

Dec 23, 1977

STATE OF NEW HAMPSHIRE

PUBLIC EMPLOYEE LABOR RELATIONS BOARD

CONCORD CITY OFFICE PERSONNEL, Affiliated :
with the American Federation of State, :
County and Municipal Employees, AFL-CIO :
:
and :
:
CITY OF CONCORD, NEW HAMPSHIRE :
:
:

CASE NO. A-0429

17-35

APPEARANCES

Representing the Concord City Office Personnel, Affiliated with AFSCME:

William J. McDonough, Executive Director, Council 68
Harvey Russell, Concord AFSCME Local Representative

Representing the City of Concord, New Hampshire:

Paul F. Cavanaugh, Esquire, City Solicitor
Joseph Musumeci, Personnel Director

FINDINGS

1. On June 24, 1977, William J. McDonough, Executive Director, N. H. Public Employees Council No. 68, on behalf of the Office Personnel was filed with PELRB; unit to be composed of Secretaries, Clerk Typists, Deputy City Clerk, Administrative Clerk, Accountants, Senior Clerks, Key Punch Operators, Computer Programers, Engineering Aides, Highway Technicians, Maintenance and Appraisal Technicians.
2. City of Concord through its Counsel, City Solicitor Paul F. Cavanaugh, filed exceptions to the petition as presented in that it contained several omissions, thereby making the petition vague and misleading.
3. James C. Anderson, President of Council #68, on July 5, 1977 replied to the exceptions, admitting several omissions and citing areas in which the City had failed to comply with the PELRB procedures. Mr. Anderson further requested that PELRB hold a hearing to determine the bargaining unit for the City's office personnel.
4. On August 4, 1977 PELRB received a exception letter from Attorney Cavanaugh who stated the City still objected to the Petition for Certification filed by AFSCME for a bargaining unit consisting of "Office personnel, clerical, etc., City Hall". He also stated that in accordance with Rule 2.1 of the PELRB, reasonable efforts must be made by the public employee representative to reach agreement with the public employer on the make-up of the unit as a prerequisite to petitioning the Labor Board for a certification election.

Attorney Cavanaugh requested PELRB to order the Local Union to meet with City officials to discuss the proposed unit as required by its rules and regulations. Meeting to be set up prior to a unit determination hearing

held by PELRB which would allow the City ample time to prepare adequately for such hearing.

5. On August 9, 1977, PELRB received a copy of a letter from Mr. Anderson to City Manager John Henchey requesting a meeting to discuss the proposed unit for City Hall Employees.
6. City Manager Henchey replied to Mr. Anderson's request and a meeting was scheduled for 1:00 p.m., Tuesday, August 16, 1977.
7. On September 12, 1977, PELRB received communication from William J. McDonough, Executive Director, Council No. 68, that two meetings had been held with the Personnel Director, Joseph Musumeci, and City Solicitor, Paul Cavanaugh, and no agreement had been reached on the unit; therefore, he again requested assistance of the Labor Board in determining the unit.
Mr. McDonough also requested at that time that an amendment be made to the original petition to include the employees of the District Court and the Probation Department.
8. On September 22, 1977, PELRB notified all parties of interest that a unit determination hearing would be held at 3:00 p.m., October 4, 1977, in Room 306 of the Legislative Office Building in Concord.
9. Hearing was held on October 4, 1977 as scheduled. PELRB did not have a quorum present at the hearing, however, representatives from both parties, labor and management, agreed to proceed with a short board. In attendance were: Chairman Edward J. Haseltine, Member Joseph B. Moriarty and Clerk of the Board, Evelyn C. LeBrun.
10. Oral evidence was presented by both parties and job specifications presented by the City in support of exclusions of certain personnel under the "confidential" nature of their positions.
11. Mutual agreement was reached on the exclusion of the Secretary II in the Legal Department, position currently held by Anke Nardi, and the Executive Secretary II in the Administration Department, position currently held by Helen Perkins.
12. Following positions were unresolved at the time of the hearing:

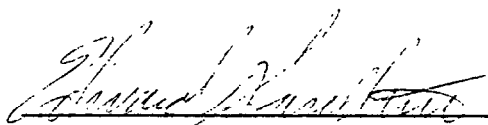
<u>Department</u>	<u>Position</u>	<u>Currently Held by</u>
Assessing	Administrative Clerk II	June Hamel
Building Inspection	Secretary II	Helen O'Dowd
Finance	Accountant	Rita Hodgman
Personnel	Senior Clerk I	Joyce Milligan
	Clerk Typist II	Priscilla Gounder
	Clerk Typist II	Barbara Rafferty
Cemetery	Secretary II	Catherine Harrison
Engineering	Executive Secretary I	Barbara Branigan
Records	Deputy City Clerk	Virginia Drivas
Parks & Recreation	Secretary I	Jesse Adams
Water	Administrative Clerk I	Teresa Hoople

13. Question also raised by representative from the City of Concord on whether certain employees would fall into the other units now being represented by the AFSCME; such as, Concord Public Works and Water Departments.

Based on all the evidence presented at the hearing, PELRB finds that certain positions should be excluded on the basis of confidentiality, however, only but a few of these employees would be privy to information dealing with the confidential aspect of negotiations, therefore, the Public Employee Labor Relations Board rules, as follows:

DECISION & ORDER

The Bargaining Unit for office and clerical employees of the City of Concord will consist of Accountants, Appraisal Technicians, Administrative Clerks I & II, Secretaries I & II, Clerk Typists I, Senior Clerks I & II, Engineering Technicians II & III, Engineering Aides, Executive Secretary I, Deputy City Clerk, Computer Programmer Operator and Maintenance Aides II. Excluded from the unit will be the position of Executive Secretary II in the Administration Department, Senior Clerk I in the Personnel Department and the Secretary II in the Legal Department.



EDWARD J. HASELTINE, CHAIRMAN
PUBLIC EMPLOYEE LABOR RELATIONS BOARD

Signed this 22nd day of December, 1977

Decision unanimous after review by PELRB at its December 21, 1977 meeting held in their new offices, 117 Manchester Street, Concord, New Hampshire. Chairman Edward J. Haseltine, Members Richard H. Cummings and Joseph B. Moriarty present and voting. Board Member James C. Anderson did not participate in the discussions or voting on this issue.