

Portsmouth NH Police Patrolmen's Union, NEPBA Local 11 v. Portsmouth Police Commission, Decision No. 2009-081 (Case No. P-0709-31)

Background: The union filed an unfair labor practice complaint against the commission claiming that the commission violated RSA 273-A:5, I (a), (b), (c), (d), and (g) by unilaterally adopting a police uniform anti-adornment policy preventing the display of union insignia. The commission denied the charges asserting that the union's claim of a failure to bargain in good faith was barred by res judicata and by the statute of limitation and that the union was obligated to pursue the matter through binding arbitration.

Decision: The PELRB denied the commission's motion to dismiss on the grounds of res judicata and the statute of limitations. The PELRB, however, denied union's complaint as to the commission's failure to negotiate finding that the uniform of law enforcement personnel was not a mandatory subject of bargaining. The PELRB also denied the union's claims that the revised uniform policy constituted illegal restraint, coercion, interference with, discrimination or retaliation against the union finding that the uniform policy was revised in accordance with the standards set forth in the PELRB Decision No. 2007-140 and that there was insufficient evidence that the uniform changes were made in retaliation against the union.

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.