



State of New Hampshire  
PUBLIC EMPLOYEE LABOR RELATIONS BOARD

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Dover Police Association	*	Case No. P-0747
	*	
	*	
Petitioner	*	
and	*	Decision No. 2004-013
	*	
City of Dover	*	
	*	
Respondent	*	
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AMENDED CERTIFICATION OF REPRESENTATIVE

A representation proceeding having been previously conducted by the Public Employee Labor Relations Board in accordance with RSA 273-A, and the Rules and Regulations of the Board, which resulted in the selection of an exclusive representative, and where a "Notice of Disaffiliation" was filed and approved by the Board (see Decision No. 2004-012), then

Pursuant to the authority vested in the Board by the Public Employee Labor Relations Act, IT IS HEREBY CERTIFIED that the DOVER POLICE ASSOCIATION, is the exclusive representative of the employees of the above named public employer, in the unit as described below, for purposes of collective negotiations and the settlement of grievances.

UNIT: Dispatcher, Parking Enforcement Officers, Police Officers, Clerk Typist I & II, Secretary & Custodian.

Further, IT IS ORDERED that the above named public employer shall negotiate collectively with the exclusive representative named herein on terms and conditions of employment for the members of the bargaining unit, as herein described, and shall recognize the right of such exclusive representative to represent employees in the settlement of grievances.

Signed this 9th day of March, 2004.

  
\_\_\_\_\_  
JACK BUCKLEY  
Chairman



State of New Hampshire  
PUBLIC EMPLOYEE LABOR RELATIONS BOARD

In the Matter of

Dover Police Association

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Case No. P-0747

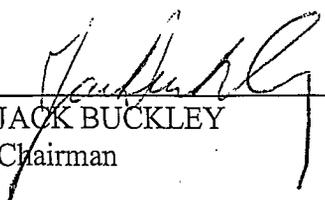
Decision No. 2004-012

ORDER GRANTING NEW AFFILIATION

A "Notice of Disaffiliation" was filed with the Board on January 29, 2004 pursuant to Admin. Rule Pub 301.04. Upon representations of Stephen M. Meserve that the requirements of Admin. Rule Pub 301.04 have been fulfilled, and that no objection to the change in affiliation has been filed, it is

ORDERED that the previous affiliation with IBPO Local 466 is DISSOLVED and the exclusive representative shall be the Dover Police Association.

Signed this 19th day of February 2004.

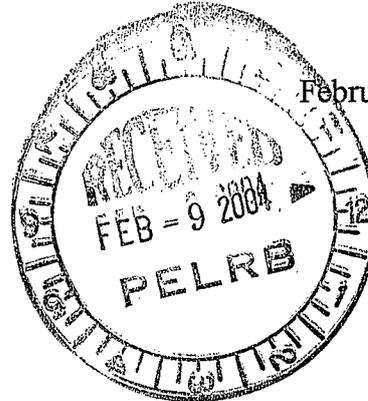
  
\_\_\_\_\_  
JACK BUCKLEY  
Chairman

Distribution: Stephen M. Meserve, President DPA  
John Centola, IBPO National Representative

# Dover Police Association

PO Box 752  
Dover NH, 03821-0752

February 6, 2004



Public Employee Labor Relations Board  
153 Manchester Street  
GAA Plaza, Bldg 1  
Concord, NH 03301

Re: January 29, 2004 Letter Response

To Whom It May Concern:

On January 29, 2004 a letter was sent to your Office seeking approval to disaffiliate with the International Brotherhood of Police Officers. This request was denied by your office. Your response to us also stated the reasons why our request was denied and how we could continue with the process if we so chose.

Your response indicated that the DPA did not follow Pub 301.04 Section (2) in regards to notification and time requirements. Below is a time line of the events that led up to the vote on this topic. This time line is being presented to show you that the members of the Bargaining Unit were aware of this proposed change in the status of our organization much longer than the two weeks required by Pub 301.04 (2) and that the vote to disaffiliate from the IBPO was also conducted pursuant to the DPA By-Laws.

December 12, 2003: A Union Meeting was held pursuant to our bylaws. As part of that meeting a Sub-committee was formed to evaluate whether the DPA should stay with the IBPO, or if we should disaffiliate with them. The whole Union was advised that once the Sub-committee was finished with their research that the whole Union would be given a presentation and a vote on the issue would be held.

This Sub-committee was chaired by Officer David Terlemezian. The Union Members were all given a copy minutes for this meeting and were also advised that a Sub-committee member would be speaking with each one of them regarding this issue. The email containing those minutes has been submitted with this letter.

January 15, 2004: Two emails have been submitted showing that the Regional Representative for the IBPO was brought to Dover on this date to discuss the IBPO and how it benefits the members of our Union.

# Dover Police Association

PO Box 752  
Dover NH, 03821-0752

- January 19, 2004: An email was sent to the Sub-committee outlining all the information obtained to date. This email has been submitted with this letter.
- January 21, 2004: The Sub-committee interviews a possible Law Firm to handle the DPA legal representation. The Sub-committee decided that it had enough information to bring the issue back to the whole Union and vote on the issue.
- January 21, 2004: A Union Meeting notice and agenda is posted pursuant to our By-Laws. A copy of this notice has been submitted with this letter.
- January 23, 2004: The IBPO Regional Representative is again spoken with regarding this issue by Officer Stephen Meserve.
- January 29, 2004: Another Law Firm is interviewed regarding handling our legal representation if we were to disaffiliate with the IBPO.
- January 29, 2004: A Union Meeting is held and a presentation is given regarding the research done by the Sub-Committee. The Union then held a secret ballot vote on this issue. A sample ballot and a notarized letter detailing the results have been submitted.
- January 29, 2004: The IBPO Regional Representative is notified of the vote and the decision to disaffiliate with them. The Regional Representative advises that he understands a letter to the PELRB is what we need to file and that the IBPO will not fight this decision by the DPA.

The following is a list of the pertinent information for this disassociation request:

**Petitioner:**

The Dover Police Association  
PO Box 752  
Dover, NH 03821-0752

**Public Employer:**

Paul Beecher, City Manager  
City of Dover New Hampshire  
288 Central Avenue  
Dover, NH 03820

# Dover Police Association

PO Box 752  
Dover NH, 03821-0752

## **Exclusive Representative:**

International Brotherhood of Police Officers  
159 Burgin Parkway  
Quincy, MA 02169

## **Composition of Certified Unit:**

Active Members shall consist of employees of the Dover Police Department who are designated as either full or part time employees and who are sworn Police officers or non-sworn Dispatchers, parking enforcement officers, Animal Control Officers, Secretaries and Custodians, duly appointed Police Officers of the Dover Police Department and permanent non-sworn members of the Police Department, excluding the secretary to the Chief of Police, the Chief of Police and all officers with the rank of Sergeant and above or who are assigned in a supervisory position of any unit or bureau within the Police Department Supervisor and above. New members shall be elected by the majority vote of those Active members present and voting at any regular meeting of the Association.

Respectfully,



Stephen M. Meserve, President  
Dover Police Association

Enclosures.

**Meserve, Stephen**

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**From:** Meserve, Stephen

**Sent:** Thursday, December 11, 2003 1:25 PM

**To:** Watkinson, Lance; Bortz, Brian D.; Boston, Kerry A.; Breault, William; Burt, Timothy; Collopy, Mark; Crowley, Carol L.; Cummer, Brian; Daggett, Christopher; Dolleman, Brant; Gebers, Daniel; Gould, Brad; Harrington, Janine; Jacobsen, Lisa C.; Janis, Joan; Keefe, Timothy J.; Kennedy, Sean C; Kilbreth, Patrick; Ladisheff, Kathy; Leno, Mark A.; Lepkowski, John F.; Martinelli, David W.; Meserve, Stephen; Meyer, Christopher; Miller, Brian C.; Morin, Robert R.; Morse, Asa; Murch, Michelle; Orr, Sharon L.; Petrin, Scott M; Pettingill, Scott; Shepherd, Richard W.; Terlemezian, David A.; Usher, John P.; Watkins, George

**Cc:** Burlingame, Rachel; Caproni, Joseph; Dwyer, Stephen; Gaphardt, Clark; Johnson, Brian D.; Lawson, Lisa; Levin, Paul; Martel, Lyndsay; Mitrushi, Alexander K.; Tarmey, John A.; Tetreault, Jeremy; Yerardi, James

**Subject:** DPA Meeting

All,

Detective Miller is on vacation, but called and asked that I get an email out about the meeting tomorrow.

The DPA meeting for tomorrow (12/12/2003) at 9:15 hours in the conference room in the McConnell Center is still on schedule. We need to have active members present as there are several things that we need to discuss and vote on like new members and new board members.

Listed in the "cc..." section of this email are all the new employees that I believe are eligible for membership. If these people want to join the Union then they should plan on attending the meeting for more information. If they can not attend then they can get info from any current DPA board member.

Officer Stephen M. Meserve  
City of Dover NH Police Department  
46 Locust Street  
Dover NH, 03820  
Office: (603)-516-3273  
Fax: (603)-749-3956

2/6/2004

## Meserve, Stephen

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**From:** Meserve, Stephen

**Sent:** Friday, December 05, 2003 12:51 PM

**To:** Watkinson, Lance; Bortz, Brian D.; Boston, Kerry A.; Breault, William; Burt, Timothy; Collopy, Mark; Crowley, Carol L.; Cummer, Brian; Daggett, Christopher; Dolleman, Brant; Gebers, Daniel; Gould, Brad; Harrington, Janine; Jacobsen, Lisa C.; Janis, Joan; Keefe, Timothy J.; Kennedy, Sean C; Kilbreth, Patrick; Ladisheff, Kathy; Leno, Mark A.; Lepkowski, John F.; Martinelli, David W.; Meserve, Stephen; Meyer, Christopher; Miller, Brian C.; Morin, Robert R.; Morse, Asa; Murch, Michelle; Orr, Sharon L.; Petrin, Scott M; Pettingill, Scott; Shepherd, Richard W.; Terlemezian, David A.; Usher, John P.; Watkins, George

**Subject:** Union Meeting

All,

The next Union meeting will be next Friday, December 12, 2003 at 9:15am. The meeting will be held in the Y2Y conference room in the McConnell Center. New Officers/employees will be invited to the meeting and will be given the opportunity to join the Union. We will be having elections and discussing several issues surrounding the Union at this meeting. An agenda of the meeting will be sent out next week for all to review and give input.

Thanks,

Officer Stephen M. Meserve  
City of Dover NH Police Department  
46 Locust Street  
Dover NH, 03820  
Cell: (603)-396-4448  
Pager: (603)-564-8945  
Office: (603)-516-3273  
Fax: (603)-749-3956

2/6/2004

**Meserve, Stephen**

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**From:** Meserve, Stephen

**Sent:** Friday, December 12, 2003 3:15 PM

**To:** Watkinson, Lance; Bortz, Brian D.; Boston, Kerry A.; Breault, William; Burlingame, Rachel; Burt, Timothy; Collopy, Mark; Crowley, Carol L.; Cummer, Brian; Daggett, Christopher; Dolleman, Brant; Gebers, Daniel; Gould, Brad; Harrington, Janine; Jacobsen, Lisa C.; Janis, Joan; Johnson, Brian D.; Keefe, Timothy J.; Kennedy, Sean C; Kilbreth, Patrick; Ladisheff, Kathy; Leno, Mark A.; Lepkowski, John F.; Martinelli, David W.; Meserve, Stephen; Meyer, Christopher; Morin, Robert R.; Morse, Asa; Murch, Michelle; Orr, Sharon L.; Petrin, Scott M; Pettingill, Scott; Shepherd, Richard W.; Terlemezian, David A.; Usher, John P.; Watkins, George

**Subject:** DPA Meeting 12/12/2003

All,

For those that were not present here is the skinny.

1. Election Results:

- a. President: Stephen Meserve
- b. 1<sup>st</sup> VP: John Lepkowski
- c. 2<sup>nd</sup> VP: Brant Dolleman
- d. Sgt. at Arms: Chris Daggett
- e. Secretary: Kerry Boston
- f. Treasurer: Melissa Young

2. A committee was formed to evaluate whether to stay with the IBPO or return to an Association. Their results will be present to the Union in January or February.
3. A committee will be formed to coordinate Detective Miller's retirement party. It was not discussed because he was present at the meeting.
4. Discussion was had about conducting some social events for the Union, but nothing was set in stone.
5. Discussion was had about allowing in Honorary Members and whether or not they would have voting powers. The people in the recent past that would qualify for this I believe are Tom Powers, Bob Tessier, and Brian Miller. No vote was taken on this issue.
6. A copy of the re-written Union By-laws will be distributed to all members for review and suggestions.
7. The issue of the next contract was brought up for discussion. People need to start thinking about the changes in it they would like to see and whether or not they would like to be on the negotiation team. The Team needs to be in place and ready to go by November 2004. This seems like it is a ways off, but I would like to be over prepared and ready to go as soon as possible. If you have ideas please let me know

2/6/2004

so we can start forming a list of the issues we would like to address.

