

State Employees' Association of NH, SEIU Local 1984 v. Town of Salem et al., Decision No. 2011-140 (Case No G-0080-2).

Background: The Union filed an unfair labor practice complaint claiming that the Town's treatment of a bargaining unit employee violated the parties' collective bargaining agreement (CBA) and that the Town's interactions with a Union representative restrained, coerced and otherwise interfered with the employees' exercise of their contractual rights and with the administration of the employee organization in violation of RSA 273-A:5, I (a), (b), (g), and (h). The Town denied the charges and requested dismissal claiming that the Union failed to state a claim upon which relief can be granted; that the Union's claims were barred because the decisions about which it complained were based on legitimate work-related reasons; that the Union's pleadings were insufficient and that the dispute was subject to the grievance procedure which concluded with final and binding arbitration.

Decision: The Union's contract claims were dismissed because the parties' CBA provided for final and binding arbitration and the Union's contract claims were subject to contractual grievance procedure. The PELRB found that the Town committed an unfair labor practice in violation of RSA 273-A:5, I (a), (b), and (g) when it refused the Union's representative access to the disciplinary meeting and when it retaliated against the employee for filing grievances thereby interfering with the employee's exercise of the rights conferred by RSA 273-A and ordered the Town to cease and desist from such actions. The Union's request for reinstatement was denied because the employee was not discharged but resigned and because the evidence was insufficient to prove a constructive discharge.

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.