

Derry Police Patrolman's Association, NEPBA Local 38 v. Town of Derry, Decision No. 2011-278 (Case No. G-0135-2).

Background: The Union claimed that the Town violated RSA 273-A:5, I (a), (e), (g), & (i) when it refused to bargain the installation, use and/or impact of the installation of Digital In-Car Video Camera Systems and GPS in the cruisers operated by bargaining unit members. The Union asserted that the installation of Video Camera Systems and GPS and adoption of policies and procedure regarding their use were mandatory subjects of bargaining and constituted a significant change in terms and conditions of employment. The Town denied the charges and asserted, among other things, that the installation of Video Camera Systems and GPS was within its exclusive managerial prerogative, was not a mandatory subject of bargaining, and did not affect any terms and conditions of employment.

Decision: The Hearing Officer found that the Town's decision to install Digital In-Car Video Camera Systems and Automatic Vehicle Location Equipment in police cruisers operated by bargaining unit employees was a matter of managerial policy within the exclusive prerogative of the public employer under RSA 273-A:1, XI. This decision constituted a permissive, not mandatory, subject of bargaining and the Town did not commit an unfair labor practice when it refused to bargain whether to utilize this technology with the Union. However, the Town did commit an unfair labor practice when it failed to bargain the impact of this managerial decision on the terms and conditions of employment of bargaining unit employees. The parties were ordered to proceed with impact bargaining but the Union's request to suspend use of the new equipment pending the outcome of impact bargaining was denied.

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.