



STATE OF NEW HAMPSHIRE
PUBLIC EMPLOYEE LABOR RELATIONS BOARD

Hampton Fire Department Supervisory Association,
Local 3017, IAFF, AFL-CIO, CLC

Complainant

v.

Town of Hampton

Respondent

Case No: F-0127-7

Decision No. 2006-044

Town of Hampton

Complainant

v.

Hampton Fire Department Supervisory Association,
Local 3017, IAFF, AFL-CIO, CLC

Respondent

Case No: F-0127-8

ORDER ON REQUEST FOR
PARTIAL REHEARING

The Public Employee Labor Relations Board (PELRB) conferred for the purpose of considering the *Request for Partial Rehearing* filed by the Hampton Fire Department Supervisory Association, IAFF, Local 3017 ("Union") on March 1, 2006 and took the following actions:

1. Pursuant to RSA 541 and N.H. Admin R. Pub 205.02, it reviewed the Union's *Request for Partial Rehearing*.
2. It examined the previous decision issued in this matter, specifically PELRB Decision No. 2006-011 (dated January 30, 2006).
3. It re-examined the record in this matter, including the Union's unfair labor practice complaint and the Town's answer in response thereto, the Town's unfair labor

practice complaint and the Union's answer in response thereto, and the other filings and legal memorandums submitted by the parties in this matter.

4. In re-examining the record and testimony, the PELRB reviewed that portion of the hearing during which the Union attempted to introduce evidence of motivation and bad faith through the testimony of Deputy Chief Steven Benotti, and the Town's objection to that testimony was sustained by the PELRB. The PELRB concluded that even if the Union had produced credible evidence that the actions of the Town were motivated by elements of political retribution, based upon the discretion granted to the Town under RSA 273-A to maintain public control of governmental functions, and the latitude that a public employer has under the law to determine how it will allocate its budget and resources, its decision would have been the same. The PELRB noted that its decision in this regard should not be interpreted as precluding Mr. Benotti from pursuing other causes of actions he may have outside of the PELRB's jurisdiction.

5. It DENIED the Union's *Request for Partial Rehearing*.

It is so ordered.

Signed this 13th day of March, 2006.



Doris M. Desautel, Alternate Chair

By unanimous vote. Alternate Chair Doris M. Desautel presiding with Board Members E. Vincent Hall and Seymour Osman also voting.

Distribution:

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