Thanks,

Officer Stephen M. Meserve  
City of Dover NH Police Department  
46 Locust Street  
Dover NH, 03820  
Office: (603)-516-3273  
Fax: (603)-749-3956

2/6/2004

**Meserve, Stephen**

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**From:** Meserve, Stephen  
**Sent:** Friday, January 09, 2004 3:17 PM  
**To:** Terlemezian, David A.; Burt, Timothy; Dolleman, Brant; Martinelli, David W.; Meserve, Stephen; Morin, Robert R.  
**Cc:** Young, Melissa; Boston, Kerry A.; Daggett, Christopher; Lepkowski, John F.  
**Subject:** Jan. 15th Meeting

All,

The regional representative will be coming to Dover on Thursday, January 15<sup>th</sup>, at 5:00pm to meet with us in the McConnell Center to go over things a new Executive Board should be familiar with.

It has taken some time to get this meeting arranged and it was just confirmed, so I apologize for the delay. Do not feel that you need to attend, but he will be discussing how to handle grievance issues, contract issues, how to update our membership list with national, what the IBPO has to offer, and then answer any questions we might have.

He is also bringing a form and will be discussing the change in dues. The dues were raised several years ago and Dover never updated its deductions. The new rate will be 9.25 a week, so I think we need to make sure that those that come to this meeting come with questions to help us better determine if the IBPO is giving us our money's worth.

Please reply if you can make it. The Regional Rep. is planning on meeting with the Executive Board, but I told him there might be some extras.

Officer Stephen M. Meserve  
City of Dover NH Police Department  
46 Locust Street  
Dover NH, 03820  
Office: (603)-516-3273  
Fax: (603)-749-3956

2/6/2004

**Meserve, Stephen**

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**From:** lbponhrep@aol.com  
**Sent:** Tuesday, January 13, 2004 12:47 PM  
**To:** Meserve, Stephen  
**Subject:** IBPO Meeting

Steve,

This is to confirm my meeting with your e-board on:  
Thurs, Jan 15 at 5:00 pm adjacent to the Library in Dover.

Look forward to seeing you then.

John Centola  
IBPO  
603-929-4839 Office  
603-929-0707 Fax

## Meserve, Stephen

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**From:** Meserve, Stephen  
**Sent:** Monday, January 19, 2004 10:10 AM  
**To:** Young, Melissa; Boston, Kerry A.; Daggett, Christopher; Dolleman, Brant; Lepkowski, John F.; Meserve, Stephen; Terlemezian, David A.; Burt, Timothy; Martinelli, David W.; Morin, Robert R.  
**Subject:** IBPO vs. DPA

All,

Wanted to give an update to the discussion and ask for everyone's review.

We are looking at the possibility of ending our association with the IBPO. This is comes at a time when the IBPO is increasing our dues by \$1.15 a week making the weekly due \$9.25 for each member. This has also been a topic since I was hired here, so we felt it was time to look into the issue and make a final decision regarding the matter.

Officer Terlemezian, Officer Dolleman, Officer Burt and I were appointed at our last Union meeting to lead a committee to look into this issue. We have spoken with the IBPO and investigated why we should stay with them and what it would take to disassociate with them. Below is the list that has been produced showing points of interest for the IBPO or the DPA. Please review the list and make comments on it. I would like to get the list finalized and agreed upon before we send it to the entire Union.

### Staying with the IBPO:

- \$9.25 per week
- Limited revenue being returned to us from our dues
- Unlimited Local Representation for all members of the bargaining unit to include those that don't pay dues
- National Representation is limited to cases that NAGE believes it is beneficial to them to fight
- Help with research and negotiations during contract negotiations

### Going to DPA:

- Dues Paydown Plan (1<sup>st</sup> yr = \$8, 2<sup>nd</sup> yr = \$6, 3<sup>rd</sup> yr = \$4, 4<sup>th</sup> yr = \$2, 5<sup>th</sup> = \$1) based on when you come into Union
- 100% of all revenue from dues goes to us
- Unlimited Local Representation for all members of the bargaining unit to include those who don't pay dues
- Create a relationship with Labor Law attorney to handle contract and grievance issues – Don't need to be on retainer
- We handle all our own research and contract negotiations until we decide we need outside help
- Create scholarship program (\$500/yr) from college attending child of DPA member
- Create scholarship program (\$500/yr) from college attending DPA member
- Assume control of an Adopt-the-spot location in downtown or some other Downtown Program
- Retirement Gift of 25% of dues you paid into Union upon completion of 10yrs of police service and retirement from law enforcement
- Summer/Winter gathering for Union members and their families or just significant others

### My Concerns and Thoughts: (all deal with the time since I have been here)

- We stay with the IBPO and several members quit because the dues too high also know they'll get the representation anyway
- If we go to DPA I believe we can make ourselves into a more stronger and unified group
- NAGE can still pull the plug on legal representation so they don't have deep pockets unless they want to
- We have enough intelligent members in the group to be able to easily handle a grievance or negotiate our contract

2/6/2004

- The IBPO has never been able to come in and help us get what we wanted if the Chief wasn't willing to give it to us
- All complaints and grievances I am aware of have been handled and settled with the Chief or City Manager
- The IBPO has never been called into action for some unfair treatment of a member by the Command Staff
- The Chief has said that whatever increases we face in the next contract he will work with us to make sure no one loses any money
- Moving to the DPA really only allows the Chief to tell people that there is no Union in his department and this makes him look better
- If we vote to go to the DPA and at some later point want to go back to the IBPO it will only require another vote by the group
- We lose about \$400 to the IBPO every week that we talk about this and not take it to a vote

After reviewing all the issues and talking with several people I think going to the DPA would be a good choice. We have the ability to go back in the future if we don't think it is working out, but I think going to the DPA will allow us to become a stronger more unified group. Being the DPA will also give us more revenue to create and coordinate more programs that benefit us through community involvement.

I would like to get a response from all of you on this issue and decide if we should take it to the group and ask them to vote on it. If that is the case I would like to do it as soon as possible so we can avoid the due increase to the IBPO and so we can start putting more money into our account. Either way there most likely will be a meeting next week to vote in any new members and create a small subcommittee to start researching items for our next contract negotiation.

Thanks,

Officer Stephen M. Meserve  
City of Dover NH Police Department  
46 Locust Street  
Dover NH, 03820  
Office: (603)-516-3273  
Fax: (603)-749-3956

2/6/2004

## Meserve, Stephen

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**From:** Meserve, Stephen  
**Sent:** Tuesday, December 16, 2003 3:28 PM  
**To:** Terlemezian, David A.; Burt, Timothy; Dolleman, Brant; Martinelli, David W.; Meserve, Stephen; Morin, Robert R.  
**Subject:** IBPO web site

All,

Here is the web site of the IBPO: <http://www.ibpo.org>

I think we need to decide who wants to investigate the IBPO and who wants to investigate the Association. Anyone have a preference on which they are willing to look into? I would suggest that if you like the IBPO then you should be investigating the pros/cons of going back to an Association since you will have a more critical eye.

Let me know what you all want to do. I will then set up the to-do list and see if we can have everything ready for the January/February meeting.

Officer Stephen M. Meserve  
City of Dover NH Police Department  
46 Locust Street  
Dover NH, 03820  
Email: [s.meserve@ci.dover.nh.us](mailto:s.meserve@ci.dover.nh.us)  
Office: (603)-516-3273  
Fax: (603)-749-3956

2/6/2004

**DOVER POLICE ASSOCIATION  
I.B.P.O. LOCAL #466**

**Union Meeting**

**Date:** Thursday, January 29, 2004

**Time:** 9:00am

**Location:** McConnell Center

**Agenda:**

1. Old Business
2. Treasurer Report
3. Voting in New Members
4. DPA vs. IBPO Research Committee Presentation
5. Vote to Disassociate or Remain with IBPO
6. Detective Miller's Retirement Party Discussion
7. Discuss Upcoming Contract Negotiations - Request Written Request to be on Committee
8. Discuss future events/programs for DPA

# **Dover Police Association**

**January 29, 2004 Meeting**

**McConnell Center / 9:00am**

## **Ballot:**

- Stay with IBPO**
- Disassociate from the IBPO**

# Dover Police Association

To Whom It May Concern:

On January 29, 2004 a meeting was held in the McConnell Center at 09:00am for all Union Members. The meeting specifics and its agenda were posted within the police department for 8 days prior to the meeting. Each member of the bargaining unit was also sent an email detailing the meeting and its agenda 2 days prior to the meeting.

One part of the meeting consisted of a vote to either retain the International Brotherhood of Police Officers as the representative for the purpose of collective negotiations and the settlement of grievances, or to disassociate from the I.B.P.O.

The voting process was conducted through secret ballots. 26 votes were obtained from members at the meeting and through absentee ballots. All votes were counted at the end of the meeting and the Union body was advised of the result.

**The election results were:**

**2 votes to retain the IBPO.**

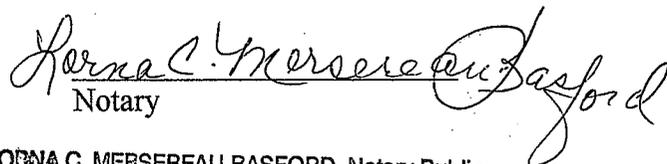
**24 votes to Disassociate from the IBPO.**

  
Stephen M. Meserve  
President of the Dover Police Association

1/29/04  
Date

  
Witness  
DPA Member

1/29/04  
Date

  
Notary

LORNA C. MERSEREAU-BASFORD, Notary Public  
My Commission Expires October 4, 2005



**State of New Hampshire**

**PUBLIC EMPLOYEE LABOR RELATIONS BOARD**

INTERNATIONAL BROTHERHOOD OF  
POLICE OFFICERS

and

DOVER POLICE DEPARTMENT

CASE NO. P-0747:3

CERTIFICATION OF REPRESENTATIVE AND ORDER TO NEGOTIATE

A representation proceeding having been conducted in the above matter by the Public Employee Labor Relations Board in accordance with RSA 273-A, Section 10 and the Rules and Regulations of the Board and it appearing that a negotiating representative has been selected.

Pursuant to the authority vested in the Board by the Public Employee Labor Relations Act, and after the conduct of a representation election,

IT IS HEREBY CERTIFIED that the INTERNATIONAL BROTHERHOOD OF POLICE OFFICERS has been designated and selected by a majority of the employees of the above named Public Employer, in the unit described below, as their representative for the purpose of collective negotiations and the settlement of grievances.

UNIT: Dispatcher, Parking Enforcement Officers, Police Officers,  
Clerk Typist I & II, Secretary and Custodian

Further, IT IS ORDERED that the above named Public Employer shall negotiate collectively with the INTERNATIONAL BROTHERHOOD OF POLICE OFFICERS with an objective to reaching an agreement with the employee organization on terms and conditions of employment, and shall negotiate collectively with such employee organization in the determination of, and administration of, grievances.

Signed this 25th day June, 1997.

  
EDWARD J. HASELTINE  
Chairman



# State of New Hampshire

## PUBLIC EMPLOYEE LABOR RELATIONS BOARD

DOVER POLICE ASSOCIATION

or

INTERNATIONAL BROTHERHOOD OF  
POLICE OFFICERS

and

DOVER POLICE DEPARTMENT

CASE NO. P-0747:3

### TALLY OF BALLOTS

The undersigned agent of the Board certifies that the results of the tabulation of ballots cast in the election held in the above case, and concluded on the date indicated above, were as follows:

- |     |   |                 |
|-----|---|-----------------|
| 1.  | Number of eligible voters.....  | 44              |
| 2.  | Void Ballots.....   | 0               |
| 3.  | Votes cast for...Dover Police Association <input checked="" type="checkbox"/> International Brotherhood<br>of Police Officers   | 20              |
| 4.  | Votes cast for No Representative.....   | 0               |
| 5.  | Votes for <u>Dover Police Assn. (Unaffiliated)</u><br>Votes against participating employee organizations.....   | 16              |
| 6.  | Valid votes counted (sum 3 and 4) <u>and 5</u> .....  | 36              |
| 7.  | Challenged Ballots.....   | 0               |
| 8.  | Valid votes counted plus challenged ballots.....  | 36              |
| 9.  | Challenges are (are not) sufficient in number to affect the results<br>of the election.....   | <u>ARE NOT</u>  |
| 10. | A majority of the valid votes counted plus challenged ballots has<br>(has not) been cast for..Dover Police Association <input checked="" type="checkbox"/> International.....<br>Brotherhood of Police Officers | <u>HAS BEEN</u> |

*W.M. JAE*  
*W.M. JAE*  
*W.M. JAE*

FOR THE BOARD:

*Parker Denaco*

Parker Denaco, Executive Director

The undersigned acted as authorized observers in the counting and tabulating of ballots indicated above. We hereby certify that the counting and tabulating were fairly and accurately done, that the secrecy of the ballots was maintained, and that the results were as indicated above.

