

Pittsfield Town Employees, AFT-NH, Local # 6214 v. Town of Pittsfield, Decision No. 2009-067 (Case No. G-0060-4)

Background: The union filed an unfair labor practice complaint against the town claiming that the town breached the parties' collective bargaining agreement (CBA) because it required an employee to exhaust his vacation time prior to utilizing leave under the federal Family Medical Leave Act thereby changing an existing practice governing working conditions. The town denied the charge. The town also asserted that the union's claim was untimely.

Decision: The PELRB found that the union's complaint was timely and that the town breached the CBA by unilaterally changing the parties' past practice of allowing employees on approved family medical leave to apply unused sick leave during their absence. The PELRB ordered the town to cease and desist from compelling employees to first exhaust vacation leave before they can apply unused sick leave while absent on Family Medical Leave; to restore or reimburse the employee for all vacation leave that he was caused to use; and to deduct an equivalent amount of sick leave from the employee's paid unused sick leave. The PELRB also ordered the parties to specifically address Family Medical Leave-related provisions in their next collective bargaining agreement using mutually acceptable negotiated terms.

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.