

AFSCME, Council 93, Local 3657/Hillsborough County Sheriff's Department v. Hillsborough County Sheriff's Department, Decision No. 2011-077 (Case No. G-0012-14)

Background: The Union filed an unfair labor practice complaint claiming that the County violated RSA 273-A:5, I (a), (e), (g), and (h) when it improperly withheld wage increases bargaining unit employees were entitled to pursuant to the provisions of RSA 273-A:12, VII (evergreen law) because the parties entered into the CBA after the after the July 15, 2008 effective date of the evergreen law. The County denied the charges and claimed that that the expired CBA was not subject to RSA 273-A:12, VII because the CBA was entered into prior to the statute's effective date.

Decision: The PELRB found that the County committed an unfair labor practice in violation of RSA 273-A:5, I (a) when it failed to comply with pay plan continuation requirement imposed by RSA 273-A:12, VII because, prior to July 15, 2008, the parties did not have the same understanding as to the material terms of their agreement and, therefore, the parties' expired CBA was "entered into" after the effective date of RSA 273-A:12, VII, not before. The PELRB ordered the County to comply with the pay plan of the expired CBA.

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.