We also acknowledge service of this tally.



**State of New Hampshire**  
PUBLIC EMPLOYEE LABOR RELATIONS BOARD

CERTIFICATION ON CONDUCT OF ELECTION

Name of Public Employer: Dover Police Department

Case No.: P-0747:3

Date of Election: June 25, 1997 Place: City Council Chambers, Dover City Hall

The undersigned acted as agents of the Board and as authorized observers, respectively, in the conduct of the balloting at the above time and place.

WE HEREBY CERTIFY that such balloting was fairly conducted, that all eligible voters were given an opportunity to vote their ballots in secret and that the ballot box was protected in the interest of a fair and secret vote.

FOR: DOVER POLICE DEPT.

BY: [Signature]

FOR: DOVER POLICE ASSOCIATION

BY: [Signature]

FOR: International Brotherhood  
Of Police Officers

BY: [Signature]

FOR THE PUBLIC EMPLOYEE LABOR RELATIONS BOARD:

[Signature]

Parker Denaco, Executive Director

FOR: DOVER POLICE DEPARTMENT

BY:

*James Mitchell*

FOR: DOVER POLICE ASSOCIATION

BY:

*William Maloney*

INTERNATIONAL BROTHERHOOD OF  
FOR: POLICE OFFICERS

BY:

*John A. Lawrence*



**State of New Hampshire**

PUBLIC EMPLOYEE LABOR RELATIONS BOARD

DOVER POLICE DEPARTMENT

LIST OF ELIGIBLE VOTERS

X ANDERSON, CHARLES W.

       BERTRAND, DAVID A.

X BOSTON, KERRY ANNE

✓ BRAGDON, JAMES L.

X CLARK, ROBERT J.

✓ CORREIA, EDWARD M.

X COSTELLO, CHRISTOPHER D.

       CROWLEY, CAROL LEE

X DORAN, MICHAEL LJ.

X ENCARNACAO, JOHN A.

X FERRIS, TODD C.

✓ GORDON, SUSAN M.

       HEAPHY, MARTHA E.

16 + 20 + 0

19  
15 + 11 19  
26

JACOBSEN, LISA C.  
 JACQUES, JEFFREY S.  
 JANIS, JOAN  
KERLE, STEPHEN, M.  
 KONDRUP, KELLY S.  
LENO, MARK A.  
 LEPKOWSKI, JOHN F.  
 LEVESQUE, KAREN A.  
 MARSBURY, WILLIAM T.  
 MARTINELLI, DAVID W.  
 MCGLONE, GAIL D.  
 MILLER, BRIAN C.  
 MILLETTE, JASON P.  
 MURPHY, BRENDAN P.  
 MUTTER, JEFFREY F.  
 NICHOLS, GRANT M.  
 ORR, SHARON L.  
 POWERS, THOMAS W.  
REHEAUME, ALBERT H.

X ROWE, PAUL B.

X SCOTT, LINDA A.

X SHEPHERD, RICHARD W.

✓ STINGLEN, THOMAS W.

X TASKER, PHYLLIS C.

X TERLEMEZIAN, DAVID A.

✓ TESSIER, ROBERT J.

       TWEEDY, SAMUEL M.

X UNSWORTH, DANIEL S.

✓ USHER, JOHN P.

X WATKINSON, LANCE D.

       YOUNG, MELISSA A.



**State of New Hampshire**  
PUBLIC EMPLOYEE LABOR RELATIONS BOARD



CERTIFICATE OF POSTING

Parker A. Denaco, Executive Director  
Public Employee Labor Relations Board  
GAA Plaza, Building No. 1  
153 Manchester Street  
Concord, New Hampshire 03301

Dear Mr. Denaco:

This is to advise you that, as per your request, I  
have on 6/9/97 posted 1  
copies of the "Notice of Election" and other necessary  
materials in conspicuous places on your premises.

The material will remain posted until the completion  
of the election.

Very truly yours,

DOVER POLICE DEPARTMENT  
(Name of Public Employer)

By: [Signature]

Title: Chief of Police

Date: 6/9/97



STATE OF NEW HAMPSHIRE  
PUBLIC EMPLOYEE LABOR RELATIONS BOARD

**COPY**

MEMBERS

EDWARD J. HASELTINE, Chairman  
WILLIAM F. KIDDER  
SEYMOUR OSMAN  
E. VINCENT HALL  
RICHARD E. MOLAN, Esq.

GAA Plaza, Building No. 1  
153 Manchester Street  
Concord, New Hampshire 03301  
Tel. (603) 271-2587  
TDD Access: Relay NH 1-800-735-2964

PARKER A. DENACO  
Executive Director

June 7, 1997

Chief William Fenniman  
Dover Police Department  
46 Locust Street  
Dover, N.H. 03820

Dear *Bill* Chief Fenniman:

Enclosed you will find a "Notice of Election", "Ground Rules for Conduct of Election", alphabetical list of eligible voters, sample ballot, instructions to voters and observers, and a "Certificate of Posting".

All forms should be posted as soon as possible. After doing so, please sign the "Certificate of Posting" and return it to me at GAA Plaza, 153 Manchester Street, Concord, N.H. 03301.

The election is scheduled for June 25, 1997 from 7:00 a.m. to 8:30 a.m. and 2 p.m. to 3:00 p.m. at the City Council Chambers, Dover City Hall, 288 Central Avenue, Dover, N.H.

Very truly yours,

*Parker Denaco*  
Parker Denaco  
Executive Director

cc: Peter Phillips, Esq.  
William Malsbury

encs.

PD/nc



## State of New Hampshire

PUBLIC EMPLOYEE LABOR RELATIONS BOARD

### NOTICE OF ELECTION

TO DETERMINE THE REPRESENTATIVE FOR COLLECTIVE NEGOTIATIONS DESIRED BY EMPLOYEES OF:  
DOVER POLICE DEPARTMENT

ON June 25, 1997 election by SECRET BALLOT will be held at City Council Chambers, Dover City Hall, 288 Central Avenue, Dover, N.H.

The polls will be open from: 7:00 a.m. to 8:30 a.m. and 2:00 p.m. to 3:00 p.m.

This election will be conducted by the Public Employee Labor Relations Board for the purpose of determining whether or not the employees described below desire to be represented for the purposes of collective negotiations by:

Dover Police Association or International Brotherhood of Police Officers

The decision of the majority of those actually voting will be determinative.

### ELIGIBILITY OF VOTERS

Those eligible to vote shall be: The Dover Police Association is the sole and exclusive bargaining agent for all employees of the Dover Police Department in the following positions:  
Dispatcher, Parking Enforcement Officers, Police Officer, Clerk  
Typist I & II, Secretary and Custodian

Voters must bring their driver's license or Social Security Card for identification.

### INSTRUCTIONS TO VOTERS

This is an election by SECRET BALLOT. A sample ballot is attached hereto. Official ballots will be distributed at the polling place. **VOTE BY MARKING ONLY "X" IN ONE SQUARE. ANY OTHER MARK WILL VOID YOUR BALLOT.** If you make any mistake in marking your ballot, return it to the Board's agent, who will destroy it immediately and give you another ballot. Fold your ballot and deposit it personally in the ballot box.

MARK ONLY "X" ON YOUR BALLOT, INSIDE ONE SQUARE

DO NOT SIGN YOUR NAME

### AUTHORIZED OBSERVERS

The employer and the employee organization may each designate observer(s), who will be appointed by the Board. These observers will act as watchers at the polling place and assist the Board's agent in identifying voters.

### COUNTING OF BALLOTS

Ballots will be counted by the Board's agent after closing of the polls. Authorized observers may be present.



## State of New Hampshire

PUBLIC EMPLOYEE LABOR RELATIONS BOARD

### GROUND RULES FOR CONDUCT OF ELECTION BETWEEN

DOVER POLICE ASSOCIATION

and

INTERNATIONAL BROTHERHOOD OF POLICE OFFICERS

and

DOVER POLICE DEPARTMENT

1. **NOTICE OF ELECTION:** A notice of election will be posted in the following locations:  
ALL BULLETIN BOARDS
2. **DATE OF ELECTION:** June 25, 1997
3. **PLACE OF ELECTION:** City Council Chambers, Dover City Hall
4. **HOURS OF VOTING:** 7 a.m. to 8:30 a.m. and 2 p.m. to 3:00 p.m.
5. **CHECKLIST OF ELIGIBLE VOTERS:** A list of all eligible voters will be prepared by mutual agreement of the two parties, listing last names first in alphabetical order for easy check-off. List will be available and posted prior to commencement of election on June 25, 1997
6. **BALLOTS:** The ballots shall contain 2 choices either a vote for one of the unions, Dover Police Association or International Brotherhood of Police Officers or "No Representative"
7. **ABSENTEE BALLOTS:** Absentee ballots will not be permitted for the election to be held on June 25, 1997 except in cases of emergencies or previously discussed.
8. **OBSERVERS:** Each party of interest will have one observer present during the election process.
9. **CRITERIA FOR CERTIFICATION:** An employee organization receiving a simple majority of the votes cast shall be certified by the Board as the "exclusive representative" of the bargaining unit.
10. **CERTIFICATION:** Should the ballots result in a winning majority for representation, a certificate of such representation will be provided by the N.H. Public Employee Labor Relations Board.
11. **CONDUCT OF ELECTION:** The election will be conducted by a representative of the N. H. Public Employee Labor Relations Board.



**State of New Hampshire**

PUBLIC EMPLOYEE LABOR RELATIONS BOARD

DOVER POLICE DEPARTMENT

LIST OF ELIGIBLE VOTERS

---

\_\_\_\_\_ ANDERSON, CHARLES W.

\_\_\_\_\_ BERTRAND, DAVID A.

\_\_\_\_\_ BOSTON, KERRY ANNE

\_\_\_\_\_ BRAGDON, JAMES L.

\_\_\_\_\_ CLARK, ROBERT J.

\_\_\_\_\_ CORREIA, EDWARD M.

\_\_\_\_\_ COSTELLO, CHRISTOPHER D.

\_\_\_\_\_ CROWLEY, CAROL LEE

\_\_\_\_\_ DORAN, MICHAEL LJ.

\_\_\_\_\_ ENCARNACAO, JOHN A.

\_\_\_\_\_ FERRIS, TODD C.

\_\_\_\_\_ GORDON, SUSAN M.

\_\_\_\_\_ HEAPHY, MARTHA E.

\_\_\_\_ JACOBSEN, LISA C.  
\_\_\_\_ JACQUES, JEFFREY S.  
\_\_\_\_ JANIS, JOAN  
\_\_\_\_ KERLE, STEPHEN, M.  
\_\_\_\_ KONDRUP, KELLY S.  
\_\_\_\_ LENO, MARK A.  
\_\_\_\_ LEPKOWSKI, JOHN F.  
\_\_\_\_ LEVESQUE, KAREN A.  
\_\_\_\_ MARSBURY, WILLIAM T.  
\_\_\_\_ MARTINELLI, DAVID W.  
\_\_\_\_ MCGLONE, GAIL D.  
\_\_\_\_ MILLER, BRIAN C.  
\_\_\_\_ MILLETTE, JASON P.  
\_\_\_\_ MURPHY, BRENDAN P.  
\_\_\_\_ MUTTER, JEFFREY F.  
\_\_\_\_ NICHOLS, GRANT M.  
\_\_\_\_ ORR, SHARON L.  
\_\_\_\_ POWERS, THOMAS W.  
\_\_\_\_ REHEAUME, ALBERT H.

\_\_\_\_ ROWE, PAUL B.

\_\_\_\_ SCOTT, LINDA A.

\_\_\_\_ SHEPHERD, RICHARD W.

\_\_\_\_ STINGLEN, THOMAS W.

\_\_\_\_ TASKER, PHYLLIS C.

\_\_\_\_ TERLEMEZIAN, DAVID A.

\_\_\_\_ TESSIER, ROBERT J.

\_\_\_\_ TWEEDY, SAMUEL M.

\_\_\_\_ UNSWORTH, DANIEL S.

\_\_\_\_ USHER, JOHN P.

\_\_\_\_ WATKINSON, LANCE D.

\_\_\_\_ YOUNG, MELISSA A.



**State of New Hampshire**

PUBLIC EMPLOYEE LABOR RELATIONS BOARD

**OFFICIAL SECRET BALLOT**

FOR CERTAIN EMPLOYEES OF

DOVER POLICE DEPARTMENT

This ballot is to determine the "exclusive representative" if any, under the provisions of RSA 273-A:10, for the unit in which you are employed.

