

**Exeter Professional Firefighters' Association, IAFF, Local 3491. v. Town of Exeter,**

Decision No. 2009-118 (Case No. G-0071-1)

**Background:** The union filed an unfair labor practice complaint against the town claiming that the town violated RSA 273-A:5, I (h) by improperly assigning a non bargaining unit employee to the D shift contrary to the parties' collective bargaining agreement (CBA). The town denied the charges claiming that its staffing decisions were not subject to review through the grievance procedure or an unfair labor practice charge.

**Decision:** The PELRB found that the staffing decisions were permissive subject of bargaining, that the parties agreed that the article of the CBA addressing these decisions is not grievable, and that having agreed not to use the contractual grievance process with respect to the subject article, the union was precluded from instead proceeding with an unfair labor practice charge. The PELRB denied the union's claims.

*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.*