

New England Police Benevolent Association v. Strafford County Sheriff's Office, Decision No. 2013-048, March 29, 2013 (Case No. G-0196-2)

Background: The Union claimed that the County violated RSA 273-A:5, I (a), (b), (c), & (g) by changing the terms and conditions of employment for employees in a proposed bargaining unit positions after the Union filed a petition for certification. The alleged improper changes included hours of work and work schedule changes, a change in the rate employees were paid for outside detail work, and the discontinuation of the inclusion of benefit (holiday, vacation, sick) time when computing hours worked for overtime purposes. The County denied the charges and asserted that all of the complained about changes were required as the result of a United States Department of Labor (USDOL) investigation and/or were within the scope of the County's management rights under RSA 273-A:1, XI. The County also argued the Union's complaint should be dismissed as moot because the Union prevailed in the representation election.

Decision: The Hearing Officer found that the County committed an unfair labor practice because it failed to maintain the status quo during the pendency of bargaining unit formation and representation election proceedings. The County improperly changed the work schedule of two Deputies, the manner in which overtime was computed, and the outside detail pay rate, all of which were mandatory subjects of bargaining. The County was ordered to restore the affected employees to the status quo ante that existed as of the filing of the certification petition and make them whole.

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.