



State of New Hampshire

PUBLIC EMPLOYEE LABOR RELATIONS BOARD

AMERICAN FEDERATION OF STATE, COUNTY AND
MUNICIPAL EMPLOYEES - COUNCIL 68

Petitioner

and

COOS COUNTY NURSING HOME - BERLIN FACILITY

Respondents

CASE NO. A-0506

DECISION NO. 85-01

APPEARANCES

Representing the Petitioner, American Federation of State, County and Municipal
Employees - Council 68

Kim Keller, Esq., Counsel
Edward Edwards, Council Representative

Representing Coos County Nursing Home - Berlin Facility

Alan Hall, Esq., Counsel
Frederick King, Superintendent

Also in Attendance

Beatrice Coulombe
Suzanne Collins
Noella Cote
Sandra Lamontagne
Rita Andrews
Lucille Poulin
Pauline Gendron

BACKGROUND

On August 3, 1984, The AFSCME, Council 68, filed a petition for certification of a unit composed of various employees (101) of the Coos County Nursing Home - Berlin Facility.

Coos County filed exceptions to the petition for certification arguing that the county has two (2) nursing homes; one in Berlin and one in West Stewartstown; each have identical public functions; common types of employees; are under the supervision of the County Commissioners and the County Superintendent/Coordinator; have obvious similarities evidencing community of interest; have common work rules; personnel policies; and, salary and fringe benefit structures. The County argues that if a unit is to be created, it should consist of the employees of both facilities, not just one. The County further argued that certain employees are supervisory (plant engineers) in nature and should be excluded from any unit, while certain others (In-Service Coordinators, Social Services, and Activities Directors, non-supervisory Registered Nurses, Assistant Food Service Manager and Accounting Assistants) are not supervisory and should be included in any unit.

A hearing on the petition was held at Public Employee Labor Relations Board's office in Concord, New Hampshire on December 13, 1984, with all parties represented.

FINDINGS OF FACT

At hearing the parties stated they were in agreement on the inclusion/exclusion of all positions and that, therefore, the hearing was confined to the issue of a unit for one of the facility or both of the facilities. The following facts were established by testimony and exhibits:

- (1) the two nursing homes are 55 miles apart, W. Stewartstown in the first built (1932) while the Berlin facility is much newer (1976);
- (2) both facilities are operated as two branches of the same system, with patient transfers between the two, common personnel policies, pay, etc.; costs for patient care are almost identical for two facilities; goals are same, 130 employees at Berlin, 111 at W. Stewartstown;
- (3) employees are not routinely shared by facilities; transfers are not common; if vacancy at one place, not automatically offered to employees at other facility; employee seniority at one facility doesn't automatically transfer;
- (4) each facility is separately administered but both are considered by Superintendent King for budgets, labor policy, etc.

RULINGS OF LAW

The Public Employee Labor Relations Board is not convinced that both facilities must be in the same bargaining unit. We can see no loss of governmental efficiency given that the two nursing homes are largely autonomously functioning units within the same system, as are many other bargaining units in the state.

Indeed, the geographic separation of the units as well as their employee independence from each other argues that the employees will be better served by a bargaining unit over which they can exercise local control.

DECISION AND ORDER

The Public Employee Labor Relations Board hereby establishes a collective bargaining unit composed of employees of the Coos County Nursing Home - Berlin Facility who occupy the positions listed below (all others are excluded):

- (a) Included: All permanent full-time and regular permanent part-time employees in the following job classifications: payroll clerks, receptionists/clerk, cooks, dishwashers, dietary aides/helpers, registered nurses, licensed practical nurses, certified nurse aides, medical records, assistant plant engineers, security guards/porters, housekeeping aides, laundry aides, physical therapy and activity aides, in-service coordinators, social services,
- (b) Excluded: Administrators, food service managers, activities directors, asst. food service manager, dietary consultants, accounting assistants, director of nursing, registered nurse supervisors, executive housekeepers, physical therapist, laundry supervisors, plant engineers, and all other supervisors and professional employees, persons in a probationary or temporary status, employed seasonally, irregularly, or on-call and all other employees of Coos County.

It is also ordered that an election will be held at the next most convenient date to ascertain the wishes of the employees in the unit formed above.


ROBERT E. CRAIG, Chairman

Signed this 11th day of January, 1985.

By unanimous vote. Robert E. Craig, Chairman presiding. Members Seymour Osman, Richard Roulx and Russell Verney present and voting. Also present, Evelyn C. LeBrun, Executive Director.