

police department civilian dispatchers. Incumbents of the position are covered under the workers' compensation statute.

The fire rescue dispatchers staff a continuous operations center located in fire station one, which also serves as the fire department headquarters. One dispatcher is assigned to each of the three shifts: 7:00 A.M. to 3:00 P.M.; 3:00 P.M. to 11:00 P.M.; and 11:00 P.M. to 7:00 A.M. Before working alone, newly hired fire rescue dispatchers attend a forty-hour basic communication course developed by the Association of Public Safety Communications Officials (APCO). Additionally, fire rescue dispatchers received approximately three (3) months of in-house training.⁵ Using an in-house training manual developed by the Town AFPCO trained captain/communications officer, dispatchers receive on-site training from both a fire fighter, designated as a trainer, and a fire fighter who continues to perform dispatch functions. The in-house training includes procedures for responding to fire calls, medical emergency calls, and mutual aid calls.⁶ The training provided to the fire rescue dispatchers consists of computer training, Town geography, and assorted training on the location of fire hydrants, the kinds and locations of fire alarms, appropriate medical alarm responses and activating alarms and engines.⁷ The deputy fire chief has general oversight responsibilities for training the dispatchers.

Since September 1998, civilians have performed all fire rescue dispatch duties that include monitoring and responding to all automated fire alarms, taking all telephone calls routed from the Barnstable County E-911 response center for fire and medical emergency, and, in accordance with established guidelines, dispatching the appropriate response unit(s). By radio, fire fighters acknowledge the emergency call for assistance from the dispatcher. The fire rescue dispatcher accesses directions to the emergency, and fire hydrant location(s) from a computerized retrieval system, and radios this information to the response unit(s).⁸ The fire fighter in command of a fire scene communicates directly by radio with other fire fighters.

Using a computer, fire rescue dispatchers enter data that constitute a running log of fire and medical emergencies handled on a particular date. Fire fighters prepare their own emergency response reports. The shift commander, who is a captain or a fire suppression officer, supervises the fire rescue dispatchers, although the fire rescue dispatchers do not seek advice from the fire fighters as part of the fire rescue dispatchers' regular practice in responding to

calls.⁹ If the dispatcher is away from the operations center on a break, a fire fighter performs the dispatch functions. Fire rescue dispatchers communicate occasionally with police department dispatchers to coordinate responses to emergencies.

Town of Falmouth and AFSCME

On January 10, 1979, and on May 5, 1982, the Commission certified AFSCME as the exclusive representative of Town employees in a unit described as follows:

Unit 2: All secretaries, clerks, clerk typists, custodians (including library), Assistant Town Treasurer, Administrative Assistant Water Department, and Switchboard Operator, excluding Town Accountant, Building Commissioner, Recreation Director, Secretary to the Personnel Board, librarians, assistant librarians, secretaries located at the library and all other employees

In or about 1986, the Town created the position of police department civilian dispatcher to perform dispatch functions previously performed by police officers. The Town and AFSCME agreed to include the position of police department civilian dispatcher in the bargaining unit described above. AFSCME and the Town were parties to a collective bargaining agreement covering the unit from July 1, 1995 through June 30, 1998.

The Town employs three full-time and three regular part-time uniformed civilian dispatchers in its police department. The minimum education and experience qualifications, and physical requirements for a non-civil service police dispatcher position are the same, or substantially similar, to those of fire rescue dispatcher. Police dispatchers must become certified in cardiopulmonary resuscitation, and earn and maintain certification in LEAPS. Further, because the Town's police dispatch center is the primary back-up for the Barnstable County E-911 system, police dispatchers are required to earn and maintain an E-911 state telecommunicator certificate. Civilian police dispatchers are not required to attend the APCO basic telecommunications course. Police dispatchers receive approximately one (1) week of in-house training. Police dispatchers do not receive any training regarding responding to fire, medical and mutual aid calls.¹⁰ Like fire rescue dispatchers, police dispatchers are classified as job grade 6 for compensation purposes, and are covered under the workers' compensation statute.¹¹

5. We have amended the findings at the request of the IAFF because we find that the information is relevant to our decision and is supported by the record.

