

National Correctional Employees Union and Hillsborough County Department of Corrections and AFSCME Local 3657, Hillsborough County Department of Corrections Employees, Decision No. 2016-299 (Case No. G-0018-6).

Background: The NCEU filed a challenge petition for certification requesting a secret ballot election to resolve a question of representation of the existing County Department of Corrections (HCDC) “rank-and-file” bargaining unit represented by the AFSCME. The NCEU also previously filed a separate challenge petition for certification seeking to represent the “supervisory” employees of the HCDC, was successful in its challenge, and was certified as the exclusive representative of that bargaining unit. The HCDC objected to the NCEU’s petition to represent the “rank-and-file” bargaining unit on the ground that simultaneous representation of supervisory employees’ unit and the subordinate employees’ unit violated RSA 273-A:8, II and *Appeal of Manchester Board of School Committee*, 129 N.H. 151 (1987) and contained inherent conflicts that would interfere with the HCDC’s ability to effectively direct the workforce and maintain public control over governmental functions. The HCDC and AFSCME jointly requested dismissal of the challenge petition.

Decision: The HCDC’s and the AFSCME’s motion to dismiss was granted based on RSA 273-A:8, II and the Supreme Court’s interpretation of that statute in *Appeal of Manchester Board of School Committee*, 129 N.H. 151. The NCEU’s challenge petition for certification was dismissed.

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.