



STATE OF NEW HAMPSHIRE

PUBLIC EMPLOYEE LABOR RELATIONS BOARD

LOCAL NO. 1045, INTERNATIONAL ASSOCIATION
OF FIREFIGHTERS, CONCORD, NEW HAMPSHIRE

Petitioner

and

CITY OF CONCORD, NEW HAMPSHIRE
FIRE DEPARTMENT

Respondent

CASE NO. F-0101:7

DECISION NO. 81-09

APPEARANCES

Representing Local 1045, IAFF:

Vincent P. Dunn, Esq., Counsel
Captain Raymond Knowlton
Acting Deputy Chief Lawrence Potter
Acting Deputy Chief Edward Joaquin
Captain Scott E. Chase
Captain William Marcotte
Firefighter, Douglas Gile
Acting Captain Darryl Wright
Acting Captain Robert R. Petrin

Representing the City of Concord:

Paul F. Cavanaugh, City Solicitor
Brian W. Braley, Personnel Director
Edward A. Constant, Chief

BACKGROUND

Petition for modification of the certified unit "B" of the Concord Fire Department to include the newly created/titled position of "Battalion Chief" following reorganization of the department was filed on November 26, 1980.

The Local contended that the position met the criteria for inclusion in Unit "B", Supervisory Unit, and the City viewed the position as representing essentially a title change from the Deputy Chief position which was excluded by mutual consent of the parties at the time of certification in 1977.

The current reorganization is to give the Battalion Chief position of Platoon Leader, as was the case with Deputy Chiefs in the past; current Battalion Chief position is essentially the same as the former Deputy Chief

although in the interim, 1977-1980, several descriptions of the position Deputy Chief/Battalion Chief have been extant and no attempt made to implement the policy-making component of job description (1977 version) was ever made. The City testified that the position as they saw it was the same as Deputy Chief before reorganization and instituting a new position of Assistant Chief did not alter the basic relationship between the platoon leaders and the Chief.

FINDING OF FACTS

-- The new organization does insert new management level position of Assistant Chief who will, at times, stand in for the Chief.

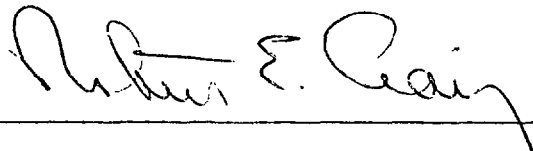
-- The new organization, while not substantially altering the job of "Deputy Chief/Battalion Chief", does emphasize the supervisory nature of the job of platoon leader versus any purely management role.

-- Creation of the unit at the beginning was in two parts: Management and others, clearly including supervisory personnel such as Captains and Lieutenants; however, Deputy Fire Chiefs were excluded at that time by their own petition which judgment they now have petitioned to reverse.

DECISION AND ORDER

After review of the exhibits and testimony at hearing before the Board on March 26, 1981, the Board rules that the inclusion of the additional "Deputy Chiefs/Battalion Chiefs" will not alter the nature of the bargaining unit and indeed is consistent with it.

The modification petition is hereby granted.



ROBERT E. CRAIG, Alternate Chairman
PUBLIC EMPLOYEE LABOR RELATIONS BOARD

Signed this 1st day of May, 1981.

By unanimous vote. Alternate Chairman Craig presiding. Present and voting, members Anderson, Mayhew and Osman. Also present, Executive Director LeBrun.