MARK AN "x" OR "v" IN THE BOX OF YOUR CHOICE

INTERNATIONAL  
BROTHERHOOD OF  
POLICE OFFICERS

\* DOVER POLICE  
\* ASSOCIATION

\*  
\*  
\*  
\*  
\*  
\*  
\*  
\*  
\*  
\*  
\*

\* NO REPRESENTATIVE

\*  
\*  
\*  
\*  
\*  
\*  
\*  
\*  
\*  
\*  
\*

DO NOT SIGN THIS BALLOT OR PLACE ANY MARKS ON IT OTHER THAN IN THE BOX OF YOUR CHOICE. ANY OTHER MARK WILL VOID THIS BALLOT. If you should spoil this ballot, return it to the check point and ask for a new one. Fold and drop in ballot box.



## State of New Hampshire

### PUBLIC EMPLOYEE LABOR RELATIONS BOARD

#### INSTRUCTIONS TO VOTERS

1. All propaganda buttons, placards or advertising **MUST** be removed from clothing or person prior to entering the voting room.
2. Voters **MUST** leave the voting room immediately after depositing his/her ballot.

#### INSTRUCTIONS TO OBSERVERS

1. Observers to the election are to see that the election is conducted in a fair and impartial manner so that each eligible voter has a fair and equal chance to cast a secret, uncoerced ballot, and
2. To assist the Board in the identification of the voters,
3. Observers **MUST NOT** electioneer during the election,
4. Carry on conversations with the voters, or
5. Wear any kind of propaganda buttons, placards or advertising on their clothing or person,
6. The last observers **MUST** remain in the voting place until all ballots are counted in order to verify the tally and attest to the conduct of the election.

OBSERVERS are the official representatives of the parties and should perform their duties with fair and open minds. They must conduct themselves so their action during the election is above reproach. Their sole function is to see that the election is conducted fairly and that the voter has a opportunity to cast a secret, uncoerced ballot.



**State of New Hampshire**  
PUBLIC EMPLOYEE LABOR RELATIONS BOARD

PRE-ELECTION CONFERENCE

FOR: Dover Police Department

CASE NO. P-0747:3

LOCATION: Dover Police Department

TIME: 3:00 p.m. DATE: June 4, 1997

1. APPROVAL OF LIST OF VOTERS delete 4 names as probationary; 44 names approved
2. ELECTION DATE: Wednesday, June 25, 1997
3. VOTING TIME: 7:00-8:30 and 2:00-3:00
4. POLLING PLACES: City Council Chambers, Dover City Hall, 288 Central Ave
5. ELIGIBILITY PERIOD FOR VOTING BY NEW EMPLOYEES: as of today
6. OTHER PROCEDURES: Voting booth or other device to insure voter privacy
7. REPRESENTATIVE FROM BOTH SIDES (OBSERVERS) (Should not be on the list of voters, or Supervisor of person voting)  
EMPLOYER: Dana Mitchell  
EMPLOYEE: IBPO: John ENCARNACAO
8. POSTING OF NOTICES: Employee Petitioners: William Malsburg  
1 copy to Chief Fireman  
1 copy to Peter Phillips  
1 copy to William Malsburg
9. OTHER INFORMATION: Any requests for absentee ballots must be received by Monday, June 16, 1997. Absentee ballots approved for Mark Leno who is/will be in Pennsylvania. No other planned absences. Any other absentee ballots for emergency not known at this time.

*[Handwritten signatures and initials]*



**State of New Hampshire**  
PUBLIC EMPLOYEE LABOR RELATIONS BOARD  
DOVER POLICE DEPARTMENT  
LIST OF ELIGIBLE VOTERS

---

\_\_\_\_\_ ANDERSON, CHARLES W.

\_\_\_\_\_ BERTRAND, DAVID A.

\_\_\_\_\_ BORTZ, BRIAN *probation*

\_\_\_\_\_ BOSTON, KERRY ANNE

\_\_\_\_\_ BRAGDON, JAMES L.

\_\_\_\_\_ CARIGNAN, MARK E. *probation*

\_\_\_\_\_ CLARK, ROBERT J.

\_\_\_\_\_ CORREIA, EDWARD M.

\_\_\_\_\_ COSTELLO, CHRISTOPHER D.

\_\_\_\_\_ CROWLEY, CAROL LEE

\_\_\_\_\_ DORAN, MICHAEL J.

\_\_\_\_\_ ENCARNACAO, JOHN A.

\_\_\_\_\_ FERRIS, TODD C.

*List approved  
GH/97  
[Signature]  
[Signature]*

\_\_\_\_\_ GORDON, SUSAN M.

\_\_\_\_\_ HEAPHY, MARTHA E.

\_\_\_\_\_ JACOBSEN, LISA C.

\_\_\_\_\_ JACQUES, JEFFREY S.

\_\_\_\_\_ JANIS, JOAN

\_\_\_\_\_ KERLEE, STEPHEN, M.

\_\_\_\_\_ KONDRUP, KELLY S.

\_\_\_\_\_ LENO, MARK A.

\_\_\_\_\_ LEPKOWSKI, JOHN F.

\_\_\_\_\_ LEVESQUE, KAREN A.

\_\_\_\_\_ MALSURY, WILLIAM T.

\_\_\_\_\_ MARTINELLI, DAVID W.

\_\_\_\_\_ MCGLONE, GAIL D.

\_\_\_\_\_ MILLER, BRIAN C.

\_\_\_\_\_ MILLETTE, JASON P.

\_\_\_\_\_ MURPHY, BRENDAN P.

\_\_\_\_\_ MUTTER, JEFFREY F.

\_\_\_\_\_ NICHOLS, GRANT M.

\_\_\_\_\_ ORR, SHARON L.

\_\_\_\_ POWERS, THOMAS W.

\_\_\_\_ RHEAUME, ALBERT H.

\_\_\_\_ RHODES, ERIC T. *probationary*

\_\_\_\_ ROWE, PAUL B.

\_\_\_\_ SCOTT, LINDA A.

\_\_\_\_ SHEEHAN, WAYNE M. *probationary*

\_\_\_\_ SHEPHERD, RICHARD W.

\_\_\_\_ STINGLEN, THOMAS W.

\_\_\_\_ TASKER, PHYLLIS C.

\_\_\_\_ TERLEMEZIAN, DAVID A.

\_\_\_\_ TESSIER, ROBERT J.

\_\_\_\_ TWEEDY, SAMUEL M.

\_\_\_\_ UNSWORTH, DANIEL S.

\_\_\_\_ USHER, JOHN P.

\_\_\_\_ WATKINSON, LANCE D.

\_\_\_\_ YOUNG, MELISSA A.

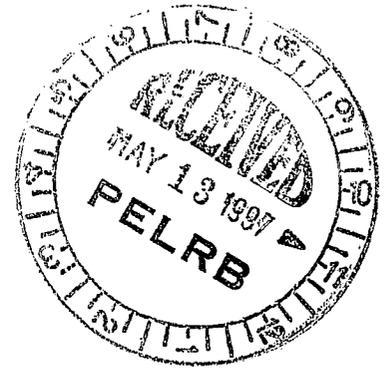
Police Department  
 DPA Membership Listing - I.B.F.O LOCAL #466

Printed: 05/12/97  
 By: Rank & Entry Date

EMPLOYEE	RANK	ADDRESS
MILLER, BRIAN C.	OFFICER/APCT	10 COMMANCHE ST DOVER, NH
LENO, MARK A.	OFFICER/APCT	19 SILVER ST. ROCHESTER, NH
LEPKOWSKI, JOHN F.	OFFICER/APCT	14 WILLEY STREET ROCHESTER NH
STINGLEN, THOMAS W.	OFFICER/APCT	6 ROE FIELDS DR. SO. BERWICK, ME
TESSIER, ROBERT J.	OFFICER/APCT	29 RICHARDSON DR DOVER, NH
MUTTER, JEFFREY F.	OFFICER/APCT	1 OLD ENGLISH VILL #104 DOVER, NH
POWERS, THOMAS W.	OFFICER	20 WATSON DRIVE ROCHESTER, NH
USHER, JOHN P.	OFFICER	414 STOCKDALE CIRCLE ROLLINSFORD N.H
ANDERSON, CHARLES W.	OFFICER	207 MARTHAS WAY DOVER, NH
LEVESQUE, KAREN A.	OFFICER	95 GREEN HILL RD. BARRINGTON, NH
WATKINSON, LANCE D.	OFFICER	92 CHARLES ST ROCHESTER, NH
KERLEE, STEPHEN M.	OFFICER	105 BETTS ROAD ROCHESTER, NH
MALSBURY, WILLIAM T.	OFFICER	21A TANGLEWOOD DR. DOVER, NH
COSTELLO, CHRISTOPHER D.	OFFICER	69 LEGDEVIEW DR. ROCHESTER, NH
CORREIA, EDWARD M	OFFICER	251 OLD DOVER RD. ROCHESTER, NH
ROWE, PAUL B	OFFICER	81 KNOX MARSH ROAD DOVER, NH
MURPHY, BRENDAN P.	OFFICER	22 ELLIOT PARK DOVER, NH
DORAN, MICHAEL J.	OFFICER	106 BARRINGTON EAST BARRINGTON, NH
ENCARNACAO, JOHN A.	OFFICER	4 POWERS DR BARRINGTON, NH
NICHOLS, GRANT M.	OFFICER	11 WOODLAND GREEN ROCHESTER, NH
UNSWORTH, DANIEL S.	OFFICER	392 CENTRAL AV #1 DOVER, NH
FERRIS, TODD C.	OFFICER	392 CENTRAL AV #1 DOVER, NH
MARTINELLI, DAVID W.	OFFICER	1 MERIDIAN DRIVE DOVER, NH
JACQUES, JEFFREY S.	OFFICER	443 STOCKDALE CR ROLLINSFORD, NH
SCOTT, LINDA A.	OFFICER	26 ARBOR CT EXETER, NH
TERLEMEZIAN, DAVID A.	OFFICER	22 BELLAMY WOODS DOVER, NH
CARIGNAN, MARK E.	OFFICER	67D GROVE ST. DOVER, NH
SHEEHAN, WAYNE M.	OFFICER	48 NOTTINGHAM RD RAYMOND
GORDON, SUSAN M.	DISPATCHER	299 LITTLE BAY RD NEWINGTON, NH
TASKER, PHYLLIS C.	DISPATCHER	38A NELSON STREET DOVER, NH
KONDRUP, KELLY S.	DISPATCHER	47 WOOD RD. BARRINGTON, NH
YOUNG, MELISSA A.	DISPATCHER	711 MARTHAS WAY DOVER, NH
SHEPHERD, RICHARD W.	DISPATCHER	15 LAURIER ST. SOMERSWORTH, NH
RHODES, ERIC T.	DISPATCHER	6 TOWLE LANE ROCHESTER, NH
BORTZ, BRIAN	DISPATCHER	
RHEAUME, ALBERT H.	PEO	15 HORNE ST. DOVER, NH
MILLETTE, JASON P.	PEO	91 HENRY LAW AVE DOVER, NH
BRAGDON, JAMES L.	PEO	37 SHAWNEE LN DOVER, NH
BERTRAND, DAVID A.	PEO	51 ADELLE DR. DOVER, NH
MCGLONE, GAIL D.	SECRETARY	25A MYRTLE ST. SOMERSWORTH, NH
CROWLEY, CAROL LEE	CLERK TYPIST I	50 CHURCH STREET GONIC, NH
JANIS, JOAN	CLERK TYPIST I	10 TANGLEWOOD DRIVE DOVER, NH
JACOBSEN, LISA C.	CLERK TYPIST I	3 OLD COLONY RD. DOVER, NH
BOSTON, KERRY ANNE	CLERK TYPIST I	32 ROCKY HILL RD. SOMERSWORTH, NH
HEAPHY, MARTHA E.	CLERK-TYPIST I	10 LEIGHTON WAY DOVER, NH
ORR, SHARON L.	CLERK/TYPIST I	126 MANSON AVE KITTERY, ME
CLARK, ROBERT J.	CUSTODIAN	25 UNION ST. DOVER, NH
TWEEDY, SAMUEL M.	CUSTODIAN	8 HASKELL AV ROCHESTER, NH



**State of New Hampshire**  
PUBLIC EMPLOYEE LABOR RELATIONS BOARD



ORDER OF ELECTION

TO: Chief William Fenniman Detective William Malsbury  
Dover Police Department  
46 Locust Street  
Dover, N.H. 03820

In accordance with PELRB Rules and Regulations, PUB 303.01 (a), YOU ARE HEREBY NOTIFIED that an election will be held under Chapter 273-A, Laws of N.H. for:

UNIT: The Dover Police Association is the sole and exclusive bargaining agent for all employees of the Dover Police Department in the following positions: Dispatcher, Parking Enforcement Officers, Police Officer, Clerk Typist I & II, Secretary, Custodian.

