2009 SYNOPSIS

Derry Police Patrolmen's Association v. Town of Derry
PELRB Case No's. P-0702-22 and P-0702-23

The union filed two unfair labor practice complaints against the town claiming that the town violated union members' Weingarten rights during the course of internal investigation interviews and that the town retaliated and discriminated against, interfered with and dominated the bargaining unit employees and the employee organization by implementing the new requirement that bike patrol officers wear reflective vests, by conducting internal investigations concerning the pooling of the laundry allowance, by conducting a sergeant's examination in an appropriate manner, by making statements concerning union advice to a patrol officer, and by reassigning an officer from the detective division to the patrol division.

The PELRB found that the town committed an unfair labor practice by improperly restraining, coercing and interfering with the unit members' exercise of their rights, and by seeking to dominate and interfere with the administration of the union. The PELRB also found that the town breached the parties' collective bargaining agreement by using non-contractual procedures to address a contract dispute. The PELRB ordered the town to cease and desist from such practices, to remove the results of the internal investigation from the personnel files, and to remove from certain officer's file the low scores he was awarded during the sergeant's exam. The PELRB dismissed the claims concerning the mandatory use of reflective vests, the general administration of the sergeant's exam, Weingarten issues, and the reassignment of an officer from the detective bureau to the patrol division.

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.