

Hampstead Police Union, NEPBA Local 37 and Town of Hampstead, Decision No. 2008-071 (Case No. P-0796).

Background: The union filed a written majority authorization certification petition seeking to certify a unit. The proposed unit included positions of a sergeant and a dispatcher-clerk. The town filed exceptions asserting that the signature cards submitted by the union failed to comply with Pub 301.05; that sergeants are supervisory employees; and that dispatcher-clerks are confidential employees and do not share a sufficient community of interest with the rest of the unit.

Decision: The PELRB found that a sergeant's supervisory control did not rise to the level of significant exercise of discretion that would mandate exclusion from the bargaining unit; that a sufficient community of interest existed between the dispatcher-clerks and the other positions in the proposed bargaining unit; and that the dispatcher-clerk position was not confidential and, therefore, remained eligible for union membership. The PELRB also found that only those part-time patrol officers whose status was stipulated to by the parties as "regularly scheduled" would be included in the bargaining unit. The PELRB granted the petition for certification.

Disclaimer: This summary is intended to provide a brief description of the issues in this case and the outcome. The summary is not a substitute for the decision, should not be relied upon in place of the decision, and should not be cited as controlling or relevant authority in PELRB proceedings or other proceedings.