



STATE OF NEW HAMPSHIRE

PUBLIC EMPLOYEE LABOR RELATIONS BOARD

CLAREMONT ASSOCIATION OF PROFESSIONAL :
AND MANAGEMENT EMPLOYEES :

Petitioner :

and :

CITY OF CLAREMONT, NEW HAMPSHIRE :

Respondent :

CASE NO. M-0541

DECISION NO. 81-19

APPEARANCES

Representing the Claremont Association:

C. Jonathan Manning, City Engineer
William H. Sullivan, Fire Chief
John P. Fennessey, Highway Superintendent
Anthony Ricci, Planner
Robert H. Gernand, City Assessor

Representing the City of Claremont:

Louie C. Elliott, Jr., Esquire, City Solicitor
Edward Brookshier, City Manager
Margaret B. DeLude, Welfare Director

BACKGROUND

On April 2, 1981, the Claremont Association of Professional and Management Employees (CAPME) petitioned for certification of a bargaining unit to "include employees and city staff members charged with significant managerial and administrative responsibilities", consisting of a total of 26 employees; sufficient supporting signatures accompanied the petition.

Agreement to the unit composition could not be reached between CAPME and the City of Claremont.

The City in brief filed by Counsel excepted to the petition as follows:

"although the City of Claremont does not object to an election under the provisions of RSA 273-A:10 and the certification of an appropriate bargaining unit, it does object to including the following employees within the bargaining unit..."

They specifically objected to the inclusion of:

1. Police Captain
2. Police Lieutenant
3. Assistant Fire Chief
4. Deputy Librarian
5. Chief Operator-Chemist, Water Treatment Plant
6. City Planner
7. Community Development Director
8. City Manager's Secretary
9. Clerk, Highway Department
10. City Clerk
11. City Auditor

Hearing on the unit determination was conducted on April 30, 1981 at which time the City offered its basis for requesting certain exclusions; primarily, the City contended that certain inclusions would violate RSA 273-A: 8(11) as certain supervisory responsibilities existed which could become a conflict of interest. In further argument, the City cited sources of funds (Federal Funds) as supporting positions not in the City's classification of positions, therefore not eligible for inclusion in the bargaining unit and citing 273-A:1, X (d) and thereby considering the positions temporary in nature.

The City quite successfully argued that certain positions were of a confidential nature and relationship to warrant exclusion under RSA 273-A:1, X(c).

CAPME explained their position and reasoning behind the request for inclusion of all positions in the bargaining unit but later agreed to certain exclusions.

DECISION AND ORDER

After considering all the testimony, written and oral, the Board makes the following determination and order:

- A. A supervisory-professional bargaining unit, known as the Claremont Association of Professional and Management Employees, is hereby created consisting of the following positions:

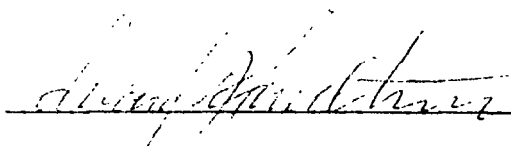
(1) Police Captain, (2) Police Lieutenant (3) Asst. Fire Chief, (4) City Planner, (5) City Engineer, (6) Director of Community Development, (7) Director of Welfare, (8) Library Director, (9) Deputy Librarian, (10) Cemetery Superintendent, (11) City Treasurer, (12) Highway Superintendent, (13) Clerk, Highway Dept., (14) City Assessor, (15) Tax Collector, (16) City Clerk, (17) Director, Parks & Recreation and (18) Chief Operator-Chemist, Water Treatment.

- B. The following positions are to be excluded from the unit:

SUPERVISORY:- Police Chief, Fire Chief,
City Auditor and Water & Sewer Superintendent,

CONFIDENTIAL:- City Manager's Secretary

- C. An election to determine if the eligible employees wish to be represented by CAPME as their exclusive representative for the purpose of collective bargaining will be held within the next thirty days.


EDWARD J. HASELTINE, Chairman
PUBLIC EMPLOYEE LABOR RELATIONS BOARD

Signed this 4th day of August, 1981.

By unanimous vote, Chairman Haseltine presiding, members Hilliard, Mayhew and Osman present and voting. Also present, Executive Director LeBrun.