

**AFSCME Council 93, Local 3657 and Town of Merrimack**, Decision No. 2010-010 (Case No. G-0002-2)

**Background:** The Union filed a petition for modification seeking to add certain positions to the existing bargaining unit. The Town objected to the modification claiming that certain positions the Union sought to add were supervisory and confidential positions and that the positions to be added did not share community of interest with the current members of the bargaining unit. Prior to the hearing the parties reached an agreement regarding all positions except the positions of Deputy Police Chief and Assistant Fire Chief.

**Decision:** The Union's request to add the positions of Deputy Police Chief and Assistant Fire Chief were denied on the ground that these positions were supervisory within the meaning of RSA 273-A:8, II in that the Deputy Police Chief and the Assistant Fire Chief exercised supervisory authority involving significant exercise of discretion and, therefore, could not belong to the same bargaining unit as the employees they supervised.

***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.***