Petitioner: Dover Police Association

Address: 46 Locust Street, Dover, N.H. 03820

Representative: William T. Malsbury TEL: (603) 742-4646

Employer: Dover Police Department

Address: 46 Locust Street, Dover, N.H. 03820

Representative: William Fenniman TEL: (603) 742-4646

Incumbent: International Brotherhood of Police Officers

Address: 86 High Street, Hampton, N.H. 03842

Representative: Peter C. Phillips TEL: (603) 926-0878

Also in accordance with Pub 303.01 (b), the EMPLOYER shall immediately upon receipt of this ORDER forward to PELRB, GAA PLAZA, BUILDING #1, 153 MANCHESTER STREET, CONCORD, N.H. 03301, to the Petitioner and the Incumbent, a complete list of the names and home addresses of the employees in the bargaining unit.

Signed this 1st day of MAY, 1997.

EDWARD J. HASELTINE  
Chairman



COPY

**State of New Hampshire**

PUBLIC EMPLOYEE LABOR RELATIONS BOARD

GAA PLAZA, BLDG. #1  
153 MANCHESTER STREET  
CONCORD, NEW HAMPSHIRE 03301

Date May 28, 1997 Case No. P-0747:3

NOTICE OF PRE-ELECTION CONFERENCE

TO: Chief William Fenniman  
Dover Police Department  
46 Locust Street  
Dover, N.H. 03820

YOU ARE HEREBY NOTIFIED that the Public Employee Labor Relations Board,  
State of New Hampshire, will conduct a pre-election conference for:  
Dispatcher, Parking Enforcement Officers, Police Officer,  
Clerk Typist I & II, Secretary, Custodian

as follows:

TIME: 3:00 p.m.  
DATE: June 4, 1997  
LOCATION: Dover Police Department

Parker Denaco  
PARKER DENACO  
Executive Director

cc: Detective William Malsbury  
Peter Phillips, Esq.



INTERNATIONAL BROTHERHOOD OF POLICE OFFICERS

A DIVISION OF THE NATIONAL ASSOCIATION OF GOVERNMENT EMPLOYEES, AFL/CIO



408 Lafayette Road  
Hampton, NH 03842

Tel 603/926-0878  
Fax 603/929-5049



May 16, 1997

Parker Denaco, Esq.  
Executive Director  
Public Employee Labor  
Relations Board  
GAA Plaza, Building No. 1  
153 Manchester Street  
Concord, NH 03301-5143

RE: In re: Dover Police Association  
Case No. P-0747:3

Dear Parker:

I am writing in reference to the recent order of election in the above-entitled matter.

Contrary to the information noted in the order, the petitioner is not the Dover Police Association with William Malsbury serving as its representative. Indeed, the Dover Police Association conducted a vote several months ago, in accordance with its bylaws, and elected to remain affiliated with the International Brotherhood of Police Officers and have it serve as its representative.

The petitioner is in fact Detective William Malsbury, who is represented by himself. Accordingly, I would request that the order be corrected to reflect same.

Thank you for your attention to this matter.

Sincerely,

Peter C. Phillips  
Counsel

cc: John Encarnaceo,  
Pres., IBPO Local 466  
William T. Malsbury  
Chief William Fenniman



COPY

State of New Hampshire  
PUBLIC EMPLOYEE LABOR RELATIONS BOARD

ORDER OF ELECTION

TO: Chief William Fenniman Detective William Malsbury  
Dover Police Department  
46 Locust Street  
Dover, N.H. 03820

In accordance with PELRB Rules and Regulations, PUB 303.01 (a), YOU ARE HEREBY NOTIFIED that an election will be held under Chapter 273-A, Laws of N.H. for:

UNIT: The Dover Police Association is the sole and exclusive bargaining agent for all employees of the Dover Police Department in the following positions: Dispatcher, Parking Enforcement Officers, Police Officer, Clerk Typist I & II, Secretary, Custodian.

Petitioner: Dover Police Association

Address: 46 Locust Street, Dover, N.H. 03820

Representative: William T. Malsbury TEL: (603) 742-4646

Employer: Dover Police Department

Address: 46 Locust Street, Dover, N.H. 03820

Representative: William Fenniman TEL: (603) 742-4646

Incumbent: International Brotherhood of Police Officers

Address: 86 High Street, Hampton, N.H. 03842

Representative: Peter C. Phillips TEL: (603) 926-0878

Also in accordance with Pub 303.01 (b), the EMPLOYER shall immediately upon receipt of this ORDER forward to PELRB, GAA PLAZA, BUILDING #1, 153 MANCHESTER STREET, CONCORD, N.H. 03301, to the Petitioner and the Incumbent, a complete list of the names and home addresses of the employees in the bargaining unit.

Signed this 1st day of MAY, 1997.

EDWARD J. HASELTINE  
Chairman



**State of New Hampshire**

**PUBLIC EMPLOYEE LABOR RELATIONS BOARD**

DOVER POLICE DEPARTMENT/  
DETECTIVE WILLIAM MALSBUY

Petitioner

v.

DOVER POLICE ASSOCIATION,  
I.B.P.O. LOCAL 466

Respondent

CASE NO. P-0747:3

DECISION NO. 97-025

APPEARANCES

Representing Dover Police Department:

Detective William Malsbury, Dover Police Department

Representing Dover Police Association, Local 466:

Peter C. Phillips, Esq. I.B.P.O.

Also appearing:

Donny Daley, National Representative, I.B.P.O.  
John A. Encarnacao, Dover Police Association  
Michael J. Duran, Dover Police Association  
Chief William Fenniman, City of Dover

BACKGROUND

Detective William T. Malsbury of the Dover Police Department filed a petition for the certification of a bargaining unit on November 6, 1996. He seeks a representation election to replace the International Brotherhood of Police Officers (I.B.P.O.), with the Dover Police Association, the original independent bargaining agent certified to represent police department employees. An answer was received from the I.B.P.O. on November 27, 1996. A

hearing on the matter was held before the undersigned hearing officer on January 10, 1997. The record remained open until January 22, 1997, for the receipt of certain evidence.

#### FINDINGS OF FACT

1. The Dover Police Department employs police officers and other personnel in its operations and so is a "public employer" within the meaning of RSA 273-A:1 X.
2. According to Chief William Fenniman, the Dover Police Association (DPA) came into existence in 1974. The Association was recognized as the exclusive representative of all bargaining unit employees on June 7, 1977.
3. The Dover Police Association, following its by-laws, voted to affiliate with the International Brotherhood of Police Officers (I.B.P.O.) on March 8, 1993, according to I.B.P.O. National Representative Kenneth Boudrow's letter received March 17, 1993. Dover Police Association, Local 466, I.B.P.O., was certified as exclusive representative on March 23, 1993. Notice is taken of the contents of the files relating to the affiliation and certification efforts.
4. A voting list was approved, dated and initialed by representatives of the employer and the Dover Police Association on February 17, 1993, in preparation for an election scheduled for March 15, 1993. The excelsior list showed fifty-two eligible voters. The unit originally petitioned for called for fifty members. The file document, entitled Dover Police Association Dues, January, 1993 Deductions, has fifty-two names entered with most paying \$14 but with thirteen paying lesser amounts.
5. Documents in the file show that, by March 1, 1993, this agency learned that the petition for certification was untimely under Rule Pub 301.02 and dismissal was required. An affiliation procedure under Rule Pub 301.05 was found to be in order. The procedure is not subject to a time bar. Statements by the parties confirm that the procedure of affiliation was followed in the alternative to the usual certification process (Rule Pub 301.02). The internal rules of the Dover Police Association guided the process. Said rules are not found in the file.

6. John A. Encarnacao has been a Dover police officer for three years and held office in the Dover Police Association in September, 1996, when a vote on whether or not to retain I.B.P.O. affiliation was announced to occur on October 15, 1996. Membership in the DPA had decreased. Only dues paying members of the DPA were allowed to vote. It was announced that membership cards were available for those who wished to join prior to the vote and eighteen employees began the process in order to vote. The eighteen were prevented from joining for lack of a quorum required by DPA by-laws to ratify the new memberships. Much testimony was taken as to the circumstances which led to the lack of the quorum and whether or not DPA by-laws were followed.
7. The bargaining unit consisted of forty-eight positions during September and October, 1996. Of those holding bargaining unit positions, twenty-eight were dues paying members. Eighteen voted in the October election conducted by the Dover Police Association. Eleven voted to retain affiliation and seven voted to change affiliation. As stated in the petition submitted by William Malsbury, a total of thirty-one bargaining unit members were denied the opportunity to vote under DPA bylaws because they were not dues paying members of the I.B.P.O.
8. Copies of hearing notices were provided on January 22, 1997, by the DPA. The notice of September 6, 1996 informed those reading the posting that a union meeting would be held on Friday, September 20, at 7:30 hours at which meeting a vote on the acceptance of new members would be taken. Readers who wished to join the DPA were urged to speak with Officer Encarnacao. A notice dated October 4, 1996, alerted readers of a meeting for "current active members" scheduled for October 15, 1996. On the notice/agenda was the following: "A vote will be held to determine if the DPA wishes to remain affiliated with the I.B.P.O.. Only dues paying members will be allowed to cast votes on this issue."
9. Regulation PUB 301.05 indicates that an affiliation or dis-affiliation shall be recognized without the requirement of a PELRB election and intervention if three conditions are met, the second of which reads:

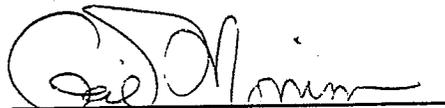
(a) (2) The employees in the bargaining unit have had a reasonable opportunity to be informed of the proposed change in... affiliation and have had the opportunity for appropriate input into that decision whether by direct vote, vote of their representative or other appropriate means. If these conditions are not met, an election is required.

DECISION AND ORDER

Regulation PUB 301.05 (a) (2) safeguards bargaining unit members' input into affiliation decisions. In this case, the requirement of "bargaining unit" member input, as opposed to union member input, into the decision regarding affiliation has not been met. The petitioner's request for an election to ascertain whether or not the bargaining unit members still wish to be represented by the International Brotherhood of Police Officers is granted. The order of election shall be issued.

So ordered.

Signed this 5th day of March, 1997.



Gail C. Morrison  
Hearing Officer



# INTERNATIONAL BROTHERHOOD OF POLICE OFFICERS

AFFILIATED WITH THE SERVICE EMPLOYEES INTERNATIONAL UNION, AFL/CIO

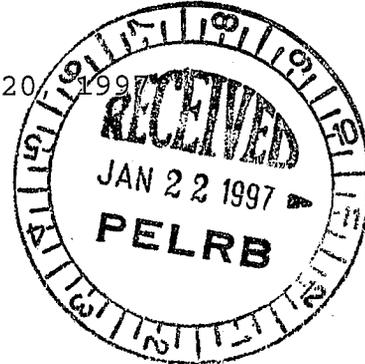
86 High Street  
Hampton, NH 03842

Telephone 603/926-0878  
Fax 603/926-4938



January 20, 1997

Gail Morrison  
Hearings Officer  
Public Employee Labor  
Relations Board  
GAA Plaza, Building No. 1  
153 Manchester Street  
Concord, NH 03301



Re: Dover Police Association and Dover P.D.  
PELRB Case No. P-0747:3

Dear Ms. Morrison:

Enclosed please find copies of the union meeting notices referenced during the course of the January 10, 1997 hearing in the above entitled matter. As you may recall, the record was left open for the submission of this documentation. A specific list is as follows:

- (1) 9/6/96 notice of 9/20/96 union meeting.
- (2) 10/4/96 notice of 10/15/96 union meeting.

I have also enclosed for your review other relevant documentation which I just received on January 17, 1997. Specifically,

- (3) a 11/13/96 notice of 11/21/96 union meeting, and
- (4) a 11/18/96 memo from Det. William Malsbury to "All Concerned "Employees".

Please do not hesitate to contact me if you have any questions or concerns relative to the contents of the above. Thank you for your attention to this matter.

Sincerely,

Peter C. Phillips  
Counsel

Enc.

cc: John Encarnacao  
William Malsbury  
Chief William Fenniman

Name: DPA / IBPO MEETING,

Offense/Incident:

Date Of This Report: 10/04/96

Date Of Original Report: / /

On 10/15/96 there will be a DPA/IBPO meeting at 07:30 hours for current active members. The meeting will be held at the Dover Public Library. The agenda for the meeting will be as follows:

- 1 - Treasury Report.
- 2 - Current status of contract negotiations.
- 3 - A vote will be held to determine if the DPA wishes to remain affiliated with the IBPO. Only dues paying members will be allowed to cast votes on this issue.
- 4 - As per the current by-laws, new members will be voted on.
- 5 - Outside work details i.e. Scammell Bridge project.
- 6 - Election of new officers.

