



## State of New Hampshire

### PUBLIC EMPLOYEE LABOR RELATIONS BOARD

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TOWN OF HOOKSETT, NEW HAMPSHIRE	:	
	:	
Petitioner	:	
	:	CASE NO. F-0136
v.	:	
	:	DECISION NO. 90-62
HOOKSETT PERMANENT FIREFIGHTERS	:	
ASSOCIATION, LOCAL 3264, IAFF	:	
	:	
Respondent	:	

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#### OBJECTION TO CONDUCT OF ELECTION and CONDUCT AFFECTING OUTCOME OF ELECTION

On January 24, 1990, PELRB ordered an election to determine if employees of the Town of Hooksett Fire Department wish to be represented for the purpose of collective bargaining and settlement of disputes by Local 3264, IAFF.

The above order was issued after an agreement was reached between Local 3264 IAFF and the Town to include all regular full-time lieutenants and regular full-time firefighters and exclude the Chief, Deputies, Captains and the Fire Prevention Officer, and after disposition of the Town's objection that a number of the firefighters were probationary and their votes could conceivably affect the outcome of the election. Petition was filed in September of '89. The Town met with the Local in an attempt to reach agreement on the unit. PELRB scheduled a unit determination hearing for January 11, 1990 and were informed just prior to that date that an agreement was reached on the unit. The January 11, 1990 date was used for the pre-election conference at which time objection on the February 1st election date was voiced and a 40-day delay requested.

Election was held on February 1, 1990 and the Local received the majority vote (9 for and 3 against). Certification of the results and "Conduct of the Election" was signed by the Town's observer, Sandra Piper, after consultation with counsel who was present for the counting and by the representative for the Local, Mark Ouellette.

The unit was certified in accordance with RSA 273-A:10 and PELRB rules and regulations as of February 1, 1990.

RSA 273-A:8, I anticipates that small units of necessity must consider probationary employees to meet the minimum requirement of 10 employees and allows those units to count those probationary employees, however does not allow them to vote in the election. The Town of Hooksett satisfied the minimum requirement without the probationary employees (see vote of 9 to 3) and because the petition had been on file for over 4 months, PELRB found that as all requirements had been

met and the election should be held as expeditiously as possible as has been the rule since passage of 273-A in 1975.

For all of the above, PELRB finds that the election was timely and conducted properly as attested to by representatives for the Town and Local.

Objections filed by the Town are hereby DISMISSED.

Signed this 27th day of July, 1990.

A handwritten signature in black ink, reading "Edward J. Haseltine", written in a cursive style. The signature is positioned above a horizontal line.

EDWARD J. HASELTINE  
Chairman

By unanimous vote. Chairman Edward J. Haseltine and members E. Vincent Hall and Seymour Osman present and voting. Also present, Executive Director, Evelyn C. LeBrun.