6. We have amended the findings at the request of the IAFF because we find that the information is relevant to our decision and is supported by the record.

7. We have amended the findings at the request of the IAFF because we find that the information is relevant to our decision and is supported by the record.

8. The IAFF requests that the Commission supplement the hearing officer's findings to include the following facts: 1) every call received by fire rescue dispatchers requires an emergency response; 2) fire rescue dispatcher must make split second decisions concerning the nature of the emergency and the required response; and 3) fire rescue dispatchers share the common function with fire fighters of "solving emergencies in the quickest way possible". We have reviewed the record and decline to modify the facts as requested by the IAFF because we find that the facts sufficiently address the nature of the calls received by the fire rescue dispatchers as well as the required response of the fire rescue dispatchers.

9. The IAFF requests that the Commission supplement the facts to include a finding that fire rescue dispatcher perform their work with very little supervision from Fire Department personnel and they rarely request the assistance of their supervisor in responding to fire and medical emergency calls. Karen Thurston (Thurston) testified that fire rescue dispatchers do not seek advice from fire fighters as part of their regular practice in responding to calls. Accordingly, we have decided to supplement the facts to reflect the testimony of Thurston because we find that this information is relevant to our decision.

10. The IAFF requests that the Commission supplement the facts to include the following findings: 1) police dispatchers receive one (1) week of in-house training; and 2) police dispatchers do not receive any training for responding to fire, medical and mutual aid calls. We have reviewed the record in this case and decided to supplement the facts as requested by the IAFF because this information is supported by the record and is relevant to our decision.

11. [See next page.]

The police department dispatchers staff a continuous operations center. One dispatcher is assigned to each of the three shifts: 8:00 A.M. to 4:00 P.M.; 4:00 P.M. to 12:00 A.M.; and 12:00 A.M. to 8:00 A.M. A police officer works with the civilian dispatcher performing dispatch functions.¹² During the course of performing the dispatching function, the police dispatchers often seek the advice of the police officer working with them or their supervisor/police sergeant in determining the appropriate response to calls.¹³ If an emergency like a bank robbery occurs, the police dispatcher notifies the police officer or superior officer in the building and that officer assumes the dispatching responsibilities for the call.¹⁴ Civilian police dispatchers monitor and respond to automated alarms, answer emergency and non-emergency telephone calls, and receive all E-911 calls routed from the county center. The dispatcher determines the priority and location of the call, ascertains if a police officer is available to respond, and transmits the call to the officer, who acknowledges its receipt over the radio. Upon request, the police officer assists the dispatcher in determining the priority of calls. Civilian police dispatchers perform prisoner watch duties, conduct license plate and warrant checks at the request of police officers, and input data in a computerized police report system to assist police officers in report writing functions. A police sergeant supervises the civilian dispatchers.

Town of Falmouth Fire Rescue Department, IAFF, and AFSCME

Prior to 1980, the Town recognized the IAFF as the exclusive representative of all uniformed fire fighters, excluding the fire chief. On March 20, 1980, the IAFF filed a petition with the Commission seeking to represent two non-uniformed employees of the fire department, excluding office clerical workers. The IAFF withdrew the petition on April 14, 1980, pending voluntary recognition by the Town. The recognition clause of the most recent collective bargaining agreement between the Town and the IAFF reads as follows:

Section 1. The Town of Falmouth recognizes Local 1397, International Association of Fire Fighters, AFL-CIO as the sole and exclusive bargaining agent for all uniformed and non-uniformed employees of the Falmouth Fire Department, excepting the Chief of the Department and office clerks for the purpose of collective bargaining relative to wages, salaries, hours and other working conditions.

11. The IAFF requests that the Commission supplement the RFF to include a finding that the police dispatchers are classified as job grade 6 as a result of a collective bargaining agreement between AFSCME and the Town. In contrast, the Town unilaterally assigned fire rescue dispatcher to job grade 6. We decline to modify the facts as requested by the IAFF because the IAFF has failed to specify the record evidence that supports such a finding.

