



State of New Hampshire

PUBLIC EMPLOYEE LABOR RELATIONS BOARD

HAMPTON FIRE DEPARTMENT SUPERVISORY
ASSOCIATION

Petitioner

v.

TOWN OF HAMPTON, NEW HAMPSHIRE

Respondent

CASE NO. F-0127

DECISION NO. 85-68

APPEARANCES

Representing the Hampton Fire Dept. Supervisory Association:

Lt. Richard Levesque
Kenneth Y. Richardson, President

Representing the Town of Hampton:

John H. McEachern, Esq.
John Walker, Chairman of the Board of Selectmen

BACKGROUND

A unit determination hearing was held in the Board's office on August 20, 1985 pursuant to a petition filed by the Hampton Fire Department Supervisory Association (Association) to include all supervisory and staff personnel; i.e., deputy chief, lieutenants, fire prevention officer and secretary; and excluding the Chief and the firefighters already represented by Local 2664, IAFF.

The Town of Hampton (Town) objected to the formation of the unit in that the deputy chief, the fire prevention officer and the secretary were in a different category, lacked a community of interest, functioned within separate organizational structure, and had a history of bargaining separately with the members of the Board of Selectmen.

FINDINGS OF FACT

The petition for certification submitted by the Association was in compliance with RSA 273-A:10 and contained individual signature cards from at least thirty percent of the employees indicating their desire to be represented by the Association for the purpose of collective bargaining.

The position description forms from the Town clearly indicated that all positions petitioned for are in the "management" division of the Town.

The Deputy Chief in the normal chain of command would be the person to replace the Chief should he be absent due to sickness or for vacations.

The Fire Prevention Inspector is in charge of all inspections and directly under the general supervision of the Chief.

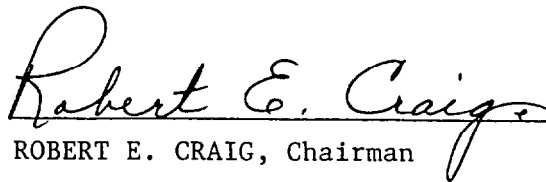
The Secretary's duties are administrative and her responsibilities include all accounting, billing, reports and assistance with budget preparations and she is also under the direct and general supervision of the Chief. Written evidence was submitted in the form of a letter signed by the Chief that he had no reservation nor could he see any problems in including the position in the unit.

DECISION AND ORDER

After consideration of all evidence presented, it is the position of the Board that all eleven positions petitioned for are supervisory and/or managerial, share a community of interest and all part of the Town's management team. The Deputy Chief while in the capacity of acting Chief would be outside the purview of any collective bargaining agreement and could only be represented in his actions as Deputy Chief.

A unit is hereby created composed of the Deputy Chief, Fire Prevention Inspector, Lieutenants and Secretary.

Election to determine whether these employees desire to be represented by the Association under RSA 273-A:10 to be conducted by PELRB as expeditiously as possible.


ROBERT E. CRAIG, Chairman

Signed this 9th day of September, 1985.

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