

**State of New Hampshire**  
**PUBLIC EMPLOYEE LABOR RELATIONS BOARD**

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WILLIAM H. EGGERS	:	
	:	
Complainant	:	
	:	
and	:	
	:	
TOWN OF MILFORD	:	
BOARD OF SELECTMEN	:	
	:	
Respondent	:	

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CASE NO. M-0544

DECISION NO. 82-27

Representing the complainant

J. Alexander MacMartin, Esquire  
Robert J. Moses, Esquire  
Guy Franklin, Jr., witness  
Richard McNamara, witness

Representing the respondent

Patrick Enright, Esquire  
Arthur Edgar, Police Chief  
Walter Putnam, Chairman  
Bart Prestipino, Selectman  
Ernest Bennett, Selectman

BACKGROUND

By petition dated September 16, 1981 and received by the N. H. PELRB on September 24, 1981, the complainant, William H. Eggers, a detective in the Milford police department, charges that the Selectmen have discriminated against him for his efforts to organize a union among the town's policemen. Eggers charges that this discrimination has been in the form of failing to give him salary increases as were given to other members of the department as well as denying him opportunities to earn extra money for work during compensatory time off and refusing to pay him for holidays.

Town's attorney objects to the acceptance of the complaint on the grounds that the petition was not filed within six months of the alleged event as required by law (RSA 273.6, VII) in that the alleged pay denial did not take place on or about March 26, 1981 but some time prior to that, thereby more than six months prior to the filing of the petition. Town's attorney also denies any action by the selectmen based on union activities and further argues that Eggers is a salaried employee, and has been since 1980, and that therefore is not entitled to overtime pay and that the holiday pay was included in his salary when his job was made a salaried position.

A hearing was held before the Board at the Board's office in Concord, N.H. on February 25, 1982 and continued on April 7, 1982.

FINDINGS OF FACT AND RULINGS OF LAW

The issue before the Board surrounds the attempted adjustment in pay for Mr. Eggers after the pay was set for 1981 and this date is on or about March 26, 1981. Given the statutory limit of six months for filing a complaint the Board will consider only those actions relevant to that date and since the time elapsed is six months or less the Board finds the petition is timely filed.

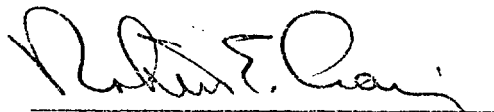
Testimony at hearing produced some contradictory evidence as to statements by one or more members of the Board of Selectmen regarding union activities on Eggers part but overall the testimony of the witnesses refuted that such statements were made or such discussions held.

Testimony by the Chairman and other members of the Board of Selectmen for the Town of Milford indicate quite clearly that the intent to change Eggers' position to a salaried position go back beyond the six months here under review and that the method of setting the salaries and pay of the Police Department are consistent with the responsibilities and wishes of the Selectmen and that no apparent discriminatory pattern against Eggers has been established.

DECISION

Given the limitations imposed upon the PELRB to consider only petitions filed within six months of the alleged violation of RSA 273-A, the Board:

- (1) finds no unfair labor practice against the Selectmen of the Town of Milford;
- (2) declines to make any monetary awards to either party.

  
Robert E. Craig, Chairman

Signed this 13th day of May, 1982.

By unanimous vote, Robert E. Craig presiding. Members Hilliard and Osman present and voting. Also present, Executive Director Evelyn C. LeBrun.