

may 5, 1977

STATE OF NEW HAMPSHIRE
PUBLIC EMPLOYEE LABOR RELATIONS BOARD

LOCAL UNION NO. 1045, INTERNATIONAL:
ASSOCIATION OF FIRE FIGHTERS, AFL- :
CIO -- CLC, CONCORD, NEW HAMPSHIRE :
:
and :
:
CITY OF CONCORD, NEW HAMPSHIRE :
:
:

CASE NO. F-0101-B

77-18

APPEARANCES

Representing the Public Employer:

Paul F. Cavanaugh, City Solicitor, City of Concord, New Hampshire
Joseph C. Musumeci, Personnel and Purchasing Director
Clayton A. Higgins, Jr., Chief of Fire Department

Representing the Public Employee:

Thomas J. Houghton, President, Associated Firefighters of N. H.
Raymond J. Kelley, President, Local 1045, I.A.F.F.

FINDINGS

On March 8, 1977, Raymond J. Kelley, President of Local 1045, I.A.F.F., Concord, New Hampshire requested a rehearing on the PELRB's determination that certain public employees in the Concord Fire Department be excluded from one of the two bargaining units approved by the Board on October 21, 1976. Mr. Kelley stated that the PELRB decision of January 7, 1977 excluding the Chief and Deputy Chiefs, attempted to subvert the intent of the legislature under two sections of RSA 273-A; i.e., RSA 273-A:1, IX and RSA 273-A:8, II, Supervisory Authority.

On March 28, 1977, Paul F. Cavanaugh, City Solicitor, filed objection to the request for rehearing, stating that on February 10, 1977, the City and Local 1045 signed a mutual agreement as to the composition of the proposed bargaining units. This agreement filed by Raymond Kelley, President of Local 1045 as part of the petition for election for the two units created by PELRB on January 7, 1977.

On March 28, 1977, PELRB held a hearing on the Fire Fighters request for rehearing on the unit determination in Room 306, Legislative Office Building, Concord, New Hampshire, due to the late receipt of the Board's decision.

Mr. Cavanaugh's objection was accepted, noted, however, not ruled on at the time. Hearing on the Fire Fighters' request continued strictly on the inclusion or exclusion of the deputy chiefs.

City Solicitor Cavanaugh then stated that by granting the rehearing, the Fire Fighters' Union were opening the door and the City would then ask that a review of whether the captains should be included in the unit be considered.

PELRB proceeded with the discussion of the deputy chiefs and did not deny the City's request for rehearing on the captains at a subsequent time.

BOARD DECISION

The Public Employee Labor Relations Board reviewed all of the facts in the case of the Deputy Chiefs previously considered and, in view of the fact that no new evidence was presented at the March 28, 1977 hearing, and no testimony offered to convince the Board that it erred in its original decision on the bargaining unit, PELRB reaffirms its decision of January 7, 1977 as to the composition of the units and exclusion of the Deputy Chiefs.

PELRB denies the City's verbal request at the March 28, 1977 hearing for consideration of exclusion of the captains from the supervisory unit.



EDWARD J. HASELTINE, CHAIRMAN
PUBLIC EMPLOYEE LABOR RELATIONS BOARD

Signed this 5th day of May, 1977