

Exeter Police Association v. Town of Exeter, Decision No. 2009-183 (Case No. P-0753-17)

Background: The union filed an unfair labor practice complaint against the town claiming that the town unilaterally changed its practice of paying officers wages based upon a 40 hour week even during the 32 hour work week, which occurred every 6 weeks as a result of 4-2 schedule. The union also claimed that the town unilaterally discontinued established shift swap and flex schedule practices. The town did not dispute that it changed its practices but claimed that the union unilaterally withdrew from the pre-existing arrangements by prosecuting a complaint with the Department of Labor (DOL) and that the DOL required the town to alter the pre-existing arrangements to remain compliant with the applicable wage and hour laws.

Decision: The PELRB granted the complaint in part and denied it in part. The PELRB sustained the union's complaint as to the shift swapping since the town could expand the time period in which shift swap could occur without violating any applicable law and ordered the town to do so. The PELRB denied the rest of the union's claims finding that the town was not obligated to continue pre-existing arrangements given the results of the DOL inspection which mandated the town to discontinue the pre-shift briefings and in service training without pay.

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.