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## State to chief: Stop intimidation

**By Krista Zanin**

*Eagle-Tribune Writer*

ATKINSON, N.H. -- The state has ordered the town and Police Chief Philip V. Consentino to stop intimidating police officers involved in forming a union.

The decision, handed down by the state Public Employee Labor Relations Board, comes as officers prepare to vote next week on whether to unionize.

The board on Dec. 23 supported a complaint filed in October by the International Brotherhood of Police Officers alleging the town, through Chief Consentino, illegally intimidated officers as an organizational drive to form a union was taking place.

The board found some of Chief Consentino's actions from July to September against a former officer spearheading the union drive and other officers were "unusual" and intended to sway officers from endorsing a union, according to the board's seven-page report and decision.

These include Chief Consentino's distribution of a memo encouraging loyalty to the department on Sept. 7, five weeks after the union campaign was announced. Cpl. William Baldwin and part-time Officer Bob Desjardins both testified Oct. 28 they felt the memo was intimidating, according to the report.

The report also said former Officer Michael A. Rivera of Salem "suffered an extensive amount of scrutiny" for not writing enough tickets after Chief Consentino became aware he was spearheading the union initiative. Other officers testified before the board they were not held to the same scrutiny about writing tickets.

Two weeks before Officer Rivera was eligible to be appointed as a full-time officer from his probationary status, he was terminated.

Peter C. Phillips, an Andover, Mass., attorney

representing the union and officers, said Officer Rivera was terminated because of his union activities.

"Shortly after (it was announced police were discussing a union), Officer Rivera's performance became an issue and it hadn't been an issue up to that point," he said.

Another example cited by the board was a memo sent to officers by Chief Consentino announcing Mr. Rivera's departure, which one officer called not "standard practice."

The labor relations board, however, did not support a union request to reinstate Mr. Rivera to his position because he is not considered a public employee. Under state law, probationary employees can't be considered public employees.

Selectmen and Chief Consentino said Mr. Rivera's union activities had nothing to do with his termination. They said Mr. Rivera was not appointed because of his performance. They said the timing of the union initiative and terminating Mr. Rivera is coincidental.

"His probationary period had expired ... we determined at that time we did not wish to renew his contract for reasons good and sufficient for the Police Department," said Chief Consentino, who declined to elaborate any further.

Chief Consentino said he's not a "union buster" and didn't intimidate officers.

"If they want the union I'll support them," he said.

As for the loyalty memo, which Mr. Phillips described as a "my way or the highway" statement, Chief Consentino said he circulated the letter encouraging loyalty to the organization for the last three years.

Mr. Rivera said he is considering taking civil action against the town for lost wages because he was retaliated against and fired unfairly.

"I wish it didn't turn out the way it had," said Mr. Rivera, 22, a part-time officer with the Salem Police Department. "I loved working for Atkinson. I loved the townspeople. I didn't see any problems with my performance. I was learning the ropes."

After hearing about the state's report, Selectman Michael C. Turell said he wasn't surprised by some

statements in it. He had not read the report or talked with Chief Consentino, but said the work environment for those who don't know Chief Consentino might appear uncomfortable or intimidating.

"But I don't think he would have done that or had any intention of taking any action," said Mr. Turell, who said Chief Consentino can appear intimidating because he's very tall, has a booming voice and a different leadership style.

He said during the union drive and termination of Mr. Rivera, the "selectmen were right there trying to make sure things stayed professional and we were dealing with union officials in a forthright manner."

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