All members are strongly encouraged to attend this very important meeting. Any member unable to attend and wishing to cast an absentee ballot should contact an Association Officer as soon as possible.

DOVER POLICE DEPARTMENT  
Dover, New Hampshire

M E M O R A N D U M

Date: 11/13/96  
To: DPA/IBPO Members  
From: Ofc. John A. Encarnacao  
Subject: DPA/IBPO Meeting

There will be a meeting on Thursday, November 21, 1996, at 1530hrs in the library conference room. All active members are encouraged to attend.

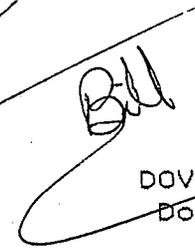
The following will be discussed:

1. Voting in of new members
2. Contract Negotiations
3. Changes in Association By-laws
4. Expected vacancy of position in Executive Board

Any eligible employee wanting to become an active member should fill out a blue application form (posted on bulletin board) and hand it in to either Ofc. Encarnacao or Dis. Kondrup. Anyone submitting a blue application form before this meeting will be voted in during the meeting and will become an active member.

Any questions/concerns should be directed to Ofc. Encarnacao or one of the executive board members.

John  
FYI



DOVER POLICE DEPARTMENT  
Dover, New Hampshire

MEMORANDUM

**Date:** 11/18/96  
**To:** All Concerned Employees  
**From:** Detective William T. Malsbury  
**Subject:** Recent D.P.A. / I.B.P.O. Issue

As you know, I had recently approached you in regards to the recent problem where a large number of employees eligible to be in the D.P.A. wanted to no longer affiliate with the I.B.P.O. As a result of this, I filed a petition with the P.E.L.R.B. to hold a vote that would allow all eligible members (Paying dues or not) to have a say in where they want the future of the D.P.A. to go.

After several discussions with current D.P.A. President John Encarnacao, it appears a yet to be determined future internal vote may be held once again to decide this on going conflict. The P.E.L.R.B. petition with still remain in effect, but I highly recommend that all current non-dues paying eligible D.P.A. employees become members. This will allow you to vote on any possible upcoming internal vote for I.B.P.O. affiliation status. This will also allow you to participate in all future contract issue meetings. If by some chance we do not drop I.B.P.O. affiliation, you can once again stop paying dues through the normal procedure.

Please fill out one of the blue membership forms on the D.P.A. bulletin board and return it to John Encarnacao as soon as possible. There will be several D.P.A. meetings in the near future where any current non-members would need to be voted in by the general membership at one of these meetings.

Please feel free to speak with me about the matter at any time if you have questions.

DOVER POLICE DEPARTMENT  
Dover, New Hampshire

M E M O R A N D U M

Date: 09/06/96  
To: All DPA/IBPO Members  
From: Ofc. Encarnacao  
Subject: DPA/Union Meeting

There will be a DPA/ Union meeting on Friday, September 20th, at 0730hrs. The meeting is being held in the conference room at the Dover Library. The following topics will be discussed:

1. Contract Negotiations
2. Election of new officers
3. A vote regarding new members

...also anyone wishing to become a member of the DPA/Union should speak with Ofc. Encarnacao

RECEIVED  
SEP 20 1996  
DOVER POLICE DEPARTMENT



COPY

## State of New Hampshire

PUBLIC EMPLOYEE LABOR RELATIONS BOARD

December 16, 1996

TO: Detective William T. Malsbury                      Peter C. Phillips, Esq.  
Dover Police Department                              I.B.P.O.  
46 Locust Street    86 High Street  
Dover, N.H. 03820    Hampton, N.H. 03842

### NOTICE OF HEARING

YOU ARE HEREBY NOTIFIED that the Public Employee Labor Relations Board, State of New Hampshire will conduct a hearing on the following case:

CASE NO: P-0743:3                                      Detective William T. Malsbury & Dover

FILED:      11/6/96                                      Police Association -

CHANGE OF AFFILIATION

In the office of the Board at 153 MANCHESTER STREET, Concord, New Hampshire at 9:30 a.m. on January 10, 1997.

Parker Denaco (sk)  
PARKER DENACO  
Executive Director

cc: Chief William Fenniman

encs.

PD/sk



**INTERNATIONAL BROTHERHOOD OF POLICE OFFICERS**

**AFFILIATED WITH THE SERVICE EMPLOYEES INTERNATIONAL UNION, AFL/CIO**

86 High Street  
Hampton, NH 03842

Telephone 603/926-0878  
Fax 603/926-4938



*(HAND DELIVERED)*

November 27, 1996

Parker Denaco, Esq.  
Executive Director  
Public Employee Labor  
Relations Board  
GAA Plaza, Building No. 1  
153 Manchester Street  
Concord, NH 03301

Re: Dover Police Department & Dover Police Assoc.  
PELRB Case No. P-0747:3

Dear Mr. Denaco:

Enclosed please find an original and five (5) copies of the Dover Police Assoc./IBPO Local 466's answer to the above petition. Kindly file same. Please note that the petitioner and representative for the Employer have been forwarded a copy.

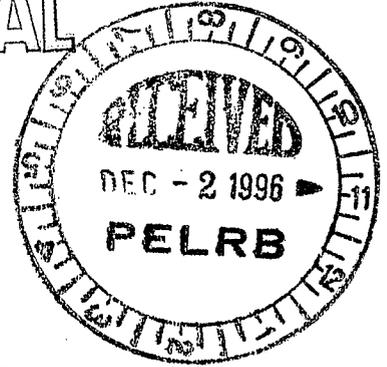
If you have any questions or concerns, please do not hesitate to contact me. Thank you for your attention to this matter.

Sincerely,

Peter C. Phillips  
Counsel

cc: John Encarnaceo,  
Pres., IBPO Local 466  
Det. William Malsbury  
Chief William Fenniman

ORIGINAL



STATE OF NEW HAMPSHIRE  
PUBLIC EMPLOYEE LABOR RELATIONS BOARD

IN RE: DOVER POLICE DEPARTMENT )  
 )  
& DOVER POLICE ASSOCIATION )

PERLB CASE NO.  
P-0747:3

IBPO LOCAL 466  
ANSWER TO CHANGE OF AFFILIATION PETITION

The Dover Police Association/International Brotherhood of Police Officers, Local 466 ("the Union") hereby objects to the instant petition and asserts that the Public Employee Labor Relations Board ("the Board") should accept jurisdiction in this matter. As grounds therefore, IBPO Local 466 states the following:

The Board's jurisdiction is premature under the circumstances. For the record, the Union's Executive Board has at all times acted in accordance with RSA 273-A and the Dover Police Association By-Laws in determining whether affiliation with International Brotherhood of Police Officers would continue. On October 15, 1996 a vote was taken of the union membership on this very issue. Due notice was given for the meeting, a majority of union members were in attendance (18 out of approximately 26), and the majority of those present voted to maintain affiliation with the IBPO (11 votes for, 7 against).

It appears from the face of Detective William Malsbury's petition that he believes non-union employees should be allowed to vote on union issues. He contends that thirty-one (31) eligible members were not allowed to vote since they were not dues paying members of the IBPO. While he is correct that non-dues paying employees of the bargaining unit (non-members of the Union) were not allowed to vote, but it stands to reason that if your not a member, you have no standing to vote, and thus you are not eligible.

The current bargaining unit consists of approximately forty-eight (48) employees of the Dover Police Department. (See Attachment A). As previously indicated, approximately twenty-six (26) are union members. (See Attachment B, as of August 27, 1996). On September 20, 1996, a Union meeting was conducted. Ten (10) members were originally present, but one left prior to any business being conducted, leaving nine (9) members. (See Attachment C). During the course of this meeting, Detective Malsbury made a motion to admit approximately sixteen (16) new members and supplied a list of their names. (See Attachment D). The vast majority were not in attendance, had not personally signed the list, nor had they filled out the required membership/dues deduction sheet (See Attachment E).

Pursuant to Article V, Section 4 of the Union's Constitution and By-Laws (See Attachment F, p.3), ten (10) active members are required in order to constitute a quorum and accordingly transact business. Moreover, pursuant to Article II, Section 2, "new members shall be elected by a majority vote of those active members present and voting at any regular meeting of the Association." (See Attachment F, p. 1). Aside from the manner in which the names were presented, since there was no quorum present at the September 20 meeting at the time of the motion, the admission of the sixteen (16) new members was not allowed.

Even though a recent vote has already been taken on this issue (as described above), the Union is prepared to conduct another vote in accordance with its Constitution and By-Laws. Of course, only union members will be permitted to vote in a union issue such as this. In any event, clearly this is an internal union matter that can be resolved without the intervention of the Board and the expense of its time and resources. This is not an issue of certification. For the Board to conduct an election in this matter would be tantamount to holding a union vote for a change in legal services or whether to donate monies to a particular charity. As it has in the past and will do in the future, the Union is fully prepared to conduct a fair and impartial vote on the affiliation issue and any other matter.

The underlying motivation of the instant petition is to have non-union employees dictate to union members who will represent the Union. Under the circumstances the Board should decline jurisdiction. If any current employees who are not in the Union wish to join, they are more than welcome to do so, and thereafter they will have standing to vote on any matter before the membership, including affiliation.

Respectfully submitted,  
On behalf of Dover Police  
Association/IBPO Local 466,  
By Its Attorney



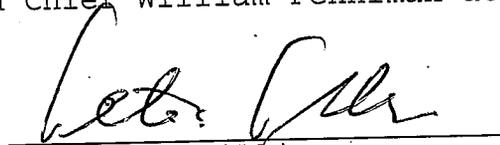
Peter C. Phillips  
Counsel  
International Brotherhood  
of Police Officers  
86 High Street  
Hampton, NH 03842  
(603) 926-0878

Dated: 11/27/96

CERTIFICATE OF SERVICE

I hereby certify that I mailed a copy of the foregoing to Detective William Malsbury and Chief William Fenniman at the Dover Police Department.

Date: 11/27/96



Peter C. Phillips

Police Department  
 DPA Membership Listing - I.R.P.O LOCAL #466

Printed: 10/23/96  
 By: Rank & Entry Date

A

EMPLOYEE	RANK	ADDRESS
- MILLER, BRIAN C.	OFFICER/APCT	10 COMMANCHE ST DOVER, NH
- LENO, MARK A.	OFFICER/APCT	19 SILVER ST. ROCHESTER, NH
- LEPKOWSKI, JOHN F.	OFFICER/APCT	14 WILLEY STREET ROCHESTER NH
- STINGLEN, THOMAS W.	OFFICER/APCT	6 ROE FIELDS DR. SO. BERWICK, ME
- TESSIER, ROBERT J.	OFFICER/APCT	29 RICHARDSON DR DOVER, NH
- MUTTER, JEFFREY F.	OFFICER/APCT	111 OLD NOTTINGHAM RD. EPPING, NH
- POWERS, THOMAS W.	OFFICER	1 MERIDIAN DRIVE DOVER, NH
- USHER, JOHN P.	OFFICER	414 STOCKDALE CIRCLE ROLLINSFORD N.H
- ANDERSON, CHARLES W.	OFFICER	37 POOR FARM RD. ROCHESTER, NH
- LEVESQUE, KAREN A.	OFFICER	95 GREEN HILL RD. BARRINGTON, NH
- WATKINSON, LANCE D.	OFFICER	92 CHARLES ST ROCHESTER, NH
- KERLEE, STEPHEN M.	OFFICER	105 BETTS ROAD ROCHESTER, NH
- MALSBUY, WILLIAM T.	OFFICER	21A TANGLEWOOD DR. DOVER, NH
- MEARN, GERARD P.	OFFICER	9 RONWYN DRIVE SOMERSWORTH, NH
- COSTELLO, CHRISTOPHER D.	OFFICER	69 LEGDEVIEW DR. ROCHESTER, NH
- CORREIA, EDWARD M	OFFICER	251 OLD DOVER RD. ROCHESTER, NH
- ROWE, PAUL B	OFFICER	81 KNOX MARSH ROAD DOVER, NH
- MURPHY, BRENDAN P.	OFFICER	22 ELLIOT PARK DOVER, NH
- DORAN, MICHAEL J.	OFFICER	106 BARRINGTON EAST BARRINGTON, NH
- ENCARNACAO, JOHN A.	OFFICER	4 POWERS DR BARRINGTON, NH
- NICHOLS, GRANT M. <i>OUT</i>	OFFICER	11 WOODLAND GREEN ROCHESTER, NH
- UNSWORTH, DANIEL S.	OFFICER	392 CENTRAL AV #1 DOVER, NH
- FERRIS, TODD C.	OFFICER	392 CENTRAL AV #1 DOVER, NH
- MARTINELLI, DAVID W.	OFFICER	75 ORCHARD ST. FRANKLIN, NH
- JACQUES, JEFFREY S. *	OFFICER	443 STOCKDALE CR ROLLINSFORD, NH
- SCOTT, LINDA A.	OFFICER	26 ARBOR CT EXETER, NH
- TERLEMEZIAN, DAVID A. ✓	OFFICER	22 BELLAMY WOODS DOVER, NH
- CARRIGNAN, MARK E. ✗	OFFICER	67D GROVE ST. DOVER, NH
- GORDON, SUSAN M.	DISPATCHER	299 LITTLE BAY RD NEWINGTON, NH
- TASKER, PHYLLIS C.	DISPATCHER	38A NELSON STREET DOVER, NH
- KONDRUP, KELLY S.	DISPATCHER	47 WOOD RD. BARRINGTON, NH
- YOUNG, MELISSA A.	DISPATCHER	711 MARTHAS WAY DOVER, NH
- SHEPHERD, RICHARD W.	DISPATCHER	15 LAURIER ST. SOMERSWORTH, NH
- PRIOR, TIFFINI	DISPATCHER	26B MT. VERNON ST DOVER, NH
- RHEAUME, ALBERT H.	PEO	15 HORNE ST. DOVER, NH
- MILLETTE, JASON P.	PEO	91 HENRY LAW AVE DOVER, NH
- BRAGDON, JAMES L.	PEO	37 SHAWNEE LN DOVER, NH
- BERTRAND, DAVID A.	PEO	51 GARRISON RD. DOVER, NH
- MCGLONE, GAIL D.	SECRETARY	25A MYRTLE ST. SOMERSWORTH, NH
- CROWLEY, CAROL LEE *	CLERK TYPIST I	50 CHURCH STREET GONIC, NH
- JANIS, JOAN	CLERK TYPIST I	10 TANGLEWOOD DRIVE DOVER, NH
- JACOBSEN, LISA C. *	CLERK TYPIST I	3 OLD COLONY RD. DOVER, NH
- CLARK, ANN M.	CLERK TYPIST I	32 GLENWOOD AVE. DOVER, NH
- BOSTON, KERRY ANNE	CLERK TYPIST I	32 ROCKY HILL RD. SOMERSWORTH, NH
- HEAPHY, MARTHA E.	CLERK-TYPIST I	10 LEIGHTON WAY DOVER, NH
- ORR, SHARON L. ✗	CLERK/TYPIST I	126 MANSON AVE KITTEERY, ME
- CLARK, ROBERT J.	CUSTODIAN	25 UNION ST. DOVER, NH
- TWEEDY, SAMUEL M.	CUSTODIAN	8 HASKELL AV ROCHESTER, NH