12. The IAFF requests that the Commission supplement the hearing officer's findings to include a fact that police dispatchers work alongside a police officer. We decline to supplement the hearing officer's findings as requested by the IAFF because we find that this information is already included in the findings.

13. The IAFF requests that the Commission supplement the hearing officer's findings to include the fact that police dispatchers often seek the advice of the police officer working with them or their supervisor/police sergeant in determine the appropriate response to calls. We have decided to supplement the findings as requested by the IAFF because we find this information is supported by the record.

As described, the bargaining unit represented by the IAFF includes all uniformed fire fighters below the rank of chief. The general duties of a fire fighter include protecting life and property through response to fire emergencies, fire prevention education, and emergency rescue. Fire fighters operate the four Town ambulances, and are trained to provide advanced life support in response to medical emergencies. Fire fighters are covered by applicable civil service statutes, and, if injured in the line of duty, fire fighters are covered by G.L. c. 41, section 111F. Fire fighters work two ten-hour days, two fourteen-hour nights, and four days off, on an eight week cycle. Newly-hired fire fighters attend a fourteen week training session at the Massachusetts Fire Fighters Academy.

The IAFF bargaining unit includes four non-civil service positions, a master mechanic, an assistant mechanic, a superintendent of fire alarms, and a fire alarm technician.¹⁵ The incumbents of these four positions work an eight hour day shift, Monday through Friday, and are covered under the workers' compensation statute. The master mechanic and assistant mechanic repair and maintain fire rescue department equipment. Generally this repair work is done in fire stations. However, if there is a breakdown in fire rescue apparatus, both mechanics respond to repair the equipment, like the brush breaker, in the field. At hire, the mechanics must possess experience as an auto mechanic at the journeyman or higher level.

The superintendent of fire alarms is responsible for installing and repairing the Town's fire alarm system. The superintendent supervises and approves underground installation of fire alarm systems, responds to all fire alarms, assists in the investigation of electrical fires, maintains the fire stations' electrical equipment, and directs and supervises the work of the fire alarm technician. The fire alarm technician assists the superintendent in installing new equipment, and in maintaining and testing the existing fire alarm system. Both the superintendent and the technician must possess a journeyman electrician's license at hire.

The fire rescue department also includes two office clerical employees who work in the fire headquarters. Both positions are included in the AFSCME bargaining unit described above. The secretary to the fire chief performs various clerical duties and department payroll functions. The other secretary assists the fire prevention staff in scheduling inspections and other appointments, and performs the billing functions for the ambulance services.

14. The IAFF requests that the Commission supplement the facts to include a finding that the police sergeant can, and often does, assume command of dispatching during emergencies. Thurston testified that if an emergency, such as a bank robbery occurs, the police dispatcher would inform the police officer or superior officer in the building of the emergency and that the superior officer or police officer would assume dispatching responsibilities for the call. We have decided to supplement the facts to reflect Thurston's testimony.

15. The IAFF requests that the Commission supplement the hearing officer's findings to include the fact that the wages of these non-civil service employees vary greatly, from the lowest hourly wage of \$13.27 for assistant mechanics, to the highest hourly wage of \$19.57 for fire prevention officers. We decline to supplement the facts as requested by the IAFF because this information is not material to the our determination.

With the exception of the two office clerical employees, all fire rescue department personnel wear one of the four different uniforms for: 1) fire fighters; 2) master mechanic and assistant mechanic; 3) superintendent of fire alarms and fire alarm technician; and, 4) fire rescue dispatchers. In or about 1996, Town officials started discussing the centralization of its public safety dispatch functions, police, fire, and department of public works. To date, the idea has not advanced beyond the discussion stage.

DECISION

This case raises threshold procedural issues we must address at the outset. First, we examine AFSCME's July 22, 1999 request to withdraw Case No. CAS-3319. Both the Town and the IAFF object to AFSCME's withdrawal of the CAS petition, arguing that because they are both parties to Case No. CAS-3319 and they do not wish to withdraw, then the Commission should continue to process the CAS case. The Town argues that the fire rescue dispatchers should be accreted into the bargaining unit represented by AFSCME, and the IAFF's position is that the fire rescue dispatchers should be accreted into the bargaining unit of Fire Department personnel it currently represents.

