



State of New Hampshire
Public Employee Labor Relations Board

Town of Moultonborough

and

NEPBA, Moultonborough Police Association

Case No. G-0144-3

Decision No. 2022-101

Order

On June 6, 2022, the Town filed an agreed upon petition for modification pursuant to N.H. Admin. Rule Pub 302.05 seeking to remove the position of Lead Communication Specialist/Administrative Assistant from the following existing bargaining unit: Master Patrol Officer, Patrolman, Executive Assistant, and Communication Specialist/Dispatcher. See PELRB Decision No. 2012-244 (October 31, 2012). It appears that the petition was filed because, since the issuance of PELRB Decision No. 2012-244, this position has been included in one or more contract recognition clauses but this practice has now been discontinued by agreement. However, the PELRB has primary and exclusive jurisdiction to determine and modify composition of a bargaining unit and a bargaining unit can only be officially modified through the filing, and the PELRB approval, of the modification petition. See RSA 273-A:8; Admin. Rule Pub 302.05. See also *Prof. Fire Fighters of Wolfeboro v. Town of Wolfeboro*, 164 N.H. 18, 22 (2012). No petition to modify this unit has been filed since 2012 until the current petition.

Because, based upon the 2012 certification, the Lead Communication Specialist/Administrative Assistant position was not officially in the bargaining unit, there is no need to issue a modification order removing the position from the unit. Accordingly, the modification petition is dismissed as moot. Going forward, the parties are reminded that in the event the parties agree to add a position to, or remove a position from, the bargaining unit, they should file a petition for modification with this request in addition to updating the contract recognition clause.

So ordered.

Date: 7/5/2022

/s/ Karina Lange
Karina A. Lange, Esq.
Staff Counsel/Hearing Officer

Distribution: Charles F. Smith, Town Administrator
Kevin D. Quinlan, Selectman
Elijah Balser