



## State of New Hampshire

PUBLIC EMPLOYEE LABOR RELATIONS BOARD

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MERRIMACK PROFESSIONAL PUBLIC :  
SAFETY OFFICERS/AFSCME COUNCIL:

93 :

Petitioner :

v. :

TOWN OF MERRIMACK :

Respondent :

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CASE NO. A-0575

DECISION NO. 94-48

### APPEARANCES

Representing AFSCME, Council 93:

Harriett Spencer, Staff Representative

Representing Town of Merrimack:

Heather M. Burns, Esq., Counsel

Also appearing:

Howard A. Young, Merrimack Fire Dept.

W. C. Miller, Merrimack Police Dept.

Richard Borden, Town Manager

### BACKGROUND

The American Federation of State, County & Municipal Employees (AFSCME) (Union) filed a petition for certification for certain employees of the fire and police departments of the Town

of Merrimack (Town) on March 31, 1994 followed by a corrected copy, inclusive of page 2, on April 4, 1994. The Town filed objections thereto on April 11, 1994 after which the Union wrote to counsel for the Town on April 20, 1994, indicating certain areas over which there appeared to be agreement. As the result of that correspondence, the positions of Fire Chief, Assistant Fire Chief and Police Chief were excluded by mutual agreement. Four (4) additional positions were deleted, without prejudice to subsequent filing, due to allegations that they were currently vacant, namely, Fire Prevention Officer, Fire Training Officer, Police Captain and Police Training Lieutenant. This left the pending petition with agreement on seven (7) positions and a challenge to the positions of Deputy Fire Chief and Deputy Police Chief. This case was set for hearing by the undersigned hearing officer on May 17, 1994.

#### DECISION AND ORDER

Before the opening of the hearing on May 17, 1994, the parties confirmed to the hearing officer that they were in agreement as to the inclusion of the seven (7) following job titles or positions in the bargaining unit: Fire Captain (4), Fire Lieutenant (4), Fire Inspector (1), Police Patrol Lieutenant (3), Police Detective Lieutenant (1), Police Prosecutor Lieutenant (1) and Communications Supervisor.

As the result of a caucus before testimony was offered or taken on the positions of Deputy Fire Chief and Deputy Police Chief, the parties advised the hearing officer that they had reached an agreement on the composition of the bargaining unit under which the position of Deputy Fire Chief would be included and the position of Deputy Police Chief would be excluded.

Upon review of the agreement of the parties as to the composition of the bargaining unit, the hearing officer concludes that their agreement is not inconsistent with the purposes of Chapter 273-A or the legislative Statement of Policy dated December 21, 1975. Thus, the hearing officer adopts the parties' agreement on the composition of the bargaining unit as and for his determination of that bargaining unit. There is hereby established a bargaining unit consisting of the following positions:

Deputy Fire Chief, Fire Captain,  
Fire Lieutenant, Fire Inspector,  
Police Patrol Lieutenant, Police  
Detective Lieutenant, Police  
Prosecutor Lieutenant, and  
Communications Supervisor.

**EXCLUDED:** Fire Chief, Assistant  
Fire Chief, Police Chief and  
Deputy Police Chief.

No specific direction is noted, intentionally, with respect to those positions which were withdrawn from consideration without prejudice.

So Ordered.

Signed this 20th day of May, 1994.



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PARKER DENACO  
Hearing Officer