The CAS petition was filed by AFSCME, and the IAFF intervened in the case. Generally, when a party withdraws a petition, the Commission receives the withdrawal and closes the case without comment. Here, both the IAFF and the Town argue that AFSCME's withdrawal should not affect our decision concerning the unit placement of the fire rescue dispatchers. We disagree. Because neither the IAFF nor the Town filed their own CAS petition, the option of placing the fire rescue dispatchers in any unit via accretion is now procedurally unavailable to us. Although both the Town and the IAFF assert that, because they are parties to Case No. CAS-3319, we should consider accretion into either the AFSCME unit or the existing IAFF unit, because AFSCME withdrew the CAS petition, we no longer have the option of accreting the positions into either unit. Case No. CAS-3319 involved a petition by AFSCME seeking to accrete the disputed fire rescue dispatchers into a bargaining unit it represents, and the only issue before us was whether those positions were properly accreted into the unit represented by AFSCME. By withdrawing its petition, AFSCME effectively withdrew that issue from our consideration. If the Town had wished to have the Commission decide the issue of the unit placement of the fire rescue dispatchers after AFSCME withdrew Case No. CAS-3319, the Town could have filed its own CAS petition and placed the issue before the Commission for decision. Similarly, as an intervenor to Case No. CAS-3319, the IAFF had the opportunity to participate in the proceedings and argue against placing the fire rescue dispatchers in the AFSCME unit. However, if the IAFF had wished to accrete the fire rescue dispatchers into its existing unit, the IAFF could have filed its own CAS petition. Accordingly, we decline to examine the issue of accreting the fire rescue dispatchers into either unit absent a petition raising this issue. Further, because Case No. CAS-3319 is no longer pending, we need not substantively address the IAFF's Motion to Dismiss the petition.

Because Case No. CAS-3319 is withdrawn, the sole matter remaining before us is the petition in Case No. MCR-4696. The

IAFF asserts that it filed Case No. MCR-4696 to give the fire rescue dispatchers an opportunity to vote to be included in either the AFSCME unit or the unit represented by the IAFF, in the event that we determined that it was appropriate to include the positions in either unit. However, AFSCME never intervened in Case No. MCR-4696. Therefore, we will treat the petition in Case No. MCR-4696 as a petition for a self-determination or an add-on election to the bargaining unit represented by the IAFF.

An add-on election may be ordered if: 1) the representation petition is accompanied by a sufficient showing of interest; 2) there is sufficient community of interest between the employees in the disputed titles and the employees in the existing unit; 3) the petition seeks to include all employees in the disputed titles; and 4) the reasons for the original exclusion no longer exist. *Massachusetts Bay Transportation Authority*, 20 MLC 1330, 1334 (1993) (citations omitted). The IAFF has filed a sufficient showing of interest in support of its petition in the instant case.

Next, we must examine whether a sufficient community of interest exists between the fire rescue dispatchers and the employees in the existing IAFF unit. Under Section 3 of the Law, we are charged with determining appropriate bargaining units that are consistent with the purposes of providing for stable and continuing labor relations. In determining whether a bargaining unit is appropriate for the purposes of collective bargaining, the Commission is statutorily bound to consider three factors: 1) community of interest; 2) efficiency of operation and effective dealings; and 3) safeguarding the rights of employees to effective representation. *Town of Bolton*, 25 MLC 62, 65 (1998); *City of Somerville*, 24 MLC 69, 71 (1998). In considering whether a petitioned-for bargaining unit is an appropriate bargaining unit, we will not reject the proposed bargaining unit because it is not the only appropriate unit or because there is an alternative that is more appropriate. *City of Somerville*, 24 MLC at 71.

