



State of New Hampshire

PUBLIC EMPLOYEE LABOR RELATIONS BOARD

State Employees Association of New Hampshire
Local 1984 SEIU

Petitioner

v.

State of New Hampshire

Respondent

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Case No. S-0315-2

Decision No. 2002-057

ORDER ON RESPONDENT'S REQUEST
FOR REVIEW OF HEARING OFFICER'S DECISION

The Board, meeting at its offices in Concord, New Hampshire, on May 7, 2000 took the following actions:

1. It reviewed the Motion to Review of the State of New Hampshire, Department of Safety filed on April 26, 2002, requesting that it review the decision of the Hearing Officer, Decision No. 2002-045, and the response by Local 1984, SEIU, State Employees' Association, Inc. filed on May 2, 2002.
2. It examined the Modification Petition filed by Local 1984, SEIU, State Employees' Association, Inc. on December 10, 2001, the Exception to Petition for Unit Modification of the State of New Hampshire, Department of Safety filed on December 26, 2001, and the post-hearing legal memoranda filed respectively by the Respondent on March 12, 2002 and by the Union on March 14, 2002.
3. It reviewed the Hearing Officer's Decision No. 2002-045 dated April 5, 2002 including all Findings of Fact and legal conclusions. It noted with particularity the Hearing Officer's remarks, included in the decision,

regarding certain agreements entered into by the parties prior to the opening of the hearing.

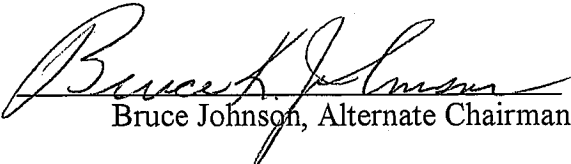
4. It GRANTS, in part, the State of New Hampshire Division of Safety's request that it modify the Hearing Officer's decision because it believes that the substitution of more comprehensive language will serve to clarify the Hearing Officer's decision, particularly to integrate the parties' pre-hearing agreements as to the exclusion of certain personnel at this time so that no additional joint modification petitions need to be submitted by the parties to accurately describe what, henceforth, shall be this bargaining unit's composition. Therefore, the Board strikes the last paragraph of Decision No. 2002-045 and in its place substitutes the following:

“ Hereafter, the bargaining unit shall consist of all classified employees of the Department of Safety of the State of New Hampshire except for the following positions: Assistant Director of the Division of Motor Vehicles; the Hearings Officer/Examiner position presently held by Ms. Kelloway; the Administrator II position presently held by Mr. Ouelette; and the EEO Coordinator position presently held by Ms. Gagne.”

5. It DENIES any further requests of the Respondent that the Hearing Officer's decision be modified and further orders that a corrected Decision and corrected Certification of Representative issue immediately to reflect this clarification.

So Ordered.

Signed this 7th day of May, 2002


Bruce Johnson, Alternate Chairman

By unanimous decision. Bruce Johnson Presiding. Members Richard W. Roulx and E. Vincent Hall present and voting.