

State of New Hampshire

PUBLIC EMPLOYEE LABOR RELATIONS BOARD

TEAMSTERS LOCAL 633 OF NEW HAMPSHIRE	:	
	:	
	:	
Petitioner	:	
and	:	CASE NO. P-0761
	:	
TOWN OF RAYMOND POLICE DEPARTMENT	:	
	:	DECISION NO. 93-16
	:	
Respondent	:	
	:	

APPEARANCES

Representing Teamsters Local 633 of New Hampshire:

Thomas D. Noonan, Business Agent

Representing Town of Raymond Police Department:

Mark Broth, Esq., Counsel

Also appearing:

Judy Van Zant
 Richard E. Dolan
 James Murphy
 Timothy M. Craig
 David Salois
 Shawn Mulholland
 Jon D. Nottonson
 Jonathan P. Kelley
 Martha St. Amand

BACKGROUND

On December 3, 1992, Teamsters Local 633 of New Hampshire (Union) filed a Petition for Certification for the following employees of the Town of Raymond: Police Officers, full and part-time, (9), and dispatchers (2) amended to four (4) at hearing. That petition specifically excluded the Chief of Police and Sergeant (1) as supervisory and the secretary as confidential.

The Town, through Chief of Police Richard Dolan, filed its answer in the form of exceptions to the petition on December 18, 1992, acknowledging eight full time and four part time officers but asserting no community of interest, first, between full time and part time officers and, second, between officers generally and dispatchers. This matter was subsequently heard by the undersigned hearing officer on February 12, 1993.

FINDINGS OF FACT

1. The Town of Raymond (Town) is a "public employer" of personnel employed by its police and dispatch departments as defined by RSA 273-A:1 X.
2. All full-time and regular part time employees of the Town have the same benefits package, as defined by Town Exhibit No. 4, the "Personnel Policy," regardless of the department in which they are employed. Employees who work insufficient hours (less than 20 per week) to be considered "permanent part-time employees" under the "Personnel Policy" receive no benefits regardless of the department in which they are employed.
3. Notwithstanding the Town's objection that there is no community of interest between the Police Department and the Dispatch Department, there is no disagreement that there are six (6) full time patrolmen and three (3) part-time patrolmen employed by the Town. Likewise, there are three (3) full-time dispatchers and three (3) part-time dispatchers employed by the Town.
4. With the exception of police department employees working both inside and away from the Public Safety Center, employees in both departments have virtually the same conditions of employment. Employees of both departments are paid hourly, have the same benefits package, answer to a single (albeit different) department head, receive pay from the same public employer, and render 24-hour coverage to their respective departments, both of which deal with public safety issues. Employees in both departments interface with each other daily in the performance of their duties.
5. The Police Department is organized under the direction of a Chief and Sergeant both of whom are exempt as supervisors (RSA 273-A:8) under the petition. The Dispatch Department is organized under a Head Dispatcher who, like the Chief of Police, is directly responsible to the Town Manager. The Head Dispatcher is responsible for scheduling both full-time and part-time dispatch personnel,

handling payroll, making equipment purchases, preparing the budget for submission to the Town Manager, and administering the personnel program and problems including evaluations, related to personnel issues. In the case of position vacancies, she places advertisements, screens applicants, interviews, and makes hiring recommendations to the Town Manager. She has made disciplinary recommendations to the Town Manager, including but not limited to termination, suspension and extension of probation. The Head Dispatcher also performs "line" functions, i.e., does dispatch duties routinely for a portion of her work week.

