

Rochester Communications Union, NEPBA, Local 123 v. City of Rochester, Decision No. 2010-139 (Case No. G-0123-2).

Background: The Union filed an unfair labor practice complaint claiming that the City attempted to improperly influence the outcome of a representation election in decertification proceedings, engaged in improper direct dealing with bargaining unit employees, and failed to negotiate in good faith. The City denied the charges.

Decision: The PELRB found that the City committed unfair labor practices in violation of RSA 273-A:5, I (a), (b) and (e) because the memo sent by the Police Chief to bargaining unit employees during the pendency of decertification election proceedings was an appeal to the employees to abandon the collective bargaining process and instead obtain changes in existing terms and conditions of employment outside of the statutory collective bargaining process and was tantamount to a threat that should the employees choose to continue in collective bargaining with the Union they will be unable to negotiate an agreement on terms and conditions of employment with the City. The PELRB ordered the City to cease and desist from such actions in the future and allowed the Union 15 days to request a new election, upon receipt of which the results of the decertification election would be set aside and a new election scheduled.

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.