In deciding whether employees share a community of interest, we examine factors such as similarity of skills and functions, similarity of pay and working conditions, common supervision, work contact and similarity of training and experience. *Town of Bolton*, 25 MLC at 65 (citing *Boston School Committee*, 12 MLC 1175, 1196 (1985)). We traditionally favor broad, comprehensive units over small, fragmented units. *Higher Education Coordinating Council*, 23 MLC 194, 197 (1997). No single factor is outcome determinative. *City of Worcester*, 5 MLC 1018, 1111 (1978). The law requires that employees share only a community of interest rather than an identity of interest. *Springfield Water and Sewer Commission*, 24 MLC 55, 59 (1998) (citations omitted). We have consistently found a community of interest among employees who share a similarity of interests and working conditions based upon common supervision and similar work environment. *Id.*

Here, we find that the fire rescue dispatchers share a community of interest with the other employees in the existing bargaining unit represented by the IAFF. Like the other employees in this unit, the fire rescue dispatchers perform an important function in the Town's ability to respond to fire and medical emergencies. Although they are civilian employees, the fire rescue dispatchers are trained by fire fighters to respond to emergency calls. The fire rescue dispatchers

notify the fire fighters of an existing emergency and radio information to the fire fighters regarding directions to the emergency and fire hydrant locations, if applicable. Further, like the employees in the existing bargaining unit, the fire rescue dispatchers are supervised by Fire Department personnel. The fire rescue dispatchers are supervised by the deputy fire chief and work under the shift commander, who is a captain or a fire suppression officer. Although the fire rescue dispatchers do not routinely seek advice from the fire fighters when answering calls, the fire rescue dispatchers may seek assistance from the shift commander, if necessary. In addition, if the fire rescue dispatchers are away from the operations center for any reason, a fire fighter fills in and performs the dispatch function until the fire dispatcher returns.

Like fire suppression personnel, the fire rescue dispatchers provide around the clock coverage. Although the fire rescue dispatchers do not work the same shift schedules as the fire suppression personnel, the fire rescue dispatchers share common concerns regarding working conditions with these employees because both groups of employees must provide coverage twenty-four (24) hours a day, seven (7) days a week. Although the civilian employees in the IAFF bargaining unit work eight (8) hour shifts, Monday through Friday, these employees are already in the bargaining unit with the fire suppression personnel.

The fire rescue dispatchers, like the other employees in the IAFF bargaining unit, are required to wear a uniform. Further, both the fire rescue dispatchers and the civilian employees in the IAFF bargaining unit receive coverage under the Commonwealth's workers compensation statute.

Although we recognize that there are some differences between the dispatchers and the employees in the existing IAFF unit, we do not find these differences so great as to destroy the community of interest. The primary responsibility of the fire rescue dispatchers is to receive calls regarding fire and medical emergencies and to dispatch the calls to the appropriate response unit. The fire fighters are responsible for responding to the calls by providing protection to the life and property of the citizens of the Town. The superintendent of fire alarms and the fire alarm technician are responsible for installing, maintaining and testing the fire alarm systems while the master mechanic and the assistant mechanic are responsible for maintaining and repairing Fire Department rescue equipment. However, employees are required to have only a community of interest rather than an identity of interest. Therefore, we find the fire rescue dispatchers, along with the other employees in the IAFF bargaining unit, perform a key role in the Town's response to fire and medical emergencies.

The fact that the fire rescue dispatchers work in an office environment, and the other employees in the bargaining unit represented by the IAFF work in various environments does not destroy the community of interest. An examination of the working environments of the members of the existing bargaining unit indicates that the employees work under different conditions from each other. The fire suppression personnel work out of various fire stations. When responding to an emergency, the fire suppression personnel are required to leave the station and perform their duties at various indoor and outdoor locations throughout the Town. The

mechanics generally perform repair work at the fire stations, although they do perform repairs at the scene of an emergency, if necessary. Similarly, the superintendent of fire alarms and the fire alarm technician perform some work in the fire stations as well as at the locations of the fire alarms. These differences in working conditions do not require the fire rescue dispatchers to be placed in a separate bargaining unit. The Commission has previously determined that only significant differences that would result in inevitable conflicts constitute a basis for excluding employees from the bargaining unit on the ground that the employees lack a community of interest with the other bargaining unit members. *Franklin Institute of Boston*, 12 MLC 1091, 1093 (1985) (citations omitted). Here, we see no evidence that the differences between the fire rescue dispatchers and the other employees in the existing bargaining unit would produce the inevitable conflicts necessary to justify excluding the fire rescue dispatchers from the existing bargaining unit.

