



**State of New Hampshire**

**PUBLIC EMPLOYEE LABOR RELATIONS BOARD**

---

TEAMSTERS LOCAL 633 OF NEW HAMPSHIRE :  
 Petitioner :  
 v. :  
 TOWN OF WEARE, NEW HAMPSHIRE :  
 Respondent :

---

CASE NO. M-0647  
 DECISION NO. 91-75

APPEARANCES

Representing Town of Weare:

Robert Tawney, Chief Negotiator

Representing Teamsters Local 633 of New Hampshire:

Thomas D. Noonan, Business Agent

Also appearing:

Joseph A. Kelley, Town of Weare  
 David M. Mason, Town of Weare  
 Elayne Pierson  
 Terry M. Knowles, Selectman  
 William G. Herman, Selectman

BACKGROUND

Teamsters Local 633 of New Hampshire (TEAMSTERS) petitioned for a unit of all regular full-time and regular part-time secretaries, bookkeepers, assessing clerk, Deputy Town Clerk/Tax Collector, collection clerk and police officers employed by the Town of Weare.

The Town of Weare (TOWN) through its Attorney, objected to the composition proposed on the basis of community of interest and the inclusion of professionals and non-professionals in the same unit.

A unit determination hearing was held by Hearing Officer Edward J. Haseltine on July 29, 1991 in the PELRB office in Concord, with all parties represented.

FINDINGS OF FACT

1. RSA 273-A:8 states "The community of interest may be exhibited by one or more of the following criteria, although it is not limited to such; ...."
2. The unit proposed meets the requirements under the statute's community of interest requirement.
3. The Executive Secretary to the Town Administrator because of the confidential nature of her position must be excluded in accordance with RSA 273-A:1, IX, (C).
4. The Chief of Police must be excluded in accordance with RSA 273-A:8, II "Persons exercising authority involving the significant exercise of discretion may not belong to the same bargaining unit as the employees they supervise."


DECISION AND ORDER

A unit is hereby created to include all regular full-time and regular part-time employees of the Town of Weare; namely, secretaries, bookkeeper, assessing clerk, collections clerk, police officer and deputy town clerk/tax collector but excluding the Chief of Police and the Secretary to the Town Administrator.

Because the position of Executive Director is still vacant and because of the Board's workload and delay in scheduling cases and rendering of decisions, employees should not be penalized for the Board's failure to conduct an election prior to October 4th, therefore, the time limits are waived.

An election should be held by PELRB in accordance with RSA 273-A:10 and PELRB Rules and Regulations as expeditiously as possible.

Signed this 30th day of September, 1991.

  
EDWARD J. HASELTINE  
Hearing Officer