the significant exercise of discretion in 60% or more of their job assignment, and the next CBA recognition clause is updated accordingly. Until such time as the parties file a proper Pub 302.05 modification petition and obtain an order granting the petition, the position will remain, by law, in the bargaining unit, covered by the CBA, and will still be represented by the Association. In short, PELRB action on a proper modification petition is always required to legally change the composition (list of positions) of the existing bargaining unit; making changes to the CBA recognition clause is, by itself, insufficient. See *Appeal of Hollis Education Assoc., NEA-NH*, 163 N.H. 337 (2012). Adding the proposed language is otherwise not appropriate because it will create unnecessary and avoidable uncertainty and confusion about the composition of this bargaining unit.

Since the pending modification petition does not ask for the addition or exclusion of specific positions, there is no need to update the bargaining unit description set forth in PELRB Decision No. 2019-158 (July 7, 2019). That bargaining unit description will remain in effect, and the proceedings in this case are concluded on this basis.

Date: 7-11-2023

  
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Douglas L. Ingersoll, Esq.  
Executive Director/Presiding Officer

Distribution: Karen Ladd, UniServ Director  
Dr. Jay Badams, Superintendent