



State of New Hampshire

PUBLIC EMPLOYEE LABOR RELATIONS BOARD

CITY OF DOVER, NEW HAMPSHIRE
DAVID F. BIBBER, CHIEF

Petitioner

v.

DOVER PROFESSIONAL FIRE FIGHTERS
ASSOCIATION, LOCAL 1312

Respondent

CASE NO. F-0102:4

DECISION NO. 85-59

ORDER DENYING PETITION

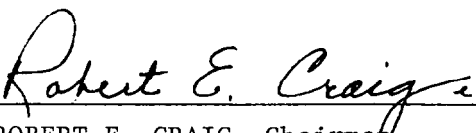
FOR REHEARING

On June 26, 1985, PELRB entered a unanimous decision wherein it found that the City of Dover had included in its individual employment agreements the prohibition of smoking as a criterion for employment in the fire department and that when the probationary fire fighters became permanent members of the Department, that prohibition could not be imposed unilaterally by the City under its claim of management rights; the fire fighters were then covered under the collective bargaining agreement with Local 1312.

The City filed a Motion for Rehearing prepared to offer evidence thru articles by various experts that smoking is, in fact, directly related to the ability of an individual to effectively perform the job of firefighter.

After reconsideration of the matter and the fact that the prohibition applied only to probationary fire fighters who are exempt under RSA 273-A:1, IX (d), PELRB rules as follows:

ORDERS that the motion for rehearing be and hereby is, DENIED.


ROBERT E. CRAIG, Chairman

Dated this 19th day of August, 1985.

By unanimous decision. Chairman Craig presiding. Members Roulx, Osman and Verney present and voting. Also present, Executive Director Evelyn C. LeBrun.