



STATE OF NEW HAMPSHIRE
PUBLIC EMPLOYEE LABOR RELATIONS BOARD

New England Police Benevolent Association

and

Franklin Police Department

and

Teamsters Local 633 of New Hampshire

Case No. G-0189-2

Decision No. 2012-234

Order

On October 4, 2012 the New England Police Benevolent Association (NEPBA) filed a challenge petition for certification requesting a secret ballot election to resolve a question of representation of an existing bargaining unit consisting of certain employees of the Town of Franklin Police Department (Police Department) currently represented by the Teamsters Local 633 of New Hampshire (Teamsters). See PELRB Certification of Representative and Order to Negotiate, Case No. M-0696 (February 4, 1997). Based on the list of employees, provided by the Police Department on October 16, 2012, the petition is supported by the requisite number of confidential petition authorization cards as required by RSA 273-A:10, I (a); A:10, II; and Pub 301.01 (f), (h), (i), and (k). See PELRB Report re Confidential Inspection of Authorization Cards (October 22, 2012).

The Police Department objects to the election petition on the ground that the composition of the existing bargaining unit is not appropriate. The Police Department claims that the position of Secretary should be excluded from the bargaining unit on the grounds of confidentiality and that one of the patrol positions should be excluded because it is an on call position. For the

following reasons, these objections are insufficient to require dismissal of the representation election petition or prevent the conduct of a secret ballot election to resolve a question of representation of the existing and duly certified bargaining unit.

The Police Department's objections based upon the composition of an existing and duly certified bargaining unit might have been relevant if this petition proposed the creation of a new bargaining unit or requested the modification of an existing bargaining unit. This petition does not request either the creation of a new unit or the modification of an existing unit. Instead, it is a challenge petition requesting a secret ballot election to resolve a question of representation of the already existing bargaining unit. Challenge election petitions do not involve or require the determination of the appropriateness of an existing unit's composition. See *National Correctional Employees Union & County of Merrimack & State Employees' Association of New Hampshire, Inc., SEIU Local 1984*, PELRB Decisions Nos. 2010-208 & 2012-100. See also *New England Police Benevolent Association and Town of North Hampton and Teamsters Local 633 of New Hampshire*, PELRB Decision No. 2011-007. Accordingly, the Police Department's objections based on the composition of the existing bargaining unit are not relevant and are overruled.

The incumbent exclusive representative did not object to the NEPBA's election petition.

Based on the foregoing and on the parties' submissions in the case, there are no issues of material and relevant fact in dispute which would require a hearing. See Pub 201.06 (a). The submissions and the applicable law require that the PELRB proceed with the conduct of a secret ballot election to resolve a question of representation of the following existing bargaining unit:

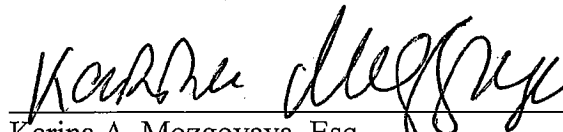
All regular Patrol Officers, Master Patrol Officers, Detective Patrol Officers, Youth Services Officers, Regular (full time) Dispatchers, Secretaries, Clerk Typists.

Excluded: Chief of Police, Lieutenants, Administrative Secretary, Sergeants, Dispatcher, and Detective Sergeants.

Accordingly, an Order for Election shall be issued forthwith and a pre-election conference shall be scheduled in accordance with Pub 303.02.

So ordered.

October 22, 2012


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