

State of New Hampshire

PUBLIC EMPLOYEE LABOR RELATIONS BOARD

_____		:
AFSCME COUNCIL 93 for	:	
LITCHFIELD TOWN EMPLOYEES	:	
	:	
Petitioner	:	
	:	
v.	:	CASE NO. A-0589
	:	
TOWN OF LITCHFIELD	:	DECISION NO. 1999-104
	:	
Respondent	:	
_____		:

PRE-HEARING CONFERENCE MEMORANDUM AND ORDER

BACKGROUND

On September 3, 1999, AFSCME Council 93 Litchfield Town Employees filed a petition to certify a bargaining unit to consist of thirty-eight (38) members in eleven (11) job classifications. On September 17, 1999, the Town of Litchfield filed three exceptions to the petition based on the "on call" status of twenty-seven positions (firefighters), challenging the deputy town clerk as an appointee, and finally contesting the number of remaining positions as insufficient in number for certification of a bargaining unit. A pre-hearing conference was held on October 8, 1999. AFSCME was represented by Harriet Spencer, Field Representative, and the Town of Litchfield was represented by Reynold Perry, Labor Relations Consultant.

STIPULATED ISSUES

1. Whether the twenty-seven firefighters are "public employees" eligible for bargaining unit membership or are they "on call" and therefore excluded pursuant to RSA 273-A:1 IX (d).
2. Whether the deputy town clerk is a "public employee" eligible for bargaining unit membership or is she and "appointee" and therefore excluded pursuant to RSA 273-A:IX (b) and ineligible for other reasons.
3. Whether there are a sufficient number of employees eligible for bargaining unit membership to meet the numerical requirement (10) of RSA 273-A:8 I (d).

EXHIBITS

Union Exhibit No. 1. Rules and Regulations Covering the Department

of Fire and Rescue

Union Exhibit No. 2. Personnel Policy for Town Employees
 Union Exhibit No. 3. Excerpt from 1998 Town Report, pages 78-81
 Union Exhibit No. 4. Litchfield Fire Department, Member Call Response,
 1998
 Union Exhibit No. 5. PELRB Decision No. 1998-057
 Union Exhibit No. 6. PELRB Decision No. 1996-066

Town Exhibit No. 1. Weekly Rosters, January 2, 1999-August 28, 1999

Copies are to be submitted to the presiding officer pursuant to Pub 203.02.

WITNESSES

The Union intends to call the following witnesses:

Michael Stanhope, full-time firefighter
 Tim Kearns, firefighter
 Keith Markkarawicz, firefighter

The Town intends to call the following witnesses:

Brent Lemire, Chief of the Litchfield Fire Department

TIME REQUESTED AND METHOD OF CLOSING

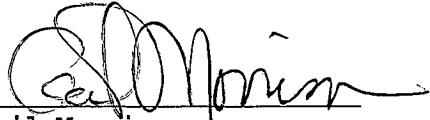
The parties expect to conclude the hearing within 3 hours. One half day shall be reserved for the hearing. The parties intend to prepare oral summations.

DECISION AND ORDER

The parties reserve the option of amending their list of exhibits and list of witnesses as well as their decisions regarding the method of closing. A hearing on the above captioned matter is in order and it shall be scheduled for 1:30 post meridian on October 27, 1999. Notice shall be sent under separate cover. The agreements of the parties referenced herein are adopted as they pertain to the conduct of the hearing.

So ordered.

Signed this 12th day of October, 1999.


 Gail Morrison
 Hearing Officer