



STATE OF NEW HAMPSHIRE
PUBLIC EMPLOYEE LABOR RELATIONS BOARD

AMERICAN FEDERATION OF STATE, COUNTY, :
AND MUNICIPAL EMPLOYEES, AFL-CIO, :
LOCAL 1801 :

COMPLAINANT :

and :

TOWN OF PELHAM, NEW HAMPSHIRE :
POLICE DEPARTMENT :

RESPONDENT :

CASE NO. A-0465:2

DECISION 81-52

APPEARANCES

Representing Local 1801:

James C. Anderson, President AFSCME
Eugene Briggs, Steward
Dorothy Hardy, Clerk/Dispatcher

Representing the town of Pelham:

Robert Leslie, Esq., Counsel
Thomas J. Mahon, Administrative Assistant

BACKGROUND

By petition filed April 23, 1981, the American Federation of State, County and Municipal Employees, Council 68, AFL-CIO (AFSCME) on behalf of Local 1801, requested modification of the existing bargaining unit to include part-time clerk/dispatchers.

Counsel for the town requested to be heard on the above matter and a hearing was held in the Board's office in Concord on October 22, 1981.

The parties stipulated that the only issue was that of the part-time employees; the full-time position of clerk/dispatcher was included in the bargaining unit under order of the Board dated May 8, 1980. (Decision No.80021)

Counsel referred to the findings from the Board's decision upon creation of the unit which stated:

- "1. By direct testimony, Chief Boutwell stated that confidential material was handled by a part-time employee of the town and not the full-time clerk/dispatcher. Issues involving the collateral bargaining process would fall in that category and could be handled by the part-time clerical employee."

He emphasized the town's position that the part-time clerk/dispatchers were confidential employees.

FINDINGS OF FACT

The unit created by the Board on May 8, 1980 included but one clerk-dispatcher as petitioned by AFSCME.

It was not until negotiations commenced that the negotiator for the Union was made aware of the part-time clerk/dispatchers.

Attempts to negotiate the part-time employees under the agreement failed; however, the parties agreed that the resolution of the matter would be left to the Public Employee Labor Relations Board.

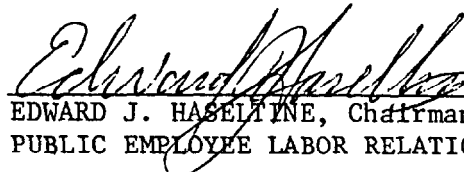
Testimony from one of the part-time employees revealed that she did little, if any, typing of letters or notes from the chief. Her duties consisted mainly of answering and dispatching for fire and police calls, typing reports from patrolmen; such as burglary, accidents, etc.

Both part-time employees work an average of 28 to 30 hours per week, although hours can fluctuate when covering for other employees because of sickness, vacations or other reasons.

DECISION AND ORDER

After considering the records of the unit determination hearing prior to certification and the testimony presented on October 22, 1981, the Board rules as follows:

The original certification is hereby amended and includes the part-time clerk/dispatchers.


EDWARD J. HASELTINE, Chairman
PUBLIC EMPLOYEE LABOR RELATIONS BOARD

Signed this 26th day of October, 1981.

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