



State of New Hampshire

PUBLIC EMPLOYEE LABOR RELATIONS BOARD

STATE EMPLOYEES' ASSOCIATION OF NEW
HAMPSHIRE, LOCAL 1984, SEIU, AFL-CIO

Petitioner

and

TOWN OF SALEM

Respondent

CASE NO. S-0381

DECISION NO. 89-75

Representing State Employees' Association of N.H., Local 1984:

Kathy Duval, Director of Organizing, S.E.A.

Representing Town of Salem:

Robert Leslie, Esq., Counsel

Also appearing:

Nick Manolis, Personnel Director, Town of Salem
Cheryl-Ann Bolouk, Town of Salem
Sally Sweet, Town of Salem
Patricia Richardson, Town of Salem
Alfreda Payne, Town of Salem
Patsy H. Dreyer, S.E.A.

BACKGROUND

On May 11, 1989 the Town of Salem appealed hearing officer LeBrun's decision No. 89-32 concerning the composition of a bargaining unit of State Employees' Association of N.H., Local 1984, SEIU. The original petition for certification in this case was filed January 27, 1989 the unit consisting of Clerical, Technical and Administrative, full-time and permanent part-time employees of Town Manager, Department of Police, Fire, Finance, Legal, Recreation and Engineering, Division of Data Processing, Personnel, Planning, Public Works, Building and Inspection, Town Clerk, Probation, Assessor and Tax Collector, Senior Program and the Kelly Library.

The Town took exception to certain positions being included. The matter was assigned by PELRB to a Hearing Officer, who heard the case and rendered a decision. Now the Town comes before PELRB and appeals the hearing officer's decision and states there are (5) five positions that were included in the bargaining unit, as ordered by the Hearing Officer that should be excluded from the unit as their positions are professional within the meaning of RSA 273-A:1 VIII and want to vote separately.

Hearing on this appeal was held on June 20, 1989 at the PELRB office in Concord, New Hampshire.

The (5) five positions considered were; Chief Probation Officer, (part-time - full-time), Youth Coordinator, Assistant Planner, Assistant Finance Director, Elderly Service Coordinator. The Board heard oral testimony from some of the incumbents and the Personnel Director Manolis, who testified as to the position duties of the (5) five in contention.

Witness Cheryl-Ann Bolouk, Asst. Finance Director, testified as to the position duties as did Alfreda Payne, Youth Coordinator, Sarah Sweet Coordinator of Program for the Elderly.

Counsel for the Town. Atty. Robert Leslie discussed at length the duties of the several positions and the meaning of the word professional and the Town's personnel plan.

FINDINGS OF FACT


After considering all the testimony, oral and written the Board finds as follows:

1. There had been a history of bargaining by this contested group with the Town prior to the petition for certification.
2. The testimony offered at the Appeal hearing was comparable to that offered the Hearing Officer which was properly considered and evaluated.
3. The duties of the positions did not meet the Board's test of professional status. (i.e., requiring specialize training, certification by proper authorities such as an M.D., Attorney, C.P.A. or Teacher).

ORDER OF THE BOARD

The Hearing Officer's decision No. 89-32 is hereby AFFIRMED.

Signed this 30th day of October, 1989.


EDWARD J. HASELTINE
Chairman

By unanimous vote. Chairman Edward J. Haseltine presiding. Members Seymour Osman and Daniel Toomey present and voting.