

STATE OF NEW HAMPSHIRE  
PUBLIC EMPLOYEE LABOR RELATIONS BOARD

International Association of	:	
Firefighters, Local 1088	:	CASE NO. F-0109:1
	:	
v.	:	DECISION NO. 81-05
	:	
City of Berlin, New Hampshire	:	
(Berlin Fire Department)	:	
	:	

APPEARANCES:

Representing the complainant, Local 1088:

Earl F. Gage, Esquire, Counsel

Representing the City of Berlin:

Bradley F. Kidder, Esquire, Counsel

BACKGROUND

On August 22, 1979 the parties hereto entered into a collective bargaining agreement to remain in force from September 1, 1979 through August 31, 1981. Under the terms of this contract, there were specific procedures and policies enunciated concerning vacations, minimum manning requirements for shifts in the Fire Department, and procedures for obtaining doctor permission slips for sickness. Practice under the contract indicated that sick slips from doctors were only required during the contract period when extended illness was involved and not for one day sickness. In January, 1981, allegedly because of economic problems with budgets and because of increased numbers of fires in Berlin, the City Manager of Berlin informed the Fire Chief who then informed the members of the Bargaining Unit that the minimum staffing requirement section of the contract would be "inoperative" and vacation lists were changed and procedures altered. In addition, sick slips were required for all illnesses. All this was done without negotiations with or agreement of the union. The union brought an Unfair Labor Practice complaint before the Board because of these activities alleging violations of RSA 273-A. In addition, the union alleged that the course of conduct by the city in these matters and in reducing the work force to save money by eliminating fireman Kenneth Dube, a member of the negotiating team, constituted a concerted series of actions to unfairly influence negotiations for a new contract when the existing contract expired.

A hearing was held on the charges at the Public Employee Labor Relations Board offices on February 23, 1981.

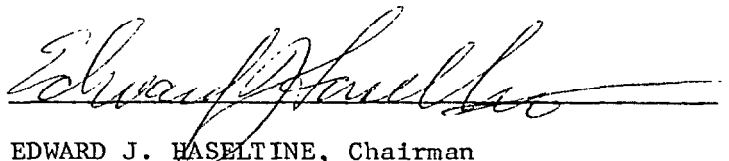
FINDING OF FACTS

1. It has been the custom of the City for over 30 years to give employees operating heavy equipment, one hour each day and four hours on Saturday to do major cleanup and mechanical repairs to the equipment, commonly referred to as "grease time".
2. The planned overtime was an incentive for employees to bid for heavy equipment operator jobs.
3. Employees received regular overtime for snow storms, sewer breaks or other emergencies in addition to the scheduled overtime.
4. Elimination of the planned overtime was instituted in an effort to reduce the tax burden.
5. Overtime is a managerial prerogative.

DECISION AND ORDER

After careful review and consideration of all the evidence and exhibits presented at the hearing, the Board rules that overtime is not a subject of mandatory negotiations. It is, however, a permissive subject of negotiation through mutual consent of the parties involved.

The Board finds no unfair labor practice, therefore no violation of RSA 273-A and the complaint is hereby dismissed.

A handwritten signature in dark ink, appearing to read "Edward J. Haseltine", is written over a horizontal line.

EDWARD J. HASELTINE, Chairman  
PUBLIC EMPLOYEE LABOR RELATIONS BOARD

Signed this 10th day of April, 1981.

All concurred. Chairman Haseltine presiding. Members Mayhew, Osmand and Hilliard present and voting. Also present, Executive Director, LeBrun.