

Chauffeurs, Teamsters and Helpers Local Union No. 633 of New Hampshire v. Hooksett Police Commission et al, Decision No. 2010-087 (Case No. G-0124-1).

Background: The Union filed an unfair labor practice complaint claiming that claims the Commission breached the CBA by terminating an officer without just cause, ignoring steps of the grievance procedure, and appointing, without any statutory authority, a substitute commission to hear the officer's grievances. The Commission denied the charges and moved to dismiss claiming that the PELRB lacked jurisdiction to consider the "just cause" claim as it was the subject of grievances filed under the CBA grievance procedure and that no claim has been stated against the Chief because the Commission, not the Chief, discharged the subject employee and was responsible for the operations of the Police Department.

Decision: The PELRB granted the motion to dismiss finding that it lacked jurisdiction over the claims at that time because the dispute arose out of the CBA and was subject to the grievance process which concluded in advisory arbitration. The PELRB stated that the Union did have the right to file an unfair labor practice complaint, if necessary, upon the completion of the grievance process.

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.