

State of New Hampshire

PUBLIC EMPLOYEE LABOR RELATIONS BOARD

HANOVER PUBLIC WORKS
EMPLOYEES

Petitioner

v.

A.F.S.C.M.E., LOCAL 1348

Respondent

CASE NO. A-0576:2

DECISION NO. 96-121

APPEARANCES

Representing Town of Hanover Public Works Employees:

Bernard Hazlett, Hanover Public Works Employee
Matthew Barker, Hanover Public Works Employee

Representing A.F.S.C.M.E., Local 1348:

None present

BACKGROUND

On November 7, 1996, Bernard Hazlett, member of the bargaining unit within the Town of Hanover Department of Public Works, which is represented by American Federation of State, County and Municipal Employees Local 1348 (A.F.S.C.M.E.), filed a petition for decertification of the bargaining unit of which he is a member. On November 20, 1996, James Anderson, staff representative for A.F.S.C.M.E., Council 93, filed an answer in which he objected to the petition and requested its dismissal. A hearing was set for December 18, 1996, and notice was sent to the parties on November 21, 1996. When the hearing was convened on December 18, 1996, only the petitioning party was present. No one appeared for the respondent, A.F.S.C.M.E., Local 1348. Upon telephone inquiry, the undersigned hearing officer ascertained from James Anderson that he had long been aware of the hearing but that no A.F.S.C.M.E. representative would appear. An informal hearing was conducted and a tape recording was made of

the proceedings. Thereupon, the hearing officer determined that the petition was in order and that the petitioner understood the consequences of the petition and the remedy he sought.

FINDINGS OF FACT

1. A.F.S.C.M.E., Local 1348 was certified as the bargaining agent for the Town of Hanover Department of Public Works bargaining unit on August 19, 1994.
2. Among the job titles represented in the twenty-two member bargaining unit is that of equipment operator.
3. On November 7, 1996, a petition for decertification accompanied by the requisite signature cards was filed by Bernard Hazlett, equipment operator, whose position is represented in the aforesaid bargaining unit.


DECISION AND ORDER

In order to hear the objections raised by Mr. James Anderson, representative of the incumbent certified bargaining agent, a hearing was set on the matter of the decertification petition filed by Mr. Hazlett for employees of the Hanover Public Works Department. When Mr. Anderson failed to appear, inquiry was made pursuant to RSA 273-A:10 (b). Mr. Hazlett alleges that A.F.S.C.M.E., Local 1348 no longer represents the majority of employees in the bargaining unit and so should be decertified as bargaining agent for the employees of the Town of Hanover Department of Public Works.

Based on the petition and the results of the inquiry made of those attending the hearing, it is determined that grounds exist for conducting an election on the matter of decertifying A.F.S.C.M.E., Local 1348, the bargaining unit within the Town of Hanover Public Works Department. A date shall be set forthwith for a decertification election pursuant to RSA 273-A:10.

So ordered.

Signed this 27th day of December, 1996


Gail C. Morrison
Hearing Officer