



State of New Hampshire

PUBLIC EMPLOYEE LABOR RELATIONS BOARD

HUDSON PROFESSIONAL MANAGEMENT
ASSOCIATION

Petitioner

and

TOWN OF HUDSON, NEW HAMPSHIRE

Respondent

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CASE NO. M-0623

DECISION NO. 90-32

APPEARANCES

Representing the Hudson Professional Management Association:

Donald E. Mitchell, Esq., Counsel

Representing the Town of Hudson:

Gary W. Wulf, Consultant

Also appearing:

Lisa Nute, Police Information Manager
Albert Brackett, Chief of Police
Richard E. Gendron, Captain
Michael H. Reynolds, Town Planner
Brian Mason, Fire Chief
Fred Snider, Executive Administrator
Doris R. Ducharme, Councilor

BACKGROUND

The Hudson Professional Management Association (Association) on October 20, 1989 filed a petition for certification to include all managerial personnel from the Public Works, Fire, Police, Finance, Assessor's office and Legal Departments of the Town of Hudson.

Consultant for the Town of Hudson (Town) objected to the proposed unit because (1) it included persons appointed to office by the chief executive officer or legislative body, (2) it included six non-professional employees which in accordance with 273-A:8, II would have to vote separately, and (3) the unit included supervisors which could not be in the same unit as employees they supervised.

A hearing in the merits was held in the PELRB office in Concord on February 13, 1990 with all parties represented.

FINDINGS OF FACT

1. Under Article IV of the Charter, the Chief Administrative Officer of the town of Hudson is the Executive Administrator.
2. As Executive Administrator he supervises and directs the administration of all departments, commissions, boards and offices of the town with the exception of the Town Council, Zoning Board of Appeals, Building Code Board of Appeals, Planning Board, Trustees of the Hills Memorial Library, Town Clerk, Tax Collector, Treasurer, Moderator, Legal Officer, Trustees of the Trust Funds and Supervisors of the Checklist.
3. The Executive Administrator appoints department heads.
4. All salaries of the members of the proposed unit are paid from the general funds and under the same salary schedule.
5. All are physically located within the Town of Hudson.
6. Historically all members have been treated by the Town as a group.
7. Although the Executive Administrator, under charter, has the final authorization to appoint, discharge or reprimand town employees the Department Heads evaluate and make recommendations which are heavily relied upon by the Executive Administrator and Town Council.

DECISION and ORDER

In accordance with RSA 273-A:8, I the Town Attorney, Finance Director, Police Chief, Fire Chief and Director of Public Works must be excluded from the proposed unit as head of departments and persons exercising supervisory authority involving the significant exercise of discretion.

All other positions, although some possess supervisory responsibilities, the degree of supervision is not significant enough to merit their exclusion from the unit.

A unit is hereby granted composed of managerial personnel of the Public Works, Fire, Police and Finance Depts., Legal Bureau and Assessor's office as follows: -

- 1) Town Planner
- 2) Town Engineer
- 3) Civil Engineer
- 4) Zoning Administrator
- 5) Police Captain
- 6) Police Lieutenant
- 7) Police Records Manager
- 8) Police Chief's Secretary
- 9) Police Animal Control Division Supervisor
- 10) Deputy Fire Chief

- 11) Fire Captain
- 12) Superintendent of Fire Prevention
- 13) Administrative Asst. to Director of Public Works
- 14) Town Attorney's Secretary
- 15) Fire Chief's Secretary
- 16) Assistant Assessor
- 17) Town Accountant
- 18) Data Processing Manager

Excluded from the unit: -

- 1) Town Attorney
- 2) Police Chief
- 3) Fire Chief
- 4) Director of Public Works
- 5) Finance Director

An election to determine if the employees of the unit wish to be represented by the Hudson Professional Management Association for the purposes of collective bargaining and settlement of grievances will be conducted by PELRB as expeditiously as possible in accordance with RSA 273-A:10 and PELRB Rules and Regulations Pub 303.

Signed this 17th day of May, 1990.


JACK BUCKLEY
Chairman

By unanimous vote. Chairman Jack Buckley presiding. Members Seymour Osman and Richard E. Molan, Esq., present and voting.