



State of New Hampshire

PUBLIC EMPLOYEE LABOR RELATIONS BOARD

PLAISTOW POLICE ASSOCIATION :

Petitioner :

and :

TOWN OF PLAISTOW :

Respondent :

CASE NO. P-0748

DECISION NO. 89-61

APPEARANCES

Representing the Plaistow Police Association:

J. Joseph McKittrick, Esq.
Thomas W. Hawthorne

Representing the Town of Plaistow:

Sumner F. Kalman, Esq.
Charles L. Kellner, Town Manager

Also Appearing:

Michael Greeley
Stephen C. Savage

BACKGROUND

On March 30, 1989, the Plaistow Police Association petitioned the PELRB for certification of a bargaining unit "Consisting of all full-time police officers, part-time police officers, full-time and part-time dispatchers and secretaries". This consists of 4 sergeants, 16 patrolmen, 6 dispatchers and 2 secretaries.

On April 3, 1989, the Town of Plaistow, by its Town Manager, disagreed with the proposed unit, stating that the 4 sergeants should be excluded as "supervisor" and 1 secretary (confidential) and supervisor of civilian personnel. And further, that certain patrolmen and dispatchers, because of their being temporary, irregular or seasonal employees under 273-A (IX) (d).

Hearing in this matter was held on June 8, 1989 at the PELRB office.

At the opening of the hearing, the petitioner agreed to exclude from the unit one secretary to the Chief of Police as being a confidential employee and one of the sergeant's positions as being supervisory in nature.

Detailed testimony was presented by the parties regarding the permanent, part-time nature of police officer employment, also the part-time and part-time permanent nature of dispatcher employees; the length of time certain part-time officers had been employed; the scheduling; the reliance of the Town on permanent part-time employees to staff Police Department operation; the community of interest felt by the dispatchers and the police officers; the duties and schedules of the sergeants; job descriptions and training requirement for appointment.

Upon considering all evidence and written material submitted, the Board finds as follows:

1. The Plaistow Police Department employees, part-time police officers and part-time dispatchers on a part-time permanent basis are regularly scheduled on designated shifts.
2. The community of interest test requirement as one element to be used in bargaining unit determination was adequately substantiated by testimony of the witness.
3. With the exception of 1 sergeant position, the sergeants perform regular patrol duties on a scheduled basis. Their limited supervisory duties, do not qualify them for exclusion under 273-A:8 (11).
4. The Town of Plaistow is dependent on the permanent part-time officers and dispatchers to fill out its required patrol shift schedule.

DECISION

The petition for certification of a bargaining unit is granted to include the following:

- (a) All full-time and permanent part-time patrolmen (16)
- (b) The sergeant's positions (3)
- (c) All full-time and permanent part-time dispatchers (6)
- (d) One Secretary position.


Excluded from the unit:

1 Chief of Police

1 Sergeant position as supervisory

1 Secretary position, the secretary to the
Chief as Confidential

Signed this 20th day of September, 1989.


EDWARD J. HASELTINE, Chairman

By unanimous vote, Edward J. Haseltine presiding, members Seymour Osman and Daniel Toomey.