



## State of New Hampshire

### PUBLIC EMPLOYEE LABOR RELATIONS BOARD

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AFSCME LOCAL 534/BELMONT TOWN  
EMPLOYEES

Complainant

v.

TOWN OF BELMONT

Respondent

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CASE NO: A-0559:3

DECISION NO: 92-150

#### APPEARANCES

##### Representing AFSCME Local 534:

Harriett Spencer, Staff Representative

##### Representing Town of Belmont:

Walter Mitchell, Esq., Counsel

##### Also appearing:

Beatrice DeBlois  
Fred Greene  
Frederick Welch

#### BACKGROUND

On July 1, 1992, Council 93, American Federation of State, County and Municipal Employees, Local 534 (Union) filed unfair labor practice (ULP) charges against the Town of Belmont (Town) alleging violations of RSA 273-A:5 I (a), (b) and (c). The Town filed its answer on July 16, 1992. The case was heard by the undersigned Hearing Officer on September 24, 1992.

#### FINDINGS OF FACT

1. Council 93, AFSCME, Local 534 is the duly certified bargaining agent of employees employed by the Town of Belmont.

2. The Town of Belmont is a public employer as defined by RSA 273-A:1 X.
3. At the time of the hearing, the Union withdrew all of the allegations of unfair practice or requested remedies as they might apply to employees other than Bea DeBlois (DeBlois) but stated that this withdrawal was not intended to prejudice the rights of those employees to pursue any remedies which might be available them in another forum.
4. DeBlois was hired by the Town as an assessing clerk in May of 1988 and performed in that capacity for more than two years. Her duties included monitoring assessment record files and tax maps, recording transfers, building permits, exemptions and subdivisions, data processing for tax bills, warrants and tax reports, and secretarial duties "as required." The position description neither listed nor required dictation skills. During this period of time, DeBlois also assisted with license fees for automobiles, marriages and dogs.
5. On or about November 8, 1991, the job description for DeBlois was changed from assessing clerk to Executive Secretary-Assessing Assistant. A copy was provided to her by memo from Frederick Welch (Welch), Town Administrator, on that same date. The job duties of the Executive Secretary-Assessing Assistant were more complex than those required of the assessing clerk and included "a demonstrated ability to take dictation and type well." DeBlois has no skills with short-hand or experience taking dictation.
6. Welch provided DeBlois with the Executive Secretary-Assessing Assistant job description after she had asked him for a copy of her job description. Welch wrote that job description after checking the personnel folder for DeBlois and finding no job description in it. Welch was unaware of the existence of and had not seen the job description for an assessing clerk until after this ULP was filed.
7. In April of 1992, the Selectmen directed the creation of a position to be known as "Selectmen's Secretary." A job description was generated and the position posted which required applications to be submitted by April 15, 1992. The job description stressed secretarial skills and required the ability to take dictation. References to assessing skills were minimized and included only the requirement to maintain assessment records and to maintain exemption files, current use

files, timber tax file and "a complete property records system for the Town."

8. DeBlois was on sick leave at the time applications for the position of Selectmen's Secretary were to be filed. Welch was instrumental in posting the position vacancy internally before advertising it and in making DeBlois an "automatic applicant."
9. DeBlois was not required to submit a resume for the Selectmen's Secretary position but was asked to submit a letter of application which she did. She was interviewed on May 19, 1992 for the position and was described as ranking "in the top five" but was not the "most qualified".
10. By letter of May 27, 1992 Welch informed DeBlois that the Selectmen had not selected her for the position of Selectmen's Secretary and that her position of Assessing Assistant would cease to exist on June 5, 1992 after which she would no longer be employed.
11. DeBlois was a union member and served as secretary to her local.


DECISION AND ORDER

The Town has elected to change the structure and organization of its work force to address its changing needs within the scope of its existing resources. By doing so, it eliminated the Assessing Assistant position and created the Selectmen's Secretary position. Even though DeBlois was a union participant and officer, this status above cannot guarantee her continued employment when the needs of her employer have changed. The employer exercised its prerogatives and responsibilities which are protected under RSA 273-A:1 XI which preserve unto it the right to determine its organizational structure, the selection and number of its personnel, and the public control of governmental functions.

Under these circumstances, the pending unfair labor practice charges are DISMISSED.

So ordered.

Signed this 29th day of OCTOBER, 1992.

  
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PARKER DENACO  
HEARING OFFICER