B

City of Dover, NH  
Police Association Dues

C/O Kelly Kondrup    AUGUST 1996    08/27/96

Company Name:    City Of Dover  
Company Address: 288 Central Ave  
Dover, NH 03820

Contact Person:    Eileen Sullivan  
Phone Number:    743-6004

<u>Name</u>	<u>Amount</u>
Anderson, Charles W.	30.50
Encarnacao, John	30.50
<del>Bortz, Brian D.</del>	12.20
Ferris, Todd	30.50
Costello, Christopher	30.50
Doran, Michael	30.50
Janis, Joan	30.50
Kerlee, Stephen M.	24.40
Kondrup, Kelly S.	30.50
Leno Jr., Mark A.	18.30
Levesque, Karen A.	30.50
Malsbury, William T.	30.50
Martinelli, David	30.50
McGlone, Gail	18.30
Mearn, Gerard P.	30.50
Murphy, Brendan P.	30.50
Nichols, Grant	30.50
Powers, Thomas W.	30.50
Rheaume, Albert P.	0.00
Rowe, Paul B.	30.50
Scott, Linda	24.40
Tessier, Robert J.	30.50
Unsworth, Daniel	30.50
Usher, John P.	30.50
Watkinson, Lance D.	30.50
Weich, Michael J.	24.40

701.50

SIGN IN

9/20/96

C

JOHN ENCARNACION

LANCE WATKINSON

Gerry Meam

S. KERLUE

John Usher

KAREN LEVESQUE

Mike Jovan (left prior to vote)

Bob Tessier

Bill Malby

MARC LERO

MURIEL > NON  
STINGLEN MEMBERS

CONTACT UNION - contract representation

KEY TO P.O. BOX - ROWE

FILE CABINET - MALBOUY

\$ owed to UNION

- McKITTRICK ?

Rewrite Bylaws

Union "Shift" Steward

KAREN - CONTACT UNION RE. UNPAID DUES ETC...

D

# New Members

- 1) Miller
- 2) Mutter
- 3) Stigler
- 4) Clark
- 5) Boston, Kerry
- 6) Orr, Sarah
- 7) Lepkowski
- 8) Carol Crowley
- 9) Ed Correia
- 10) ~~Martha Haphy?~~
- 11) ~~Jeanne Janice?~~

- Dispatches
- 12) Tasker
  - 13) Gordon
  - 14) ~~Pat~~ Young
  - 15) Lisa Jacobson
  - 16) Tiffani Prian

164.00  
10.

2021.07

E

**Fill in Boxes Marked with an (X)**

**REQUEST AND AUTHORIZATION FOR VOLUNTARY ALLOTMENT OF COMPENSATION FOR PAYMENT OF EMPLOYEE ORGANIZATION DUES AND REQUEST THE IBPO TO ACT AS MY EXCLUSIVE COLLECTIVE BARGAINING AGENT**

<b>NAME OF EMPLOYEE</b> (Print—Last Name, First, Middle) (X)		<b>IDENTIFICATION NO.</b> (Soc. Sec. or Other) (X)
<b>HOME ADDRESS</b> (Street and Number) (X)	(City and State)	<b>ZIP CODE</b>
<b>AGENCY</b> (Include Bureau, Division, Branch or Other Designation)		

**SECTION A—FOR USE BY EMPLOYEE ORGANIZATION**

**NAME OF EMPLOYEE ORGANIZATION** (Indicate Local, Branch, Lodge or Other Appropriate Identification.)  
**INTERNATIONAL BROTHERHOOD OF POLICE OFFICERS Local**

I hereby certify that the regular dues of this organization for the above named member are currently established at **\$6.10** per week.

<b>SIGNATURE AND TITLE OF AUTHORIZED OFFICIAL</b>	<b>PRESIDENT OR TREASURER</b>	<b>DATE</b>
---	-------------------------------	-------------

I HEREBY AUTHORIZE THE ABOVE NAMED AGENCY TO DEDUCT FROM MY PAY EACH PAY PERIOD, OR THE FIRST FULL PAY PERIOD OF EACH MONTH THE AMOUNT CERTIFIED ABOVE AS THE REGULAR DUES AND TO REMIT SUCH AMOUNTS TO THAT EMPLOYEE ORGANIZATION IN ACCORDANCE WITH ITS ARRANGEMENTS WITH MY EMPLOYING AGENCY. I FURTHER AUTHORIZE ANY CHANGE IN THE AMOUNT TO BE DEDUCTED WHICH IS CERTIFIED BY THE ABOVE NAMED EMPLOYEE ORGANIZATION AS A UNIFORM CHANGE IN ITS DUES STRUCTURE.

<b>SIGNATURE OF EMPLOYEE</b> (X)	<b>DATE</b> (X)
-------------------------------------	--------------------

F

CONSTITUTION AND BY-LAWS  
OF  
THE DOVER POLICE ASSOCIATION

ARTICLE I  
PURPOSES OF ORGANIZATION

Section 1. This organization shall be known as the Dover Police Association.

Section 2. This Association is organized for the purposes of securing a closer official and personal relationship among the officers and members of the Dover Police Department; to elevate the standards of police service; to uphold the honor and integrity of the police profession; to provide community service and support charitable organizations; and to transact the business of the Police Association.

Section 3. This Association shall be operated as a non-profit organization, and all monies or other assets received by the Association shall be used in furtherance of the purposes of the Association in Section 2 of Article I.

Section 4. In the event of dissolution of this Association, distribution of any assets remaining after such dissolution shall be made to such organizations being operated exclusively for charitable, educational, religious or scientific purposes as shall then qualify as a tax exempt organization under the appropriate provisions of the Internal Revenue Code, in accordance with a majority vote at any regular meeting of the Association, of the members of the Association eligible to vote and who are present and voting at such meeting. Any such assets not so distributed shall be distributed by the Strafford County Superior Court to such organization or organizations, as said Court shall determine, which are being operated exclusively for such purposes.

ARTICLE II  
MEMBERSHIP

Section 1. Membership in this Association shall consist of Active and Honorary Members.

Section 2. Active Members shall consist of duly appointed Police Officers of the Dover Police Department and permanent non-sworn members of the Police Department, excluding the Secretary to the Chief of Police, the Chief of Police and all officers with the rank of <sup>sergeant</sup> Supervisor and above. New members shall be elected by the majority vote of those Active members present and voting at any regular meeting of the Association.

Section 3. Honorary Members. The Association may elect to Honorary membership such persons who are approved by a majority of the Active members present at any regular meeting of the Association. Persons so elected shall have been either an Immediate Past President, or a member of this association for ten (10) years, or any active member that has resigned

and once performed meritorious service to the Association. Honorary members shall not be required to pay dues and shall not be eligible to vote, hold office, or attain membership on the Negotiation Team.

### ARTICLE III ASSOCIATION OFFICERS

Section 1. The Officers of this Association shall consist of a President; First Vice President; Second Vice President; Secretary; Treasurer; and Sargeant at Arms, all of whom shall hold their respective offices for one (1) year, unless re-elected or until their successors shall be elected.

Section 2. How Nominated. Association members desiring to hold an office shall forward written notice to the current President indicating the office they wish to be considered for, no later than September 1 of each year. The President shall ensure that a ballot is prepared for the election. The incumbent Vice Presidents and Sargeant at Arms shall automatically be placed on the ballot for the next highest office, unless they request otherwise. Nominations may also be made from the floor at the Annual Meeting.

Section 3. How Elected. The President, First Vice President, Second Vice President, Secretary, Treasurer and Sargeant at Arms shall be elected at the Annual Meeting to be held between September 15 and October 15 of each year, by a majority of the Active members voting. The results of each year's elections shall become effective ~~on the date of the Annual Ball, or on November 30, whichever comes first.~~

### ARTICLE IV POWERS AND DUTIES OF OFFICERS

Section 1. President. It shall be the duty of the President to preside at all meetings of the Association. The President shall appoint all necessary committees. The President shall have the power to fill all vacancies in any office that may occur between Annual Meetings of the Association, or he may elect to fill the position through a vote at the next Association meeting after soliciting interested members. The President has the authority to expend up to One Hundred Dollars (\$100) of Association funds without approval of the membership, provided that such expenditures not exceed Two Hundred Dollars (\$200) in any calendar month and any such expenditures are reported at the next association meeting. This authority shall not extend to charitable donations and sponsorships in the Association's name.

Section 2. Vice President. It shall be the duty of the First Vice President to perform all the duties of the President during any absence. The Second Vice President shall, by title of office, assume the duties of either the President or the First Vice President if both are absent. They shall also be at the call of the President for whatever reason becomes necessary.

Section 3. Secretary. It shall be the duty of the Secretary to keep a complete roll of the membership, to include Active and Honorary members; to receive and answer all communications submitted and to perform such Association duties as may be required by the President. The Secretary shall make a full report of the proceedings of each meeting of the

Association. The Secretary shall keep the official records of the Association and deliver to any successor all books and records.

Section 4. Treasurer. It shall be the duty of the Treasurer to receive all general funds belonging to the Association and to pay all orders drawn when signed by the President. The Treasurer shall disburse any and all funds designated and approved by the majority of those present at any full meeting of the membership. The Treasurer shall make a full report at the Association meetings of all monies received and disbursed. If the Treasurer is unable to attend any regular meeting, the President shall be notified. It shall be the responsibility of the President to obtain sufficient up-to-date information as needed to present a financial report at the meeting. The Treasurer shall promptly deliver all monies, books, records, and other property of the Association to any successor in office.

Section 5. Sergeant-at-Arms. It shall be the duty of the Sergeant at Arms to keep order at all meetings, to allow no one to enter any meeting who is not eligible or lacks approval of the President. The Sergeant at Arms shall be responsible to ensure that all persons voting are eligible and to count votes when cast. The Sergeant at Arms shall also be at the call of the President.

#### ARTICLE V MEETINGS

Section 1. Number. There shall be a minimum of four (4) meetings a year of the Association. One of the meetings shall be called the Annual Meeting, to be held between September 15 and October 15 of each year.

Section 2. How Called. All meetings of the Association shall be on the call of the President. The date, place, and agenda of the meeting will be decided by the President. Any Active member may request a special meeting by contacting the President who will rule on the need of such a meeting.

