

Hampton Firefighters Local 2664, IAFF AFL-CIO, CLC v. Town of Hampton & Town of Hampton v. Hampton Firefighters Local 2664, IAFF AFL-CIO, CLC, Decision No. 2008-068 (Case No. F-0118-15 and Case No. F-0118-16).

Background: The union filed an unfair labor practice complaint against the town. The union alleged that the town improperly laid off three firefighters in violation of the parties' collective bargaining agreement (CBA) because adequate funds for the positions existed in the budget. The union also alleged that a member of the town's board of selectmen began a campaign to retaliate against the union because the union supported his opponent during the elections. The union argued that the town's actions were intended to dissuade union activism and constituted illegal discrimination and retaliation in violation of RSA 273-A:5, I. The town denied the charges and asserted that it acted within its management rights pursuant to the CBA when it laid off the firefighters.

The town filed a complaint against the union alleging that the union improperly filed a grievance concerning the layoffs in violation of RSA 273-A:5, II. The union denied the charge.

Decision: The PELRB found the union's complaint about the town's budget without merit because, for the purposes of the CBA, there was a lack of funds which justified the town's actions with respect to the firefighter positions. The PELRB's review of the evidence showed that the town's budget planning and expenditure activities constituted the town's management of its prudential affairs through its elected representatives. The PELRB noted that the disagreements with the town's management of its prudential affairs would be more properly addressed and resolved through the local election and legislative process, and not through an unfair labor proceeding. The PELRB also found that the union failed to prove by a preponderance of the evidence that the town's actions were in retaliation for union activity. The PELRB concluded that there was insufficient evidence to establish that there was an anti-union animus behind the town selectmen's budgetary decisions and firefighter layoffs.

In the interest of encouraging parties to utilize their mutually agreed upon grievance procedures to resolve their disputes, the PELRB was hesitant to sustain the town's complaint against the union for initially attempting to resolve a dispute. The PELRB denied the town'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.