

**AFSCME Local 2715, Hillsborough County Nursing Home Employees v. Hillsborough County Nursing Home & Hillsborough County Nursing Home v. AFSCME Local 2715, Hillsborough County Nursing Home Employees**, Decision No. 2013-031 (Case Nos. G-0049-27 & G-0049-28, Consolidated)

**Background:** In Case No. G-0049-27, the Union claimed that the County violated RSA 273-A:4 and RSA 273-A:5, I (a), (b), (e), (g), & (h) when it refused to arbitrate several grievances concerning changes to positions and work hours of a number of nursing home employees. The County denied the charges and asserted that it refused to participate in arbitration on the ground that the Union did not comply with the grievance time frames and step order.

In Case No. G-0049-28, the County claimed that the Union violated RSA 273-A:4 and RSA 273-A:5, II (a), (d), (f), and (g) when it made wrongful demands to arbitrate grievances that were procedurally non-arbitrable and/or had been waived. The Union denied the charges. The cases were consolidated for hearing and decision.

**Decision:** The Hearing Officer found that the County committed an unfair labor practice in violation of RSA 273-A:5, I (e) and (h) when it refused to participate in grievance arbitration because the parties' CBA provided for a final and binding arbitration of grievances and questions of procedural arbitrability must be decided by an arbitrator. The County's claims against the Union were dismissed and the County was ordered, among other things, to participate in grievance arbitration. The evidence was insufficient to prove the Union's claims that the County violated RSA 273-A:5, I (a), (b), and/or (g) and these claims were 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.***