



State of New Hampshire

PUBLIC EMPLOYEE LABOR RELATIONS BOARD

STATE EMPLOYEES' ASSOCIATION OF NEW
HAMPSHIRE, INC.

Petitioner

v.

TOWN OF LITTLETON, NEW HAMPSHIRE
POLICE DEPARTMENT

Respondent

CASE NO. S-0374

DECISION NO. 84-66

APPEARANCES

Representing the Petitioner, SEA:

William P. Briggs, Esq., General Counsel

Representing the Town:

Daniel D. Crean, Esq., Counsel

Also in Attendance:

Christopher L. Rose, Town Manager

Joseph A. Wiggett, Selectman

Wayne P. Golden, Selectman

Thurita Grammo, Secretary

BACKGROUND

On June 27, 1984, the State Employees' Association of New Hampshire, Inc. (SEA) filed a petition for certification of a bargaining unit composed of the police department employees below the rank of Deputy Chief in the Town of Littleton, New Hampshire; i.e., patrolmen, dispatchers, sergeants, police clerk and meter patrol officer.

The Town of Littleton (Town) through its Counsel filed an exception to the inclusion of the position "police clerk" stating that the position was that of "secretary" whose functions fell under confidentiality and as such should be excluded from the proposed unit.

A hearing was held in the Town Office on September 10, 1984 and both parties were afforded an opportunity to present evidence on the confidentiality and community of interest aspects.

FINDINGS OF FACT

The secretary:

1. performed all the regular clerical and secretarial duties required in the daily operations of the police department;
2. took over the dispatching duties daily during the regular dispatcher's lunch hour and for approximately one hour each day at the end of the dispatcher's shift;
3. was called on to do the dispatcher's duties on occasions when the regular dispatcher was absent from work due to illness or away on vacations, although not as a general practice; and,
4. evidenced a real self-felt community of interest with the other members of the proposed unit;
5. that although she had access to personnel files and other matters which could be classified as confidential, it is found that one has to act in a confidential capacity with other persons involved in formulating, determining and effectuating labor relations policies before he/she could be deemed a "confidential" employee for the purposes of labor relations.

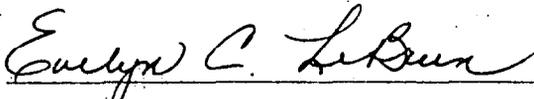
DECISION

Having met the requirements under RSA 273-A:8 which states that "the community of interest may be exhibited by one or more of the criteria, although not limited to such; i.e., in this case, (a) employed by the same employer; (b) working in the same general geographical location; (c) having similar work schedules; and (d) evidencing the self-felt community of interest,

a bargaining unit is hereby created including the following employees of the Town of Littleton Police Department:

Sergeants, patrolmen, dispatchers, meter patrol officer and secretary.

Election to determine if these employees wish to be represented by SEA for the purpose of collective bargaining in accordance with RSA 273-A will be held on September 28, 1984.



EVELYN C. LeBRUN, Hearing Officer

Signed this 18th day of September, 1984