

**AFSCME Council 93, Local 365, Nashua Custodial/Janitorial Staff v. Nashua School District**, Decision No. 2016-177 (Case No. E-0013-18).

Background: The Union filed an unfair labor practice complaint claiming that the District violated RSA 273-A:5, I (a), (b), (e), (g), & (h) when it unilaterally proceeded with plans to subcontract the bargaining unit work of custodial personnel and refused to negotiate with the Union over the custodial bargaining unit employees' terms and conditions of employment. The District denied the charges and claimed, among other things, that it was pursuing a complete reorganization; it intended to have a third party provide all custodial services; and it was entitled to subcontract custodial personnel bargaining unit work at the expiration of the parties' collective bargaining agreement (CBA).

Decision: The Board found that the District had improperly refused to bargain with the Union over the custodial personnel positions in violation of its bargaining obligations under RSA 273-A:5, I (a) & (e). The District was ordered to engage in bargaining with the full bargaining unit for a successor CBA. The Board also found that the dispute over the nature and extent of the District's attempt to privatize the custodial work force should be addressed in final and binding arbitration proceedings in accordance with the parties' CBA.

***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.***