

State of New Hampshire

PUBLIC EMPLOYEE LABOR RELATIONS BOARD

PROFESSIONAL I NORTH HAMPTON	FIREFIGHTERS OF , LOCAL 3211
	Complainant :
v.	:
TOWN OF NORTH	HAMPTON :
	Respondent
	:

CASE NO. F-0140:5 DECISION NO. 93-160.

ORDER AFFIRMING DECISION

This matter having been pled by an Unfair Labor Practice (ULP) complaint filed by the Union on February 10, 1993, answered by the Town on February 25, 1993, and heard by the PELRB on April 27, 1993 with Decision No. 93-82, issuing on July 20, 1993, the Town filed a Motion for Rehearing on August 6, 1993 which was granted by Decision No. 93-120 issuing on September 7, 1993. This matter then came before the PELRB for rehearing on December 2, 1993 at which time the PELRB, meeting at its offices in Concord, New Hampshire, took the following actions:

- 1. It reviewed the ULP filed February 10, 1993 and the answer filed February 25, 1993.
- It reviewed its Decision No. 93-82 dated July 20, 1993 and the granting of the Motion for Rehearing dated on September 7, 1993 in Decision No. 93-120.
- 3. It heard arguments by the parties on rehearing and determined:
 - a) that new no evidence was presented to cause it to reverse its findings and decision in Decision No. 93-82;
 - b) that the relief granted in Decision No. 93-82 was warranted in order to accord the individual complainant represented by the Union the same

treatment accorded to other firefighters employed by the Town when they attained permanent status;

- c) that the awarding of permanent status to Complainant Fredette on a retroactive basis was a discretionary act accomplished by the Town and cannot now be retracted or modified as the result of the wage dispute which is a part of these proceedings;
- d) that the practice was and has been for entry level permanent firefighters to be paid at the rate of \$434.00 per week, the same rate awarded Complainant Fredette in PELRB Decision No. 93-82 in order to afford consistent and equitable treatment; and
- e) that the PELRB's decision of July 20, 1993 (Decision No. 93-82), as well as the relief contained therein, is hereby AFFIRMED with the remedy to be implemented forthwith.

So ordered.

Signed this 14th day of December, 1993.

Alternate Chairman

By unanimous vote. Alternate Chairman presiding. Members Richard Roulx and E. Vincent Hall present and voting.