Section 3. Notice. Written notice of all meetings shall be conspicuously posted on a bulletin board located at Police Headquarters at least one (1) week prior to the date of the meeting.

Section 4. Quorum. Ten (10) Active members of the Association shall constitute a quorum to transact business at any meeting of the Association.

Section 4a. Voting. At all meetings called, whether regular or emergency, all Active members shall have the right to vote in all decisions. Those not present at any meeting may give their vote in writing, prior to or during the vote, to the Sergeant at Arms. The written vote shall be counted in the final tally of the vote of those present at the meeting and shall be considered as if the individual was present in person. All meetings in which votes are to be cast are to be posted with the notice of the meeting so that those wishing to vote with the absentee vote may prior to or during the meeting. No votes will be accepted after the tallying of the final vote is at hand.

Section 5. The President may, at his discretion, call an emergency meeting of exclusively Active members, provided that each Association member has been personally contacted, or contact has been attempted, as soon as practical prior to the meeting. The President shall ensure that records are maintained of all notifications or attempts at notification made pursuant to this section. The records shall be forwarded to the Secretary and shall become a part of the permanent records of that meeting.

ARTICLE VI  
DUES

Section 1. Active Members. All Active Members who work 35 or more hours weekly shall pay to the Association through payroll deductions, a full portion of the current weekly dues. All others shall pay one-half the current weekly dues through payroll deductions. Dues shall be determined by a two-thirds vote of Active members voting at a regular Association meeting.

ARTICLE VII  
COMMITTEES AND UNITS

Section 1. How Appointed. The President shall appoint any number of committees he deems necessary to the functioning of the Association, except that a Negotiation Team shall be elected by a majority vote.

Section 2. The Negotiation Team. This Association shall elect a Negotiation Team of five (5) members to perform the function of bargaining during contract negotiations. The composition of the Negotiation Team shall include two (2) non-sworn Active members and three (3) Active members of Police Officer rank. The members of the Negotiation Team shall be elected by a special vote of the Active members voting at a meeting to be called by the President no more than eight (8) months and no less than six (6) months from the expiration of the existing collective bargaining agreement between the Association and the City of Dover. No member may be elected to serve on the Negotiation Team if that member has not completed eighteen (18) months as an Active member of the Association at the time of the election. Members wishing to be considered for the Negotiation Team shall submit written notice to the President no less than seven (7) days prior to the meeting at which a vote will take place. The President shall ensure that a ballot is prepared reflecting all eligible names. Nominations may be made from the floor during the meeting. In the event that more than four (4) members run for a position on the team in either the non-sworn or Police Officer categories, a runoff election shall be conducted of the top four (4) candidates receiving votes. Members of this team may be removed from this position by a two-thirds vote of all members voting at a regular meeting. Voting eligibility to be based on those set forth in Article V of the Association Constitution and Bylaws. All openings on the team shall be filled in a manner consistent with the provisions for voting contained in this section.

Section 3. Negotiation Team Chairman. The members of the Negotiation Team shall be responsible to elect a chairman of the committee. The Chairman shall be responsible to act as a liaison with the Association's legal representative for the purpose of bargaining. The Chairman shall also be responsible to ensure that the City is appropriately notified of the Association's intent to bargain within the requisite time limits. The Chairman may act as the spokesman for the team and be responsible for coordinating meetings of the Negotiation team.

Section 4. Negotiation Procedures. The Chairman and up to three (3) additional team members selected by the Chairman shall attend the actual bargaining sessions with the representatives of the City. The Chairman shall have the authority to assign team members the responsibility to gather information or research bargaining issues. All team members shall have the opportunity to caucus periodically to review the progress of

negotiations. Information relating to the progress of the negotiations and the status of individual issues shall remain confidential, excepting that the Chairman shall keep the President regularly informed of the specific status of negotiations.

Prior to the initiation of negotiations, the President and Chairman shall schedule a meeting to permit Association members to provide written or verbal comment on negotiation issues. A meeting shall again be scheduled at the conclusion of negotiations or if the parties have bargained to impasse. A majority of those members voting at a regular meeting must approve the terms of any tentative agreement or the filing of any unfair labor practice. Approval of the negotiated collective bargaining agreement requires the President and Negotiation Team Chairman to sign this document on behalf of the Association.

Section 5. Grievances. Any member that feels they have a grievance under the existing collective bargaining agreement shall follow the procedures provided for in that agreement. If the grieving member feels that legal advice or consultation is necessary, and/or if the dispute is to go to arbitration, the member must first approach the Grievance Review Committee which shall be comprised of the President and the two Vice Presidents. This committee may authorize an initial legal consultation with the Association's attorney. Requests for more extensive legal representation or any expense associated with arbitration of the grievance shall be reviewed by the three (3) member committee and a recommendation made at a regular meeting. Any further expenditure must be authorized by a majority of those members voting at a regular meeting.

#### ARTICLE VIII AMENDMENT TO THE BY-LAWS AND CONSTITUTION

Section 1. These By-Laws and Constitution may be amended by a two-thirds vote of those Active members voting at any regular meeting of the Association provided that a copy of any such amendments to be voted on shall have been distributed to each Active member at least fifteen (15) days prior to said regular meeting.

Amended 5/25/89  
MAL



COPY

**State of New Hampshire**

PUBLIC EMPLOYEE LABOR RELATIONS BOARD

DATE: November 13, 1996

TO: I.B.P.O.  
86 High Street  
Hampton, N.H. 03842

NOTICE OF FILING

DATE FILED: 11/13/96 TITLE: Dover Police Department &  
CASE NO: P-0747:3 Dover Police Association

UNFAIR LABOR PRACTICE COMPLAINT

CHARGE: \_\_\_\_\_

- |  |  |
|--|--|
| <input type="checkbox"/> Petition for Certification    | <input type="checkbox"/> Rehearing Request           |
| <input type="checkbox"/> Declaratory Judgment          | <input type="checkbox"/> Decertification             |
| <input type="checkbox"/> Modification of existing unit | <input type="checkbox"/> Appeal from Hearing Officer |

Other CHANGE OF AFFILIATION

If you have any interest in this matter, please advise this office within fifteen (15) days and indicate the basis of such interest. An original and five (5) copies of exceptions, or answers to charges must be filed with the Director and must be received in our office, GAA Plaza, Bldg. #1, 153 Manchester St., Concord, N.H. 03301 no later than 4:30 p.m. on 28th day of NOVEMBER 19 96.

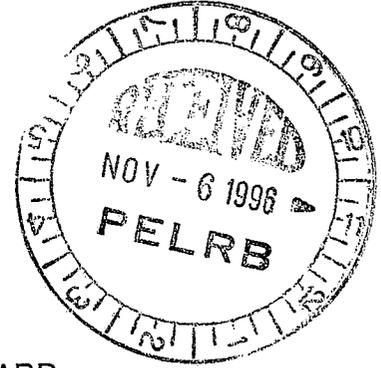
Should you have any questions concerning this case, please call 271-2587.

Sincerely,

Parker Denaco  
Executive Director

cc: Detective William T. Malsbury  
Chief William Fenniman

ORIGINAL



# STATE OF NEW HAMPSHIRE

## PUBLIC EMPLOYEE LABOR RELATIONS BOARD

### PETITION FOR CERTIFICATION

Original and five (5) copies should be filed with the Executive Director of the Public Employee Labor Relations Board at GAA Plaza, Building No. 1, 153 Manchester Street, Concord, New Hampshire 03301

1. **PETITIONER:** Detective William T. Malsbury (Dover Police Department)  
**Address:** 46 Locust Street Dover, NH 03820

**Telephone (603)** 742-4646

**Representative:** Dover Police Association **Title:** Member

2. **PUBLIC EMPLOYER:** Dover Police Department

**Address:** 46 Locust St. Dover, NH 03820

**Telephone (603)** 742-4646

**Representative:** William Fenniman **Title:** Chief of Police

3. **DESCRIPTION OF UNIT:** The Dover Police Association is the sole and exclusive bargaining agent for all employees of the Dover Police Dept. in the following positions: Dispatcher, Parking Enforcement Officers, Police Officer, Clerk Typist I & II, Secretary, Custodian.

**Number in unit:** 48 (Total)

<u>POSITIONS</u>	<u>NUMBER OF EMPLOYEES</u>
<u>Dispatcher</u>	<u>6</u>
<u>Parking Enforcement Officers</u>	<u>4</u>
<u>Police Officer (Includes Detectives)</u>	<u>28</u>
<u>Clerk Typist</u>	<u>7</u>
<u>Secretary</u>	<u>1</u>
<u>Custodian</u>	<u>2</u>

4. EXCLUSIONS: (Following positions should be excluded as "Supervisory").

<u>POSITIONS</u>	<u>NUMBER OF EMPLOYEES</u>
None	

(Following positions should be excluded as "Confidential").

None	

5. BUDGET SUBMISSION DATE: April 1, 1996

6. PETITIONER AND REPRESENTATIVE OF THE PUBLIC EMPLOYER HAVE MADE REASONABLE EFFORTS TO REACH AGREEMENT ON THE COMPOSITION OF THIS PROPOSED AGREEMENT HAS X AGREEMENT HAS NOT        BEEN REACHED.

7.  PETITION is supported by the required number of individual signature cards which represents not less than the required thirty (30%) percent of the employees of this proposed unit and cards are attached hereto.

8. EXCEPTIONS TO THIS PETITION (by the Public Employer) must be filed with the Public Employee Labor Relations Board, GAA Plaza, Building No. 1, 153 Manchester Street, Concord, New Hampshire, 03301 within fifteen (15) days of the date of filing of this Petition.

William J. Malsbury  
(Signature of Petitioner)

Signed this 5<sup>th</sup> day of November, 19 96.

9. This is to certify that the PETITIONER and the PUBLIC EMPLOYER representative have agreed to the composition of the proposed unit as contained in Par. 3 of the Petition.

PETITIONER

PUBLIC EMPLOYER

William T. Malsbury  
(Name of Petitioner)

Dover Police Department  
(Name of Employer)

William J. Malsbury  
(Representative's signature)

[Signature]  
(Employer Representative's signature)

46 Locust Street Dover, NH 03820  
(Address)

46 Locust Street Dover, NH 03820  
(Address)

I hereby certify that a copy of this within and foregoing petition was mailed CERTIFIED MAIL and/or HAND DELIVERED this day to:

Chief William Fenniman - Dover Police Department  
(Public Employer Representative)

and to I.B.P.O. 86 High St. Hampton, NH 03842  
(Incumbent Exclusive Representative)

Signed this 5<sup>th</sup> day of November, 1996.

William J. Makshury  
(Signature)

STATE OF NEW HAMPSHIRE)

)SS.

COUNTY OF Strafford )

William Makshury, being duly sworn deposes and says, that he/~~she~~ is the Representative for the Petitioner above named, and that he/~~she~~ has read the above Petition consisting of this and 4 number of additional page/s/, and is familiar with the facts therein which he/~~she~~ believes to be accurate.

William J. Makshury  
(Signature)

Detective, Dover Police Department  
(Title)

Subscribed and sworn to before me

this 5<sup>th</sup> day of Nov.

Jean Fenerty

JEAN FENERTY, Notary Public  
My Commission Expires November 9, 1998

STATE OF NEW HAMPSHIRE  
PUBLIC EMPLOYEE LABOR RELATIONS BOARD  
PETITION FOR CERTIFICATION  
(MODIFICATION SUPPLEMENTAL)

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**1. MODIFICATION REQUEST:**

The Dover Police Association is currently affiliated with the International Brotherhood of Police Officers (Local #466). The D.P.A. merged with the I.B.P.O. on March 8, 1993.

However, over the past 3 1/2 years the membership of our Union has steadily declined due to members being unhappy with what the I.B.P.O. has done for the Dover Police Association. In fact, only about 25% of the current D.P.A. members and those that are eligible to be members, are supporting keeping our affiliation with the I.B.P.O.

On 10-15-96 the Dover Police Association / I.B.P.O. Local #466 held an internal vote on whether or not to keep our affiliation with I.B.P.O. Only 18 members of the union voted during this critical meeting. The vote was 11 for keeping and 7 to drop I.B.P.O. affiliation. However, 31 eligible members were not allowed to vote since they were not paying members of the I.B.P.O. If these employees of the Dover Police Department would have been able to vote, our affiliation with the I.B.P.O. would have been terminated. An attempt to make these eligible employees active members prior to the vote was blocked, since supporters of the union (Including D.P.A. Officers) knew the vote would have been in favor of dropping our affiliation with the I.B.P.O.

Therefore, I respectfully request that the P.E.L.R.B. grant a request for a vote to be held by the P.E.L.R.B. to determine the Dover Police Associations affiliation status with the I.B.P.O. Furthermore, The D.P.A. is currently in contract negotiations since our former contract with the City of Dover expired on July 1, 1996.

William T. Malsbury  
Detective

