



State of New Hampshire

PUBLIC EMPLOYEE LABOR RELATIONS BOARD

AMERICAN FEDERATION OF STATE, COUNTY
AND MUNICIPAL EMPLOYEES, COUNCIL 93,
AFL-CIO

Petitioner

v.

TOWN OF AMHERST, NEW HAMPSHIRE
POLICE DEPARTMENT

Respondent

CASE NO. A-0526

DECISION NO. 86-56

APPEARANCES

Representing the Petitioner, AFSCME, Council 93:

James C. Anderson, Field Representative

Representing the Respondent, Town of Amherst:

Robert P. Leslie, Esquire, Counsel

Also in Attendance:

Linda Dahlmann, Selectman
Barbara Landry, Administrator
John T. Osborn, Jr., Chief of Police
Gary MacGuire, Police Officer
Tracy Key, Dispatcher
Patrick J. Doherty, Patrol Sergeant

BACKGROUND

A petition for certification of a unit composed of patrolmen, detective sergeant, sergeant, prosecutor, and clerk/dispatcher for the Town of Amherst filed by Council 93, AFSCME on May 5, 1986. Only exclusion to the unit proposed was the position of Chief.

Counsel for the Town filed exceptions to the proposed unit alleging that the positions of detective/sergeant and sergeant were confidential and supervisory; that these employees act in a confidential capacity with the Chief of Police in the formulation, determination and effectuation of labor relations policies; exercise supervisory authority over patrolmen and the patrolman/prosecutor and thereby should be excluded from the unit in accordance with RSA 273-A:1, IX (c) and RSA 273-A:8, II.

FINDINGS OF FACT

The petition filed by AFSCME, Council 93, met all the requirements under RSA 273-A:10, 1(a) and II and included the required show of interest cards.

The Union seeks to include in a single bargaining unit, the patrolmen, patrolman/prosecutor, clerk/dispatcher, detective/sergeant and patrol sergeant.

All are public employees within the meaning of 273-A, full time employees of the Amherst Police Department, and covered under a single Town Personnel Policy adopted in 1984.

New job descriptions were presented in evidence and recently adopted by the Town but not handed to the affected employees. All employees participated in the development of their job descriptions which was finalized by the N. H. Municipal Association as were the grade procedures for the Department employees.

DETECTIVE/SERGEANT: The detective/sergeant is the 2nd in command, works directly with the Chief and is on a 5-day workweek with no patrol responsibilities. In the Chief's absence, he assumes full responsibility of the Department.

PATROL/SERGEANT: The patrol/sergeant is assigned and works a regular patrol shift and in his absence is replaced by the senior patrolmen.

CLERK/DISPATCHER: The clerk/dispatcher performs in addition to her dispatching duties, all the day-to-day clerical and secretarial duties for the Department. In her absence and on weekends, her clerical and dispatching duties are performed by two or three part-time employees.

Although the sergeants review and screens applicants, participate in oral boards and make recommendations to the Chief, final approval on hiring and firing, by statute, rests with the Board of Selectmen.

Law enforcement personnel are covered by a police manual and the patrol sergeant, and senior patrolman in his absence, would simply relay standard operating procedures of the Department, instructions of the Chief and Detective/Sergeant and make routine assignments. Under such circumstances, the Department is structured in such a way that effective supervisory authority rests only with the Chief and the Detective/Sergeant.

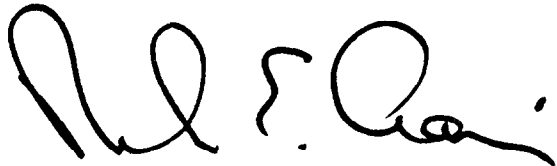
Should the Union be certified, negotiations and labor relations matters would normally be handled out of the Selectmen's office and would not of necessity involve the clerk/dispatcher.

After consideration of the testimony and evidence before the Board, the petition filed by AFSCME, Council 93, for a bargaining unit within the Police Department, Town of Amherst, is hereby approved.

DECISION AND ORDER

The appropriate unit for the Town of Amherst Police Department is: all full time patrolmen, the patrol/sergeant, the patrolman/prosecutor and the clerk/dispatcher. Excluded: Chief and Detective/Sergeant.

An election in accordance with RSA 273-A and the Board's Rules and Regulations will be held as expeditiously as possible to determine if the employees of the Department wish to be represented by AFSCME, Council 93, for the purpose of collective bargaining.

A handwritten signature in black ink, appearing to read 'R. E. Craig', is written above a horizontal line.

ROBERT E. CRAIG, Chairman
PUBLIC EMPLOYEE LABOR RELATIONS BOARD

Signed this 9th day of October, 1986.

Chairman Robert E. Craig presiding. Chairman Craig, members Richard E. Molan and Seymour Osman voting for approval of the unit; member Richard W. Roulx dissenting. Also present, Executive Director Evelyn C. LeBrun