

**New Hampshire State Police Command Staff/New Hampshire Troopers Association and State of New Hampshire, Department of Safety, Division of State Police**, Decision No. 2015-028 (Case No. G-0222-1) For Board decisions on the motions for review of hearing officer decision and rehearing, see Decision Nos. 2015-123 and 2015-170.

**Background:** The Union filed a petition for certification seeking to represent state police command staff employees whom they also sought to remove from the existing bargaining unit represented by the State Employees' Association. The State objected to the inclusion of the Executive Major in the proposed bargaining unit on the ground that the Executive Major was a supervisory and confidential employee within the meaning of RSA 273-A:8, II and RSA 273-A:1, IX (c), respectively.

**Decision:** The State's objection was overruled and the Executive Major position was included in the command staff bargaining unit because the evidence was insufficient to establish that the Executive Major was a confidential employee within the meaning of RSA 273-A:1, IX (c); because the Executive Major did not exercise supervisory authority involving the significant exercise of discretion and, therefore, was not a supervisory employee within the meaning of RSA 273-A:8, II; and because the Executive Major shared a community of interest with other employees in the command staff bargaining unit.

***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.***