



State of New Hampshire

PUBLIC EMPLOYEE LABOR RELATIONS BOARD

SALEM POLICE RELIEF

Petitioner

v.

CHIEF JAMES ROSS, IN HIS CAPACITY AS
CHIEF OF POLICE

Respondent

CASE NO. P-0715:15

DECISION NO. 90-113

APPEARANCES

Representing Salem Police Relief:

Theresa DeNafio, Esq., Counsel

Representing Chief James Ross:

Robert Leslie, Esq., Counsel

Also appearing:

D. Micklon, Selectmen
David B. Tilton, Jr., Selectmen
Howard C. Glynn, Chairman
Robert Ciandella, Esq., Town Attorney
Det. Mark Pierson
Officer Joseph Swift
Devin P. Kineen, Union President
Lt. Foster
Patrolman Paul Marchand
Det. Mark Cavanaugh
Det. Roger Beaudet
Lt. Donald LeBlanc
Chief James Ross

BACKGROUND

This case involved a charge of unfair labor practice alleging intimidating action by management, specifically that the Chief attended two roll calls and threatened punitive action against the police officers if a certain type of T-shirt was worn to any activity in or outside the department; i.e., a public gathering, shopping at K-Mart, etc... The alleged T-shirt depicted a certain obscene action.

The Chief instructed the police officers that they and their families were not to wear the said T-shirt as it would bring discredit to the Department.

In addition, the Chief required the detectives to wear the official uniforms instead of muftis which was the practice in the summer or during hot weather.

The Police also alleged statements made by Lt. LeBlanc relative to reporting time, lighter checks, request for overtime, etc., constituted harassment and intimidation.

FINDINGS OF FACT

1. The alleged T-shirt although described by various members of the police dept was never produced in evidence. Whether the T-shirt really existed is not known, however, the allusion to the Salem Police depicted was unrefuted.
2. RSA 273-A grants to employers the right to specify the uniform requirements.
3. No grievance was filed on either the T-shirt issue or harassment by Lt. LeBlanc.
4. No evidence was produced that any one was discharged or disciplined during the time of the alleged harassment and intimidation.

DECISION AND ORDER

Finding no evidence to support the charges, the case is hereby DISMISSED.

Signed this 18th day of October, 1990.


EDWARD J. HASELTINE
Chairman

By unanimous vote. Chairman Edward J. Haseltine presiding. Members Seymour Osman and Daniel Toomey present and voting. Also present, Executive Director, Evelyn C. LeBrun.