

STATE OF NEW HAMPSHIRE

PUBLIC EMPLOYEE LABOR RELATIONS BOARD

STATE EMPLOYEES' ASSOCIATION
OF NEW HAMPSHIRE, INC.

and

STATE OF NEW HAMPSHIRE

TREASURY DEPARTMENT: VETERANS' COUNCIL
AND REAL ESTATE COMMISSION

and

SUPERVISORY EMPLOYEES,
INSURANCE DEPARTMENT: WATER RESOURCES BOARD:
AND WATER SUPPLY AND POLLUTION CONTROL
COMMISSION

CASE NO. S-0328

and

CASE NO. S-0329

DECISION NO. 780015

APPEARANCES

Representing the State Employees' Association of New Hampshire, Inc.:

Richard E. Molan, Assistant Executive Director

Representing the Insurance Department, State of New Hampshire:

Michael Gfroerra, Esquire, Assistant Commissioner

BACKGROUND

The Public Employee Labor Relations Board on May 5, 1977, denied petitions from the State Employees' Association of New Hampshire, Inc. to combine several state departments to form two bargaining units composed of (1) employees in the Treasury Department, Veterans' Council and the Real Estate Commission and, (2) supervisory employees of the Insurance Department, Water Resources Board and the Water Supply & Pollution Control Commission, based on evidence presented at the original hearing held on December 13, 1976, and for the reasons set forth in the Board's decision in Cases S-0328 and S-0329.

On May 24, 1977, SEA requested a rehearing in the matter, setting forth its objection to the Board's decision. Rehearing was granted and held on June 23, 1977, in the Conference Room of the James Hayes Safety Building, Hazen Drive, Concord, New Hampshire.

SEA's position at the rehearing expanded further on its original testimony that State employees were treated as a whole; had the necessary community of interest because they were paid from one pay scale, their benefits were identical and their work rules were also identical under the Personnel Commission rules and, also, negotiations must be done as a whole, all departments sit down collectively not with each individual department, even though certain other considerations are on a department-by-department basis.

In August, 1977 SEA filed a motion to amend their original petition in the Case No. S-0328, Insurance Department, Water Resources Board, and Water Supply and Pollution Control Commission, and delete the Director of Permits and Surveillance and the Sanitary Engineer III positions.

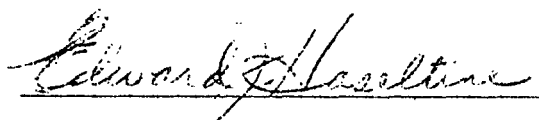
FINDINGS OF FACT

The facts indicate that the State of New Hampshire does enter into one general agreement for its employees, but it is also true that conditions of employment and commonality of supervision vary from department to department. There is in fact a very definite lack of community of interest in the departments proposed in the petitions. The only factor supporting the community of interest test being that all are employed by the State of New Hampshire. All other reasonable tests or standards which might be applied to determine the community of interest failed.

Representative of the public employer offered no new evidence and reaffirmed its opposition to the combined bargaining units.

BOARD DECISION AND ORDER

After considering all the evidence offered at the original and rehearing on the combining of units, PELRB again denies SEA's petitions and reaffirms its decision dated May 5, 1977, and thereby renders the question of amendment to Case No. S-0328 moot.



EDWARD J. HASELTINE, CHAIRMAN
PUBLIC EMPLOYEE LABOR RELATIONS BOARD

Signed this 5th day of April, 1978

Unimous decision. Chairman Edward J. Haseltine, members Richard H. Cummings and James C. Anderson voting. Absent: Members Joseph B. Moriarty and Edward L. Allman. In attendance: Clerk Evelyn C. LeBrun