



State of New Hampshire

PUBLIC EMPLOYEE LABOR RELATIONS BOARD

AFSCME, COUNCIL 93, LOCAL 3657	:	
	:	
Petitioner	:	
	:	CASE NO. A-0557
v.	:	
	:	DECISION NO. 91-39
TOWN OF LINCOLN, NEW HAMPSHIRE	:	
	:	
Respondent	:	

APPEARANCES

Representing AFSCME Council 93, Local 3657:

Harriett P. Spenser, Staff Representative

Representing Town of Lincoln, New Hampshire:

Daniel D. Crean, Esq., Counsel

Also in attendance:

Richard Brown, Town Manager
Carol Rannacher, Chief Dispatcher
R. Craig Ohlson, Chief of Police
David P. Moser, Inspector
Michael W. Tamulonis, Police Officer

BACKGROUND

Local 3657, AFSCME Council 93 (AFSCME) petitioned for certification of a bargaining unit composed of all full-time and part-time employees of the Town of Lincoln (Town) Police Department; i.e., Dispatchers, Chief Dispatcher, Inspector, Lieutenants and Patrolmen, with the Chief as the only exclusion.

Counsel for the Town filed objections to the unit basically for inclusion of Police Department employees and Communication Center employees in one single unit. Each department is separate and distinct, performing significantly different functions and providing different services.

In addition Counsel objected to the petition for failure on the part of AFSCME to abide by the Rules and Regulations, PELRB Pub 302.01 which requires the petitioning party to make every effort to reach agreement with the employer on inclusion or exclusion of certain positions in order to insure that the appropriate unit is petitioned for. Barring agreement, PELRB holds a unit determination hearing and final determination is made. On that basis, Council requested PELRB order AFSCME to withdraw their petition and comply with PELRB rules.

Unit determination hearing was held in the Board's office in Concord, New Hampshire on December 4, 1990 with all parties represented.

FINDINGS OF FACT

1. All Police Department and Communications Center employees work under the direction of the Chief of Police.
2. All employees are employees of the Town of Lincoln.
3. Part-time police officers are an integral part of the department assigned to provide 24-hour coverage for the Town and qualify for inclusion in the unit. (See PELRB decision 90-92, Town of Gilmanton)
4. The Legislature in enacting RSA 273-A provides for representation of public employees by allowing them to join together to form the appropriate unit, be certified and negotiate collectively regarding hours of work, wages, conditions of employment and settlement of disputes.
5. PELRB has consistently allowed employees employed in different crafts to join together to form a unit, if they meet certain other requirements under law.
6. Lieutenant - Executive Officer exercises supervisory authority involving the significant exercise of discretion and must be excluded from the unit in accordance with RSA 273-A:8, II.
7. All other full-time and part-time employees of the Town's Police Department and Communications Center share a community of interest, work for the same employer. Although the two groups of employees have dissimilar qualifications, training and job functions, the very nature of their job requires they interact frequently and a high degree of integration of work functions exists. The safety of police officers and competent performance of their duties depends on the dispatchers obtaining the relevant and correct information on phone complaints, accidents, etc... and relaying that information to officers in a timely manner. It is evident that dispatchers share a greater community of interest with police officers than with any other group of town employees.

DECISION AND ORDER

Based on the findings of fact above, it is hereby ORDERED:

- (A). All full-time and part-time employees of the Town of Lincoln Police Department and Communications Center shall be included in one bargaining unit.
- (B). The Lieutenant-Executive Officer shall be excluded from the unit on the basis of supervisory. Also excluded from the unit by petition is the Chief of Police.
- (C). A secret ballot election shall be conducted by PELRB pursuant to RSA 273-A:10 and PELRB Rule Pub. 303.01 on such date as the Board shall order to determine whether the employees in the above unit desire to be represented for exclusive bargaining purposes by Local 3657, AFSCME Council 93 or no representation.

So ordered.

Signed this 18th day of June, 1991.


EDWARD J. HASELTINE
Chairman

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