

State Employees' Association of NH, SEIU Local 1984 v. State of New Hampshire, Department of Corrections, Decision No. 2009-263 (Consolidated Cases Nos. S-0438-3 & G-0108-2).

Background: The Union filed unfair labor practice complaints claiming that the State unilaterally altered the terms and conditions of employment by eliminating pre-shift briefings and related over-time pay. The State denied the charge claiming that it acted within its management rights in making the changes. The State also argued that the PELRB lacked jurisdiction because the dispute was subject to the contractual grievance procedure, which included final and binding arbitration.

Decision: The PELRB dismissed the complaints on the ground that it lacked jurisdiction to determine, as a threshold matter, whether the dispute is arbitrable because the parties' collective bargaining agreement provided that the questions of arbitrability were issues for the arbitrator to decide. The PELRB directed the parties to utilize their contractual grievance process to address the disputes that were the basis for the complaints.

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.