

2008 SYNOPSIS

AFSCME Council 93, Belmont Town Employees & Town of Belmont PELRB Case No's. G-0038-2, G-0038-3 and G-0038-4

The petitioner union filed a modification petition to add a police sergeant to an existing bargaining unit. The respondent town objected to the petition to add a police sergeant on the following grounds: (1) the underlying bargaining unit was defective as its members lacked the requisite community of interest; (2) the position of police sergeant lacked a community of interest with positions in the existing bargaining unit; and (3) the position of police sergeant constituted a supervisory position and should be excluded under RSA 273-A:8, II.

The PELRB found that the facts, among others, that the sergeant had authority to issue verbal discipline and written warnings, participated and made recommendations regarding discipline at the monthly staff meetings, conducted internal affairs investigations, was responsible for completion of the entire evaluation, and determined the rating the employee would receive, establish a propensity to create conflict within the bargaining unit. The PELRB held that the police sergeant lacked a community of interest with positions in the existing bargaining unit and the police sergeant position was a supervisory position within the meaning of RSA 273-A:8, II. The PELRB denied the modification petition to add the position of police sergeant.

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.