



State of New Hampshire
PUBLIC EMPLOYEE LABOR RELATIONS BOARD

Gilford Professional Firefighters,
IAFF Local 3517

Petitioner

v.

Gilford Fire-Rescue Board of Fire Engineers

Respondent

*
*
*
*
*
*
*
*
*
*
*
*

Case No: F-0148

Decision No. 2004-186

Certification Petition

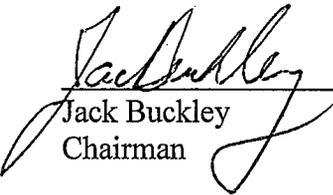
MOTION FOR REVIEW OF A DECISION OF HEARING OFFICER

The Public Employee Labor Relations Board ("Board"), meeting at its offices in Concord, New Hampshire, took the following actions:

1. It reviewed Local 3517's Motion for a Review of a Decision of a Hearing Officer, filed with the Board on July 16, 2004.
2. It reviewed the Hearing Officer's Decision (PELRB Decision No. 2004-089), dated June 17, 2004.
3. It examined the record in this matter, including Local 3517's Petition for Certification, the Board of Fire Engineers' exceptions thereto, and the parties' post-hearing memorandums of law.
4. It sustained the decision of the Hearing Officer and DENIED the Petitioner's Motion for Review.
5. Based upon the foregoing, it determined that the Board of Fire Engineers' Motion to Re-file Objection to Motion for Rehearing, filed on November 17, 2004, was moot and therefore declined to rule upon it.

So ordered.

Signed this 3rd day of December, 2004.



Jack Buckley
Chairman

By majority vote. Chairman Jack Buckley and Alternate Member Carol Granfield voting in the majority. Member E. Vincent Hall voting in the minority.

Member Hall's dissenting opinion:

Based upon my review of this case, I find that there is insufficient evidence of supervisory authority involving "the significant exercise of discretion" on the part of the lieutenants and the captain to require their exclusion from the proposed bargaining unit. I agree with Local 3517 that the supervisory activities of the lieutenants and the captain are primarily governed by professional norms that restrict their discretionary authority, and that true supervisory authority within the fire department rests with the fire chief and deputy fire chief. The fact that the fire officers have not disciplined firefighters further indicates to me that they do not have genuine disciplinary authority. I also question the Hearing Officer's findings relative to the lieutenants and the captain conducting firefighter performance evaluations, since it appears that the fire chief has now assumed this responsibility.

As a result, I would include the lieutenants and the captain within the proposed bargaining unit and find that the unit otherwise satisfies the statutory minimum of ten (10) or more employees in order to proceed to a representation election.