

**New England Police Benevolent Association and Town of Henniker**, Decision No. 2011-248  
(Case No. G-0156-2).

**Background:** The Union filed a written majority authorization petition seeking certification as an exclusive representative of the proposed bargaining unit consisting of certain positions within the Henniker Police Department. The Town objected claiming, among other things, that the proposed bargaining unit did not contain a minimum of ten employees with the same community of interest as required under RSA 273-A:8 and that it contained seasonal, temporary, probationary and confidential employees in violation of RSA 273-A:1, IX (d) and RSA 273-A:1, IX (c), respectively.

**Decision:** The position of Crossing Guard was excluded from the proposed bargaining unit because the evidence was insufficient to prove that this position shared a community of interest with the other members of the proposed bargaining unit as required under RSA 273-A:8. Because, after the exclusion of Crossing Guards, the proposed bargaining unit did not contain a minimum of ten employees required under RSA 273-A:8, I, the petition for certification was denied.

*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.*