

NH Supreme Court vacated and remanded this decision on July 15, 1992, NH Supreme Court Case No. 98-598.



State of New Hampshire

PUBLIC EMPLOYEE LABOR RELATIONS BOARD

NEW HAMPSHIRE TROOPERS ASSOCIATION, INC. :
 :
 Petitioner :
 :
 v. :
 :
 STATE EMPLOYEES' ASSOCIATION OF NEW HAMPSHIRE :
 LOCAL 1984, SEIU :
 Incumbent/Respondent :
 :
 and :
 :
 STATE OF NEW HAMPSHIRE, DEPARTMENT OF SAFETY, :
 DIVISION OF STATE POLICE :
 Respondent :
 :

CASE NO. P-0754
DECISION NO. 90-123

MOTION FOR REHEARING

The New Hampshire Department of Safety, Division of State police and the State Employees Association of New Hampshire moved for a rehearing on the case of the New Hampshire Troopers Association, PELRB decision No. 90-109 creating a bargaining unit for sworn state troopers up to and including the rank of sergeant.

The Department of Safety alleges in its motion that PELRB failed to comply with RSA 541-A:20 in making findings of fact and questioned the Boards decision on drawing a line between Supervisor and persons supervised and further recited certain testimony of witnesses at the original hearing in support of their request. Remedy requested at rehearing, "removal of sergeants from the bargaining unit on the basis of their supervisory duties."

The State Employees' Association, the original petitioner for the created bargaining unit, moved for a rehearing on the basis that state employees are "a different breed" when it comes to the application of 273-A and as such are referenced in 273-A:9, and otherwise objecting to the PELRB's decision creating the bargaining unit of sworn state police officers up to and including the rank of sergeant.

FINDINGS OF FACT

PELRB at its meeting on November 9, 1990 received both Motions for Reconsideration and finds as follows:

1. PELRB is charged with determining the bargaining units within the guidelines of certain principles. RSA 273-A:8 (see N.H. Supreme Court Case No. 87-376 UNH System vs. PELRB - Certification of a bargaining unit of firefighters and Case No. 88-369 Rollinsford Police Unit.
2. Contrary to the Department of Safety's allegations of no findings. There were two findings contained in the decision No. 90-109.
3. The N.H. Supreme Court have said, PELRB is charged with and has reasonably broad power in bargaining unit determinations within the guidelines of 273-A:8.
4. The State Employees Association was the original petitioner in this case for modification of the State unit. PELRB did create a state police bargaining unit in response to the petition and in so doing complied with 273-A:8 and issued its certification No. P-0754.
5. An election was conducted by PELRB in accordance with 273-A:10 which the New Hampshire Troopers Association prevailed in the election and have been certified as indicated above.

After reviewing both Motions for Reconsideration and the evidence presented at the hearing, the Board finds that all issues were raised and fully discussed at the hearing held October 5, 1990 and cannot find merit for reconsideration and DENIES the parties requests for rehearing.

Signed this 15th day of November, 1990.


EDWARD J. HASELTINE
Chairman

By unanimous vote. Chairman Edward J. Haseltine presiding. Members Seymour Osman and E. Vincent Hall present and voting.