



State of New Hampshire

PUBLIC EMPLOYEE LABOR RELATIONS BOARD

HUDSON PROFESSIONAL MANAGEMENT
ASSOCIATION

Complainant

v.

TOWN OF HUDSON

Respondent

CASE NO.'S-M-0636 & M-0637

DECISION NO. 91-28

APPEARANCES

Representing Hudson Management Association and Hudson Professional Association:

Donald E. Mitchell, Esq.

Representing Town of Hudson:

Gary W. Wulf

Also appearing:

Guy N. Servieng
Lisa Chaunard
Lt. William Closs
Carla Anger
Capt. Gendron
Mark P. Devine
Patricia Laine
Brian C. Mason
Lydia Angell
Mike Reynolds, Town Planner
Clint Weaver
Fred J. Snider, Executive Administrator

BACKGROUND

The Hudson Management Association represented by Donald E. Mitchell and the Hudson Professional Association also represented by Donald E. Mitchell petitioned the Public Employee Labor Relations Board in October of 1990 for certification for two separate bargaining units titled as above. In the petition for certification by the Hudson Management Association they listed the police captains, police lieutenants, police records manager, police chief secretary, police animal control division supervisor, assistant assessor, town accountant, data processing manager, town attorney's secretary, fire chief, director of public works and the zoning administrator.

The Hudson Professional Association in its petition proposed to include the following positions in its bargaining unit: town planner, town engineer, civil engineer, administrator assistant to the director of public works, deputy fire chief, fire captain, superintendent of fire prevention, fire chiefs secretary, police chief, finance director and town attorney.

Hearing in this matter was conducted on February 7, 1991 at the PELRB offices in Concord. By mutual agreement of the parties the two petitions were considered as one in view of the fact they involved supervisory and managerial positions in the Town of Hudson. The beginning of the hearing the parties mutually agreed to delete the town attorneys position from consideration in the bargaining unit.

Both petitioners were represented by Counsel, Donald Mitchell. A decision was issued by this Board dated May 11, 1990 creating a bargaining unit consisting of basically the same positions now being petitioned as individual units.

For some reason or other the original certification was never carried through to completion in the conduct of an election, PELRB Decision No. 90-32 was never complied with. We now have before us a request to split the bargaining unit originally certified into two separate units with some additions.

By mutual agreement of the parties these facts and the issuance of the original certification of a bargaining unit are undisputed. As a result of the various questions raised by the parties to the original certification no election was conducted and therefore there exists no completed certified bargaining unit which has complied with all the requirements of 273-A.

Attorney Mitchell for both Associations discussed at length the background for the two petitions and the reasons behind the requested inclusions of certain positions namely the police chief and the fire chief.

The Towns position represented by Gary Wulf cited the history of the May 17th decision No. 90-32 creating a bargaining unit. The confusion that existed in the Town of Hudson with respect to various changes in the Town Administrative function and raised his objection to the fire chief and the police chief and their inclusion in the unit and dealt extensively with the degree of supervision responsibilities of certain positions petitioned for in the bargaining unit, specifically that of the chief of police and the chief of the fire department, also the chief finance officer. Wulf indicated that the Town of Hudson was reasonably comfortable with the Boards decision of May 17th. Wulf on behalf of the Town indicated that they had no objection to this group of Hudson Management people and Professional people being organized and his only exception was that certain positions should not be included in the bargaining units petitioned.

After considering the testimony presented by the parties in the two petitions before us, the Board makes the following findings.

FINDINGS OF FACT

1. The two petitions essentially include professionals and supervisory personnel of the town of Hudson at the management level.
2. A group of this nature is authorized under 273-A to petition for certification of a bargaining unit or units in accordance with 273-A.
3. This Board finds also that the May 17, 1990 decision 90-32 created a bargaining essentially including the same personnel with few exceptions.

4. All employees petitioned are employed by the same employer have the same general benefits, in general are supervised by the Town Administrator (Officer), a Town Manager or the Mayor and Council form of government.

5. The PELRB is charged with the creation of and forming bargaining units and is the final arbiter of the composition of the bargaining unit.

6. Approval of the two petitions before us would unnecessarily proliferate bargaining units involving the same employer.

ORDER OF THE BOARD

Under authority granted to this Board under 273-A creation and certification of bargaining units the Board rescinds its decision 90-32 in case M-0623 issued May 17, 1990.

PELRB consolidates the two petitions before it and creates one bargaining unit, the Hudson Professional Management Association. Included in the unit are the following positions: town planner, town engineer, civil engineer, administrative assistant to the director of public works, deputy fire chief, fire captain, superintendent of fire prevention, fire chiefs' secretary, finance director, police captains, police lieutenants, police records manager, police chiefs secretary, police animal control division supervisor, assistant assessor, town accountant, data processing manager, town attorneys secretary and zoning administrator. Excluded from the bargaining unit are the fire chief, director of public works and the police chief.

Signed this 16th day of May, 1991.


EDWARD J. HASELTINE
Chairman

By unanimous vote. Chairman Edward J. Haseltine presiding. Also present and voting E. Vincent Hall and Seymour Osman.