

Laconia Patrolman Association v. Laconia Police Commission, Decision No. 2011-269 (Case No. G-0146-1).

Background: The Union claimed that the public employer's conduct during the negotiation process violated RSA 273-A:3, RSA 273-A:5, I (e), (g), (h), & (i), and RSA 273-A:12, VII. The Union complained about the lack of the City Manager's support for a tentative agreement before the City Council, the City Council's failure to formerly vote on the tentative agreement, the City Council's alleged interference with the Commission's bargaining authority, the City Council's threatened budget reduction of \$100,000 in response to the Commission's stated intent to provide pay step increases following the expiration of the 2007-10 collective bargaining agreement, and the Commission's decision not to provide step increases. The Commission denied the charges and asserted that it negotiated in good faith with the Union and reached a tentative agreement but it was the City Council's function as the local legislative body to act on cost items. The Commission also contended it was not responsible for the manner in which the City Council conducted its business, including when and how it voted on cost items contained in a tentative agreement and that bargaining unit employees were not entitled to the disputed step pay increases under the applicable law.

Decision: The PELRB found that the Commission fulfilled its good faith bargaining obligation by reaching a tentative agreement and arranging its submission to the City Council, where it was duly supported by Commission representatives. Procedurally the Union's complaint was filed against the Laconia Police Commission, not the Laconia City Council, and in the circumstances of this case the Commission did not violate the provisions of RSA 273-A on account of the conduct of the City Council about which the Union complained. The Commission had no authority to compel the City Council to take a formal vote, and neither the City Council's failure to vote on contractual cost items nor its alleged interference with the Commission's bargaining authority constituted an unfair labor practice by the Commission. The Commission was not obligated to provide step increases and therefore its final decision to withhold such pay increases was not improper. The City Manager's ultimate lack of support for a tentative agreement she had previously endorsed was not improper given her status in the bargaining process and the surrounding circumstances. The unfair labor practice complaint was dismissed.

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.