

**SEA/SEIU Local 1984, Belknap County Jail & House of Corrections v. Belknap County Commissioners & Belknap County Commissioners & SEA/SEIU Local 1984, Belknap County Jail & House of Corrections**, Decision No. 2022-205 (Consolidated Cases Nos. G-0232-3 & G-0232-4).

**Background:** The Union filed a modification petition seeking to add the Corporal position to the existing bargaining unit containing Correctional Officers (COs) and Sergeants. The County objected as follows: (1) Corporals were supervisory employees within the meaning of RSA 273-A:8; (2) Corporals had a different salary structure than current bargaining unit members; and (3) there was a genuine potential for employees to experience a division of loyalties between the public employer and the employee's exclusive representative.

The County filed a modification petition seeking to remove the Sergeant position from this bargaining unit. The Union objected as follows: (1) no material change occurred warranting a modification to exclude Sergeants from the bargaining unit as required under Admin. R. Pub 302.05; (2) Sergeants had a strong community of interest with other employees in the unit; (3) the interests of both Sergeants and COs had been adequately represented as part of the same bargaining unit for 19 years without conflicts arising; (4) Sergeants and COs did not experience a division of loyalties; and (5) the County's petition was barred by the rules against repetitious litigation, including res judicata and collateral estoppel because the PELRB previously concluded that the Sergeants were not supervisory employees when it certified the bargaining unit.

**Decision:** Union's modification petition: The Union's request to add the Corporal position to the bargaining unit was denied because the evidence showed that Corporals were supervisory employees within the meaning of RSA 273-A:8, II with respect to COs.

County's modification petition: The County's petition to remove the Sergeant position from the bargaining unit was granted on the grounds that the circumstances surrounding the formation of the current Belknap County Jail bargaining unit had changed sufficiently to justify the filing of the modification petition and the Sergeants were supervisory employees within the meaning of RSA 273-A:8, II with respect to COs.

***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.***