



State of New Hampshire

PUBLIC EMPLOYEE LABOR RELATIONS BOARD

TEAMSTERS, LOCAL 633, NEW HAMPSHIRE
a/w INTERNATIONAL BROTHERHOOD OF TEAMSTERS,
CHAUFFEURS, WAREHOUSEMEN AND HELPERS OF
AMERICA

Petitioner

and

TOWN OF GOFFSTOWN, NEW HAMPSHIRE,
POLICE DEPARTMENT

Respondent

CASE NO. P-07439

DECISION NO. 84-37

APPEARANCES

Representing the Union, Teamsters, Local 633:

Thomas D. Noonan, Business Agent
David W. Laughton, Secretary/Treasurer

Representing the Town of Goffstown:

Lt. Stephen Monier
Robert Wheeler, Chairman, Bd. of Selectmen
Robert J. Wike, Chief of Police

Others:

Sgt. Edward Tuthill, Jr.
Cpt. Michael T. French

BACKGROUND

On February 10, 1984, Teamsters, Local 633 (Union) petitioned for certification of all regular full-time police officers employed by the Goffstown, N. H. Police Department. The unit consisting of ten full-time police officers was supported by the required number of individual signature cards in accordance with RSA 273-A:10 and PELRB Rules and Regulations.

The town of Goffstown (Town) in its answer stated: (1), the unit should be clarified to include "all regular full-time patrolmen" as the positions excluded were also held by police officers; (2), the unit consisted of but nine patrolmen due to the resignation of one patrolman; (3), even though the law had been amended relative to probationary employees, 273-A:8, 1(d),

under the definition of "public employee", RSA 273-A:1, IX, (d), probationary employees are exempted and three of the patrolmen were still in probationary status; and (4), that the N.H. Supreme Court in the Appeal of the Town of Conway (1981) 121 NH 372 stated that the PELRB interpretations of "employees" to mean "positions" was contrary to the statute.

On February 21, 1984, the Union submitted an amended petition to include the positions of corporal and sergeant.

The Town objected to the amended petition in that it was filed after exceptions to the original petition had been received in an effort to circumvent their principal argument that it failed to meet the minimum requirements under law. They further alleged that the positions of corporal and sergeant were supervisory in nature and thereby should be excluded in accordance with 273-A:8, II which states:

"...Persons exercising supervisory authority involving the significant exercise of discretion may not belong to the same unit as the employees they supervise."

A hearing on the matter was held in the PELRB office, Thursday, April 12, 1984 and oral and written evidence presented in support of both the Town and Union positions.

FINDINGS OF FACT

1. The Town of Goffstown, New Hampshire, is the public employer within the meaning of RSA 273-A:1, X.

2. The Town of Goffstown Police Department has an authorized force of eighteen (18) people:

- 1 Chief
- 1 Captain
- 2 Lieutenants
- 2 Patrol Sergeants
- 1 Communication Sergeant
- 1 Corporal
- 10 Patrolmen

3. Under a system instituted by the Police Chief, weekly staff meetings are held and attended by staff from Corporal to Chief.

4. The "Staff Concept" is an unwritten, undocumented team concept which was adopted by the Chief approximately five (5) years ago.

5. Although a certain amount of supervision is involved in the functions of the corporal and sergeants, the degree of supervision does not warrant their exclusions from the bargaining unit.

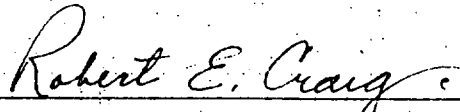
6. Final authority, or real, meaningful power or authority to hire, transfer, etc. rests with the Board of Selectmen.

7. The "self-felt" community of interest is but one of the criteria considered in the determination of bargaining units and not limited to such. The employees have the same conditions of employment, are employed in the same historic professions; i.e., law enforcement, and are functioning within the same organizational unit.

DECISION AND ORDER

NOW, THEREFORE, it is hereby ORDERED pursuant to RSA 273-A:10 that

- (a) A collective bargaining unit consisting of patrolmen, corporal and sergeants is appropriate in the Town of Goffstown Police Department and that
- (b) A secret ballot election shall be conducted by this Board within thirty days (or as expeditiously as possible) to determine whether or not these employees wish to be represented by Teamsters Local 633, New Hampshire, a/w International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America.



ROBERT E. CRAIG, Chairman
PUBLIC EMPLOYEE LABOR RELATIONS BOARD

Dated this 3rd day of May, 1984.

By unanimous vote: Chairman Robert E. Craig presiding; members Russell Verney, Richard W. Roulx and Seymour Osman present and voting. Also present, Executive Director, Evelyn C. LeBrun.