6. Both the Police Chief and the Head Dispatcher are identified as "supervisors and/or department heads" under paragraph 14 (B) of the Town's "Personnel Policies."
7. Part-time patrol officers perform the same job function as full-time patrol officers. Both perform their patrol duties independently, without additional personnel assigned to their cruisers. Both PT and FT officers are sworn police personnel, have arrest powers, and are required to be firearms qualified. The three part-time officers each worked 580.5 hours, 872.0 hours, and 44.5 hours, respectively, last year. (Town Exhibit No. 3) These PT officers are assigned to cover sick leaves, vacation leaves, special events, "busy times" on Friday and Saturday nights, military leaves and other occasions when there is a shortage of FT patrol officers. On occasion, part-time officers have worked fifty-hour weeks with one PT officer testifying that he had worked an average of more than 30 hours per week since January 1, 1993.
8. The minimum qualifications for PT patrol officers are the same as for FT patrol officers under the respective job descriptions found in Town Exhibit No. 1.
9. Part-time dispatchers perform the same job functions as full-time dispatchers, in the same facility and under the same working conditions. One of the three PT dispatchers regularly works 12 to 16 hours per week (frequently sixteen hours per week) and has done so for approximately 14 years. Part-time dispatchers are given the schedule once the Head

Dispatcher has completed inserting the schedule for FT dispatchers. They then sign up (on a monthly basis) for the shifts they want to cover. Any shifts still not covered are then staffed either by the Head Dispatcher or by FT dispatchers in overtime status.

DECISION AND ORDER

Bargaining units are required to exhibit a community of interest among those job titles included in them. RSA 273-A:8. Two of the statutory criteria involve conditions of employment and functioning within the same organizational unit. The mere fact that employees in a petitioned-for bargaining unit are in different departments of the public employer is not sufficient, by itself, to find that there is a lack of or an insufficient community of interest. Police bargaining units have been broader than one department in the past, e.g. North Hampton, Case No. M-0646 and Rye, Case No. M-0604. This fact coupled with the similarity in benefits and the identical employer, namely, the Town, compel the conclusion that a community of interest exists between the officers and the dispatchers which is more than sufficient to satisfy the requirements of RSA 273-A:8. Even more compelling is the not uncommon practice of combining sworn police personnel with dispatchers for convenience and economy of scale in the bargaining process. See Alton Police, Case No. M-0661; Amherst Police, Case No. A-0526; Bedford Police, Case No. P-0701; Conway Police, Case No. A-0511; Littleton Police, Case No. S-0374; Pelham Police, Case No. A-0465; Peterborough Police (no election held), Case No. M-0660 and Plaistow Police, Case No. P-0748.

In addition to the interdepartmental issue, addressed above, there is an issue of job content as performed by full-time versus part-time personnel, be they police officers or dispatchers. Pursuant to findings 7, 8 and 9, above, there are no significant differences in functions between full-time and part-time employees, whether they are police officers or dispatchers. Even though some part-time personnel may work an insufficient number of hours to qualify for benefits (Finding No. 2), their job content and responsibilities are virtually indistinguishable from that of their full-time counterparts. This is logical because they work in their stead. Moreover, from the testimony offered relative to one part-time dispatcher who regularly works 12 to 16 hours weekly and two part-time police officers who worked 580 and 872 hours, respectively, last year, it is apparent that these employees are a vital part of offering the level of services the Town has determined it will render, *i.e.*, it appears that such a level of services could not be maintained over the long term without the use of these personnel or an increased use of overtime for full-time personnel. Thus, they must be considered on equal footing for the jobs they perform, found to have the same working conditions as their full-time counterparts, and eligible to engage in collective

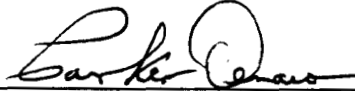
bargaining because of a sufficient community of interest as set forth in RSA 273-A:8 I (a) and (d). Based on testimony offered, part-time employees, whether officers or dispatchers, who work less frequently than once a month or less than 50 hours per year should be considered "casual" and excluded from the bargaining process.

The job content of the Head Dispatcher, as detailed in Finding No. 5, above, is that of a supervisor under RSA 273-A:8 II. That position should be excluded from the bargaining unit.

Accordingly, a bargaining unit is established consisting of all full-time and regular part time police officers and dispatchers. EXCLUDED: Chief of Police, Police Sergeant, Secretary to the Chief, and Head Dispatcher.

So ordered.

Signed this 19th day of March, 1993.



PARKER DENACO
Hearing Officer