To satisfy the second and third statutory considerations, the Commission contemplates the impact of the proposed unit structure upon the public employer's ability to effectively and efficiently deliver public services, while safeguarding the rights of the public employees to effective representation. *Town of Bolton*, 25 MLC at 66. The Commission fulfills these obligations by placing employees with common interests in the same bargaining unit, thus avoiding unnecessary burdens on the employer while maximizing the strength of public employees in the bargaining relationship. *Id.* (citations omitted).

The Town argues that placing the fire rescue dispatchers in the existing bargaining unit will negatively impact the Town's ability to effectively and efficiently deliver public services because it will force the Town to negotiate with two different unions over similar issues regarding wages, hours and working conditions while trying to maintain parity between the two similar groups. We disagree. We have traditionally addressed the statutory mandate of providing for efficiency of operations and effective dealing by joining employees who share a community of interest in the largest practical bargaining unit and preferring broad, comprehensive units over smaller, fragmented ones. *See, Board of Trustees/University of Massachusetts*, 20 MLC 1453, 1465 (1994). Here, because the fire rescue dispatchers share a community of interest with the other employees in the existing IAFF bargaining unit, our statutory obligations are fulfilled by placing the fire rescue dispatchers in the same bargaining unit with the other employees with whom they share a community of interest.

We are being asked here to add the fire rescue dispatcher positions to an existing bargaining unit not previously certified by the Commission, the existing IAFF bargaining unit was created by an agreement between the Town and the IAFF. Our statutory mandate requires us to create only an appropriate bargaining unit, not the most appropriate unit. If we were crafting the entire unit today, we may not have reached the same conclusions concerning the unit placement of some positions that the parties had previously agreed upon; however, we find it to be an appropriate one.

Finally, the third and fourth requirements for an add-on election have been met because the IAFF seeks to include all fire rescue

dispatchers in the existing IAFF unit and there is no reason to warrant excluding these positions from the existing bargaining unit represented by the IAFF. Therefore, we find it appropriate to allow the fire rescue dispatchers the opportunity to determine whether they wish to be added to the existing bargaining unit of Fire Department personnel that is currently represented by the IAFF.

CONCLUSION AND DIRECTION OF ELECTION

Based on the record and for the reasons stated above, we conclude that a question of representation has arisen concerning certain employees of the Town of Falmouth and that the following employees constitute an appropriate bargaining unit for collective bargaining within the meaning of Section 3 of the Law:

All full-time and regular part-time fire fighters, master mechanics, assistant mechanics, superintendents of fire alarms, fire alarm technicians and fire rescue dispatchers employed by the Town of Falmouth but excluding the fire chief, all managerial, confidential and casual employees and all other employees.

IT IS HEREBY DIRECTED that elections by secret ballot shall be conducted to determine whether a majority of the fire rescue dispatchers desire to be included in the existing bargaining unit represented by the Falmouth Firefighters Union, Local 1397, IAFF, AFL-CIO or by no employee organization. The eligible voters shall include all fire rescue dispatchers whose names appear on the Employer's payroll for the payroll period for the week ending Saturday, August 19, 2000 and who have not yet since quit or been discharged for cause. To ensure that all eligible voters shall have the opportunity to be informed of the issues and the statutory right to vote, all parties to this election shall have access to a list of voters and their addresses which may be used to communicate with them.

Accordingly, IT IS HEREBY FURTHER DIRECTED that two (2) copies of an election eligibility list containing the names and addresses of all eligible voters must be filed by the Employer with the Executive Secretary of the Commission, 399 Washington Street, 4th Floor, Boston, MA 02108-5213 not later than fourteen (14) days from the date of this decision.

The Executive Secretary shall make the list available to all parties to the election. Failure to submit this list in a timely manner may result in substantial prejudice to the rights of the employees and the parties, therefore, no extension of time for filing the list will be granted except under extraordinary circumstances. Failure to comply with this direction may be grounds for setting aside the election, should proper and timely objections be filed.

SO ORDERED.

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