



State of New Hampshire

PUBLIC EMPLOYEE LABOR RELATIONS BOARD

AMERICAN FEDERATION OF STATE, COUNTY
AND MUNICIPAL EMPLOYEES, COUNCIL 93,
LOCAL 1801

Petitioner

v.

TOWN OF DERRY

Respondent

CASE NO. A-0483:5

DECISION NO. 88-45

APPEARANCES

Representing AFSCME, Council 93, Local 1801:

James C. Anderson, Staff Representative
Charles Buzzell
Janet Thompson

Representing Town of Derry:

Gary Wulf, Labor Relations Consultant
Mayor Paul Collette
John Freeman

BACKGROUND

On January 7, 1988, James C. Anderson for AFSCME filed a petition with this Board (PELRB) to modify the current certified Administrative Support Staff unit to include the following positions: Town Clerk, Tax Collector, Dog Officer, Assistant Building Inspector, Deputy Town Clerk, Deputy Tax Collector, Deputy Dog Officer and Administrative Assistant to the Public Works Director. When the current unit was certified, the above positions were either not in existence or were elected positions. Gary Wulf for the Town on January 11, 1988, by letter, in response to the petition objected to the inclusion in the unit of the following positions: Town Clerk, Tax Collector and Dog Officer on the basis that they were department heads and their duties were supervisory; the Assistant Building Inspector on the basis that the position is professional; the Administrative Assistant to the Public Works Director on the basis that the position is involved in labor negotiations and execution of any bargained agreement and fashioning of management proposals to the Union.

Hearing in this matter was held at PELRB office on April 21, 1988.

FINDINGS OF FACT

At the opening of the hearing Anderson for AFSCME amended the petition by dropping his request for inclusion of the Town Clerk, Tax Collector and Dog Officer and amended the petition to include in the unit the position of Plumbing Inspector. The Town did not object to this amendment.

AFSCME argued that changes in position duties and responsibilities had occurred with the change in Derry's government to that of Mayor and Council. AFSCME's request was finally narrowed to consideration of Assistant Building Inspector, Deputy Town Clerk, Deputy Tax Collector, Deputy Dog Officer and Administrative Assistant to Public Works Director and Plumbing Inspector. Testimony taken from witnesses, positions incumbents relative to job responsibility, supervisory actions, self-felt community of interests, participation in labor relations and testimony from a former occupant of the administrative assistant position no longer associated with the Town.

Witnesses testifying were:

- John M. Freeman, Code Enforcement Officer
- Janet Thompson, Administrative Assistant to Public Works Director
- Sandra Buacopolis, Former Administrative Assistant
- Charles Buzzell, Waste Water Plant Supervisor
- Paul Collette, Mayor of Derry

The responsibilities and duties of the various positions were explored in detail both before and after the change to the Mayor and Council form of Government.

Wulf for the Town in closing did not deny the positions' right to be part of a unit but was of the opinion that they should belong to a purely administrative unit. Derry does not now have such a bargaining unit.

ORDER

After considering all documents submitted and hearing testimony the Board finds as follows:

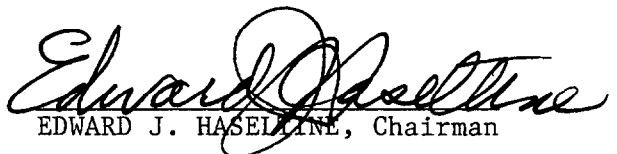
The unit is modified to include the positions of:

- Assistant Building Inspector
- Deputy Dog Officer
- Plumbing Inspector

EXCLUDED from the unit: -

- Deputy Town Clerk
- Deputy Tax Collector
- Administrative Assistant to Public Works Director

Signed this 16th day of June 19 88.


EDWARD J. HASELTINE, Chairman

By unanimous vote: Chairman Edward J. Haseltine presiding. Members Richard E. Molan, Richard W. Roulx and Seymour Osman present and voting. Also present, Executive Director Evelyn C. LeBrun.



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Hearing in this matter was held at PELRB office on April 21, 1988.

FINDINGS OF FACT

At the opening of the hearing Anderson for AFSCME amended the petition by dropping his request for inclusion of the Town Clerk, Tax Collector and Dog Officer and amended the petition to include in the unit the position of Plumbing Inspector. The Town did not object to this amendment.

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ORDER

After considering all documents submitted and hearing testimony the Board finds as follows:


The unit is modified to include the positions of: -

- Assistant Building Inspector
- Deputy Dog Officer
- Deputy Town Clerk
- Deputy Tax Collector
- Plumbing Inspector

EXCLUDED from the unit: -

Administrative Assistant to Public Works Director

Signed this 15th day of June, 1988. (Original decision)
Signed this 23rd day of August, 1988. (Amended)



EDWARD J. HASELTINE, Chairman

By unanimous vote: Chairman Edward J. Haseltine presiding. Members Richard E. Molan, Richard W. Roulx and Seymour Osman present and voting. Also present, Executive Director, Evelyn C. LeBrun.