

Pamela Blake & State Employees' Association of NH, Inc. v. State of New Hampshire Department of Safety, Decision No. 2008-155 (Case No. S-0393-2).

Background: The complainants, an employee of the state and the union, filed a complaint against the state alleging that the state committed an unfair labor practice when it terminated the employee. The complainants claimed that the employee was terminated for engaging in discussions with a probationary co-employee concerning co-employee's Weingarten rights and other issues in connection with a pending disciplinary matter. The complainants also contended that the termination violated the implied covenant of good faith and fair dealing contained in the parties' collective bargaining agreement. The state denied the charges and asserted that the employee was dismissed for misconduct associated with her work.

Decision: The PELRB dismissed the complaint finding that the complainants failed to establish by a preponderance of the evidence that the employee's discharge was motivated by a desire to frustrate union activity. The PELRB also found that the complainants' claim based upon the implied covenant of good faith and fair dealing was without merit because such a claim had to meet the requirements applicable to a "wrongful termination" claim and the PELRB's jurisdiction did not extend to the adjudication of "wrongful termination" claims and because, even if the PELRB had jurisdiction over such a claim, the record was insufficient to sustain the claim.

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.