



# State of New Hampshire

## PUBLIC EMPLOYEE LABOR RELATIONS BOARD

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MANCHESTER PROFESSIONAL FIREFIGHTERS \*  
ASSOCIATION, LOCAL 856, IAFF \*

Petitioner \*

CASE NO. F-0104:17

v. \*

DECISION NO. 87-15

CITY OF MANCHESTER FIRE DEPARTMENT \*

Respondent \*

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### APPEARANCES

Representing Manchester Professional Firefighters  
Association, Local 856, IAFF

Vincent Wenners, Esq., Counsel

Representing City of Manchester Fire Department

Wilbur Jenkins, Personnel Dir.

### Also in attendance

Gary Cosingham  
Marc Chretien  
Ron Charland  
Ron Philibert, Pres. IAFF Local 856  
Mark MacKenzie  
William Milne  
Geoffrey Hamilton  
Steven Morin

### BACKGROUND

The Manchester Professional Firefighters Association, ("Firefighters") Local 856, IAFF, filed a petition to modify their bargaining unit to include the positions of "Radio Technician" and/or "Electronic System Technician". The firefighters explained that during the past year the positions have been transferred into the fire department from the Manchester Police Department as part of "...A consolidation effort in the fire communication division". During the last contract negotiations the city apparently would not accept the position(s) into the unit and no agreement with the city has been reached subsequently.

A hearing on the petition was held at the office of the PELRB on January 9, 1987 with all parties represented.

FINDINGS OF FACT

1. Just prior to the hearing, the firefighters filed a motion asking that it be allowed to withdraw its modification petition on the grounds that the positions which are the subject of the petition have been included in the bargaining unit by the collective bargaining agreement dated December 23, 1986 and effective January 1, 1987. At the hearing the attorney for the firefighters did declare that he was "withdrawing" the petition.
2. The City of Manchester noted that it had voluntarily agreed to include the positions of "Electronic System Technician" and "Radio Technician" in the bargaining unit but had no objection to allowing the effected parties to be heard (some employees objected to being put into the unit).
3. The firefighters objected to hearing from any party except the union on the grounds they have no "standing" in this matter.
4. The PELRB ruled that they would take the motion to withdraw under advisement and proceed to hear the merits of the modification petition.
5. The firefighters union established, with no objection by the city, that the positions of Fire Alarm Technicians had existed for some years (since 1972) and that over the years the duties had become more sophisticated and were later called "Fire Communications Technicians" and more recently "Electronic System Technician". The union further established that the "Radio Technicians" were transferred from the Police Department and that all technicians are in the bargaining unit (except supervisors).
6. The PELRB heard from two of the effected employees:
  - A. "Radio Technician" (Morin) objected to inclusion on the ground that his job was not same as "Fire Alarm Technician" since his licensing requirement was different (Federal license). and that pay was different since unit persons got less pay as a result of a different hourly arrangement recently (work 40 hour week, firefighters working 48 hour shifts). Mr. Morin further testified that he was not a firefighter, was previously in Police Department (but not a unit member) that he was not a supervisor, and that he worked on equipment in departments other than the Fire Department. Further it was established that the Radio Technician was located at a firehouse, wore a fire department uniform, was part of the Police and Firefighter Retirement System, and would respond to alarms when communication equipment was in danger.
  - B. "Electronic System Technician" (Hamilton) testified he objected to being included in bargaining unit since he worked on radio equipment, telephone lines, computer lines, etc., throughout the city and only a small percentage of the time (10%) in the Fire Department. Hamilton also testified he would take a cut in pay if moved into the bargaining unit since he was promised a raise every six months but won't get that in unit's contract. Further, it was established that the Electronic

System Technician wore a Fire Department uniform, was a member of the Retirement System for police and firefighters and would assist at a fire if needed for communications equipment, as others would.

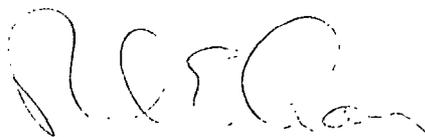
7. Union Secretary-Treasurer (McKenzie) testified that during negotiations the union had tried to get others raised to pay level of Hamilton but City refused, but they did bargain for the greatest percentage increase, over three years, for Hamilton's position.

RULINGS OF LAW

- A. The final determination of the composition of the bargaining unit belongs to the PELRB under RSA 273-A:8, I.
- B. The PELRB rules that if no modification petition had been filed the positions in question would not be in the bargaining unit until PELRB action.
- C. The PELRB does not grant the motion to withdraw the petition for modification on the grounds that the City does not agree to the motion and the PELRB, in light of the extant contract, needs to make a ruling on the inclusion or exclusion of the employees in the bargaining unit.
- D. The positions in question here, "Radio Technician" and "Electronic System Technician", are part of the Fire Department and are similar enough to the employees in the bargaining unit: in uniform, retirement system, types of work, etc., so that they belong in the bargaining unit with whom they share a community of interest.

DECISION

The modification petition is granted and the positions of "Radio Technician" and "Electronic System Technician" are included in the bargaining unit and the unit certification is ordered to be modified accordingly.



ROBERT E. CRAIG, Chairman

Signed this 19th day of February, 1987.

By unanimous vote. Chairman Robert E. Craig presiding. Members James Anderson, Seymour Osman and Richard Roulx present and voting. Also present, Evelyn C. LeBrun, Executive Director.