



State of New Hampshire

PUBLIC EMPLOYEE LABOR RELATIONS BOARD

TEAMSTERS LOCAL 633 OF
NEW HAMPSHIRE

Complainant

v.

GRAFTON COUNTY SHERIFF'S
DEPARTMENT

Respondent

CASE NO. M-0725

DECISION NO. 96-040

APPEARANCES

Representing Teamsters Local 633 of NH:

Thomas D. Noonan

Representing Grafton County Sheriff's Dept.:

Renny Perry

Also appearing:

Arthur P. Bourio, Jr., Grafton County
Paul C. Leavitt, Grafton County
Ernest Towne, Grafton County
Charles Barry, Grafton County
Gerald Grimes, Grafton County
Richard A. Greenwood, Grafton County

BACKGROUND

Teamsters Local 633 of New Hampshire (Union) filed a petition for certification of a bargaining unit for employees of the Grafton County Sheriff's Department on February 21, 1996. Grafton County (County) filed a response on March 13, 1996. The

matter was heard before the undersigned hearing officer on April 22, 1996. The record was held open until May 2, 1996, for the receipt of certain job descriptions from the County.

FINDINGS OF FACT

1. In its petition of February 21, 1996, Teamsters Local 633 requested certification for a bargaining unit within the Grafton County Sheriff's Department, to consist of fifteen members in three positions: Deputy Sheriff (6), Communications Specialist (8) and Criminal Records Secretary (1). Excluded were the positions of Sheriff for reasons of supervision and Civil Division Secretary because of the confidential nature of the position.
2. The County objected stating that the proposed unit was not drawn sufficiently inclusive. Its response of March 13 advanced the inclusion of the following positions: Civil Division Secretary (1), Part-time Communications Specialists (5), Sergeants (2) and Bailiffs (12).
3. The parties reached a pre-hearing agreement to include three of the four job titles named in Finding No. 2: Civil Division Secretary, Part-time Communications Specialist and Sergeants. Grafton County reversed its position on the inclusion of the position of Bailiff favoring exclusion of the four who are solely Bailiffs but inclusion of those eight Bailiffs who are also Special Deputies.
4. The Union objected to the introduction of a new job title, Special Deputy, for lack of notice. The objection was noted and held in abeyance. Three separate job descriptions were submitted by the County were for the positions of Bailiff, (entitled Court Security Officer), Deputy Sheriff and Special Deputy Sheriff.
5. A review of the job descriptions of the Deputy Sheriff and the Special Deputy Sheriff revealed that the twelve specific duties of the Special Deputy are among the fourteen specific duties of the Deputy Sheriff position. The Deputy Sheriff has two additional duties: 1. locating individuals

to be served with process such as capias or warrants; 2. maintaining motor vehicles and other County property issued Deputies.

6. Both Special Deputy Sheriffs and Deputy Sheriffs are certified as police officers. They wear the same uniform, receive the same training and perform most of the same duties. Deputy Sheriffs and Special Deputies sometimes work together such as when performing outside assignments or transporting prisoners. Testimony and documentary evidence show that the Special Deputy Sheriff functions as a regularly scheduled part-time Deputy Sheriff. As a part-time employee, the Special Deputy has no benefit package. According to testimony and documentary evidence, the Special Deputy position is not different from the Deputy Sheriff position in other material ways.

DECISION AND ORDER

The Union's objection to consideration of the position of Special Deputy on account of surprise is overruled. The Union is not prejudiced since no new position with significantly different duties is being considered.

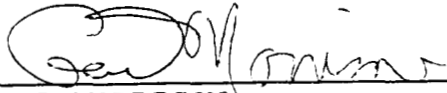
RSA 273-A:8 places authority for determining and certifying bargaining units with the Public Employee Labor Relations Board. In making a determination, the principle of community of interest must guide. Questions at the hearing addressed the job duties of the combined position of Bailiff/Special Deputy. However, the job descriptions submitted do not address an actual combined position. Bailiff and Special Deputy Sheriff are two separate part-time positions usually held by one person in Grafton County. They are allowed to function symbiotically for the benefit of the Court, which employs Bailiffs, and for the benefit of the Sheriff's Department, which employs Special Deputy Sheriffs.

The proposed bargaining unit, as amended at the hearing of April 22, 1996, is accepted as the agreement of the parties. In addition, the position of Special Deputy Sheriff shall be included since the position shares a sufficient community of interest, both self-felt and by objective standards, to allow mutual negotiations. The appropriate bargaining unit to be certified shall consist of thirty-one members holding seven different positions: Sergeants (2), Deputy Sheriffs (6), Special Deputy Sheriffs (8), Communications Specialists (8) Part-time

Communication Specialists (5), Criminal Records Secretary (1),
Civil Division Secretary (1).

So ordered.

Signed this 24th day of May, 1996.



GAIL MORRISON
Hearing Officer