



STATE OF NEW HAMPSHIRE
PUBLIC EMPLOYEE LABOR RELATIONS BOARD

AMERICAN FEDERATION OF STATE, COUNTY :
AND MUNICIPAL EMPLOYEES, COUNCIL #68, :
AFL-CIO :

Petitioner :

and :

TOWN OF HUDSON, NEW HAMPSHIRE :
POLICE DEPARTMENT :

Respondent :

CASE NO. A-0475

DECISION NO. 81-22

APPEARANCES

Representing the Petitioner, AFSCME:

James C. Anderson, President, Council #68
Albert Brackett, Patrolman
William Kloss, Jr., Sergeant
James F. Smith, Sergeant

Representing the Respondent, Town of Hudson:

Morgan A. Hollis, Esq., Counsel
Leon F. Malouin, Jr., Selectman
Philip C. Laurien, Selectman
Kenneth L. Seddon, Deputy Chief

BACKGROUND

The American Federation of State, County and Municipal Employees, Council No. 68, (AFSCME), AFL-CIO, petitioned for certification of a bargaining unit in the Police Department, town of Hudson. The proposed unit consisted of approximately 22 members including patrolmen, sergeants, detectives and dispatchers. The petition was supported with the required number of individual signature cards in accordance with RSA 273-A:10, I(a) and II.

The petition further stated that the public employer, town of Hudson, did not agree with the composition of the bargaining unit. The town by its Counsel, Morgan Hollis, excepted to the petition stating that the exclusions listed only the Chief of Police; that there were also others; i.e., Lieutenant, Deputy Chief and the Sergeants who should be excluded on the basis that they were supervisory personnel and should not be included in the same unit as those employees which they supervised.

The unit determination hearing was held on June 25, 1981 at which time PELRB heard witnesses testify regarding the supervisory nature of their respective duties, the shift concept of the various officers in charge, be they sergeants, senior patrolmen or the deputy chief of police.

FINDINGS

-- The parties at hearing, town of Hudson and representatives of Council 68, AFSCME, mutually agreed to exclude from the bargaining unit in addition to the Chief, the Deputy Chief and the Lieutenants, leaving only the position of sergeants in contention.

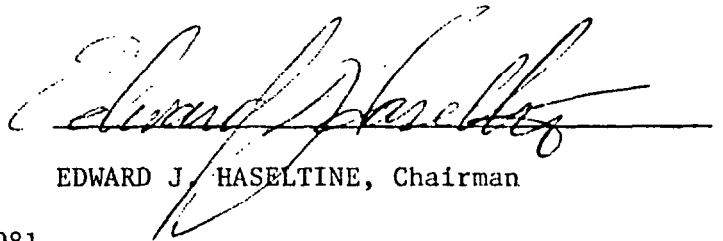
-- The testimony of the witnesses did not substantiate the supervisory nature of the sergeants claimed by the Town.

-- The duties of sergeants do not meet the test of being in a supervisory relationship to the remaining positions in the proposed unit.

DECISION AND ORDER

After reviewing the evidence and testimony presented, PELRB rules as follows:

- A. A bargaining unit for the Hudson Police Department is hereby created consisting of all full time patrolmen, detectives, dispatchers and sergeants.
- B. Excluded from the bargaining unit are the Chief, Deputy Chief of Police and the Lieutenants.
- C. The petition for a bargaining unit as filed by AFSCME, Council #68 is hereby approved.
- D. An election to determine if the eligible employees of the Hudson Police Department wish to be represented by AFSCME will be held within the next thirty days.



EDWARD J. HASELTINE, Chairman

Signed this 4th day of August, 1981.

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