

2008 SYNOPSIS

AFSCME Local 3657, Chapter 11, Windham Police Department Employees v. Town of Windham PELRB Case No. P-0789-2

The union filed an unfair labor practice complaint against the town alleging that the town violated RSA 273-A:4 by failing to bargain in good faith. The union claimed that the town unilaterally implemented terms and conditions of employment and failed to recognize the union as the exclusive representative of the bargaining unit, that the town police chief's new policy for filling details and overtime shifts violated the parties' collective bargaining agreement, and that the new patrol staffing policy changing existing staffing standards was undertaken without prior notice to the union and without any opportunity for the union to bargain with the town over the alterations. The town responded that the chief's actions represented the proper exercise of management rights and that the union's claims should be resolved through arbitration.

The PELRB found that the disputes relating to earned time and overtime were contract disputes subject to the parties' grievance procedure, including final and binding arbitration. The PELRB concluded that the town's refusal to bargain the number of personnel for particular shifts was not an unfair labor practice because the matters concerning the number of personnel required for particular shifts was a matter reserved to managerial policy and was a permissive but not mandatory subject of bargaining. The PELRB dismissed the union's complaint.

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.