



NH Supreme Court dismissed appeal of this decision on April 23, 1986, NH Supreme Court Case No. 85-429.

State of New Hampshire
PUBLIC EMPLOYEE LABOR RELATIONS BOARD

MANCHESTER EDUCATION ASSOCIATION	:	
	:	
Petitioner	:	
	:	
v.	:	CASE NO. T-0365:1
	:	
CITY OF MANCHESTER, BOARD OF SCHOOL	:	
COMMITTEE	:	DECISION NO. 85-57
	:	
Respondent	:	
	:	

APPEARANCES

Representing the Manchester Education Association:

James Allmendinger, Esquire
Thomas L. Adams, Jr., UniServ Director, Region VI NEA-NH

Representing the Board of School Committee:

Alan Hall, Esquire, Counsel

BACKGROUND

On April 17, 1985, UniServ Director Adams filed a petition for modification of the existing bargaining unit to separate the high school principals, asst. high school principals, jr. high school principals, jr. high school asst. principals, elementary school principals and the full-time elementary principal (assistant) Unit A, from the collective bargaining agreement which also covers all full-time classroom teachers, including teachers of art, music and physical education, the learning disabled, speech, hearing and language specialists, reading supervisors, elementary school assistant principals, guidance counselors, librarians, elementary school physical education director, director of fine arts, department heads, school psychologists and permanent replacements or permanent additions hired pursuant to the first paragraph of Article IX, Section A.4 of the current agreement, Unit B.

The Manchester Education Association was recognized under the provisions of RSA 273-A, 490:1, Laws of 1975 on June 22, 1977 in accordance with the recognition clause in their existing agreement.

The grandfathering provisions under 273-A and its effect on existing units so recognized expired as of August 23, 1978.

The parties requested a pre-hearing conference on the modification petition and request was granted and conference held on June 20, 1985 in the Board's office in Concord.

Counsel for the Manchester Education Association stated that the initial recognition of the unit occurred in 1969 and a secret ballot election was held in 1970 at a neutral site, St. George's Greek Orthodox Church and supervised by a neutral observer, Msgr. Philip Kenney, resulting in the majority vote by the principals to become covered under the same agreement as full-time teachers; therefore, need for a new election should not be necessary and modification should be granted.

Counsel for the Board of School Committee agreed that the unit should be modified, however, that an election should be held in accordance with the provisions of RSA273-A:10, V, which states:

"The board shall not certify any employee organization as the exclusive representative of a bargaining unit without an election being held pursuant to this section."

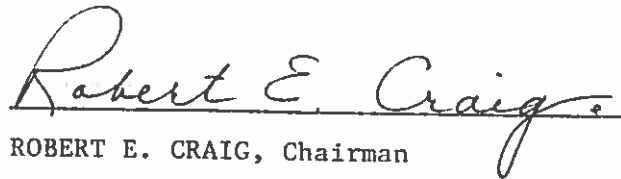
After considering testimony from counsels for both parties and from UniServ Director Tom Adams, the Board issued the following oral order.

DECISION AND ORDER

The current unit will be amended to exclude Unit A (principals, etc.) from the existing contract and an election will be held pursuant to RSA 273-A:10.

The issue raised by the Board of School Committee on the position of Full-time Elementary Principal (Assistant) is moot as the position has been eliminated.

The PELRB will convene on June 27, 1985 to hear the Board of School Committee's objection to the Petition for Certification filed by the Manchester Education Association on April 17, 1985 relative to the conflict of interest issue.


ROBERT E. CRAIG, Chairman

Oral decision rendered on June 21, 1985
by unanimous vote of the Board. Chairman Robert E. Craig presiding. Members Seymour Osman, Russell J. Verney and Richard W. Roulx present and voting. Also present, Executive Director, Evelyn C. LeBrun.