



State of New Hampshire

PUBLIC EMPLOYEE LABOR RELATIONS BOARD

AMERICAN FEDERATION OF STATE, *
COUNTY AND MUNICIPAL EMPLOYEES, *
COUNCIL 93 *

Petitioner *

v. *

TOWN OF WINDHAM *

Respondent *

CASE NO. A-0531

DECISION NO. 86-74

APPEARANCES

Representing Council 93, AFSCME:

James C. Anderson, Staff Representative

Representing the Town of Windham:

Robert P. Leslie, Esquire, Counsel

Also appearing:

Bruce Moeckel, Sergeant
Norman J. Crawford, Chief

BACKGROUND

Council 93, AFSCME, filed a petition for a proposed unit including patrolmen, sergeants and dispatchers in the Police Department, Town of Windham with the only exception to the unit, the position of Chief of Police.

The Town, through its Counsel, Robert P. Leslie, Esq. filed exceptions to the proposed unit in that it included the position of sergeant which they felt was confidential and supervisory, and sergeants (2) act in a confidential capacity with the Chief in the formulation, determination and effectuation of labor relations policies and supervise patrolmen and dispatchers.

FINDING OF FACTS

Several changes have been made during the past year along the lines of responsibility and duties and further changes are anticipated when the three police officers, currently attending the Academy, complete their training and return to the Department.

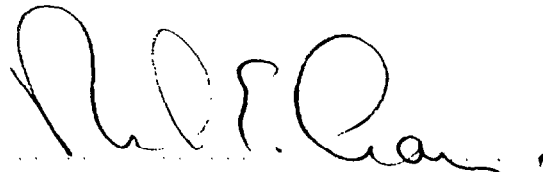
In the past, the Department included the position of Lieutenant; when the last Lieutenant left employment in August of '84, the Department was restructured and the position of Sergeant was created to replace the Lieutenant position. The Chief has full authority to create positions with the concurrence of the Board of Selectmen.

In the absence of the Chief, the Sergeants are in command of the Department; Sergeants evaluate employees and can discipline patrolmen and dispatchers for minor infractions.

DECISION AND ORDER

After reviewing the evidence presented at hearing, the Board finds that lacking a Lieutenant, the Sergeants are second in command, exercising supervisory authority involving the significant exercise of discretion and must be excluded in accordance with the requirement of RSA 273-A.

- (1) A unit is hereby created composed of all patrolmen and dispatchers in the Police Department, Town of Windham.
- (2) Excluded from the unit: Chief of Police and Sergeants.
- (3) An election will be held by the Public Employee Labor Relations Board as expeditiously as possible.



ROBERT E. CRAIG, Chairman
PUBLIC EMPLOYEE LABOR RELATIONS BOARD

Signed this 25th day of November, 1986.

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