

**State of New Hampshire**  
**Public Employee Labor Relations Board**

**The Professional Fire and Police Officers Association of Bedford**

**and**

**Town of Bedford**

**Case No. G-0307-1**  
**Decision No. 2024-013**

Order

In PELRB Decision No. 2022-068 (May 3, 2022), the hearing officer approved a bargaining unit of Fire Captains (6 employees), Police Lieutenants (3 employees), and Building/Health Code Official (1 employee). The board subsequently approved the hearing officer's decision, denied the Town's Pub 205.01 motion for review<sup>1</sup> and the Town's Pub 205.02 motion for rehearing.<sup>2</sup> The parties deferred the pending representation election by agreement given a vacancy in the police lieutenant position pending the completion of the hiring/promotion process for the vacant position. The parties have since filed periodic status reports to keep the board informed. On January 5, 2024, the Union filed a Status Report and Request for Hearing. The Town submitted a response on January 17, 2024, and the undersigned held a status conference at the PELRB offices on January 19, 2024.

During the status conference the parties reported that in July 2023, a police lieutenant was promoted to a newly created police captain position established as part of a police

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<sup>1</sup> PELRB Decision No. 2022-105 (July 13, 2022).

<sup>2</sup> PELRB Decision No. 2022-155 (September 28, 2022).

department reorganization. This means the vacancy in the police lieutenant position continues, and currently the police department hiring priority is on the approximately seven vacant patrol officer positions. Once there is progress in filling those positions it is anticipated the vacant police lieutenant position will be addressed and filled, by promotion or otherwise. However, the timetable remains uncertain.

As to the police department reorganization, the Union maintains that in substance the Town simply renamed the existing police lieutenant position as a captain to keep the number of employees in the proposed bargaining unit below the ten-employee minimum required for the board to issue a Certification of Representative and Order to Negotiate.<sup>3</sup> Alternatively, the Union proposes the inclusion of the new police captain position in the approved bargaining unit. The Town disagrees with the Union's characterizations and maintains the Town was entitled to reorganize the police department even though the effect, at least temporarily, is to reduce the number of employees holding bargaining unit positions to nine.

There was general discussion about how, procedurally, the issues raised by the Union should be brought before the board and it was agreed this case shall proceed as follows. On or before February 23, 2024, the Union will file a motion to amend and a request for a hearing proposing: 1) the treatment of the new captain position as a bargaining unit position because, for example, it is just a different name given to the pre-existing lieutenant position which is included in the approved bargaining unit; and/or 2) the addition of the police captain position<sup>4</sup> to the bargaining unit. The Union may elaborate on these general parameters as necessary. The Town shall submit its objection to the Union's motion within 30 days after the Union's filing.

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<sup>3</sup> Per RSA 273-A:8, I, "[i]n no case shall the board certify a bargaining unit of fewer than 10 employees with the same community of interest."

<sup>4</sup> One or both.

As reviewed during the status conference, it appears an evidentiary hearing will be required to resolve these issues, and to facilitate scheduling the parties were informed that they should submit a list of four dates when they are both available for hearing during the two-week period beginning April 15, 2024. These proposed hearing dates should be filed with the board on or before March 1, 2024.

Date:

1/19/2024

  
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