

2008 SYNOPSIS

Teamsters Local 633 of NH/Newmarket Public Works Employees & Town of Newmarket PELRB Case No. G-0063-1

The union filed a petition for certification of a bargaining unit composed of certain town public works employees. The town objected on the ground that the proposed bargaining unit improperly contained a confidential employee (a secretary) and supervisory employees (a highway foreman, buildings and grounds supervisor, and wastewater treatment plant operator).

The PELRB found the evidence insufficient to establish that the duties and responsibilities of allegedly supervisory employees in the areas of discipline, evaluations, hiring, firing, and supervision qualify the individuals who held these positions as persons who exercise supervisory authority involving the significant exercise of discretion who may not belong to the same bargaining unit as the employees they supervise. The PELRB included these positions in the bargaining unit. The position of secretary was excluded from the bargaining unit as the PELRB found that the duties and responsibilities of the position, including the responsibilities of keeping the confidential personnel files and discipline records, opening all department mail including communication with counsel, and being involved in budget preparations, implied a confidential relationship to the public employer. The PELRB ordered the matter to proceed to elections.

Disclaimer: This summary is intended to provide a brief description of the issues in this case and the outcome. The summary is not a substitute for the decision, should not be relied upon in place of the decision, and should not be cited as controlling or relevant authority in PELRB proceedings or other proceedings.