

New England Police Benevolent Association, Auburn Police Union v. Town of Auburn, Police Commission, Decision No. 2017-103 (Case No. G-0195-3).

Background: The Union filed an unfair labor practice complaint claiming that the Commission's unilateral decision to hire outside contractor to investigate a police misconduct complaint violated: 1) Police Department general order governing the conduct of internal affairs investigations; 2) the obligation to negotiate any change in the conduct of internal affairs investigations; and 3) the obligation to bargain over the impact of the change on the terms and conditions of employment. The Union asserted that the Commission's actions violated RSA 273-A:5, I (e) and (g). The Commission denied the charges and claimed that the decision to hire a third party consultant was within its exclusive managerial prerogative and was not a mandatory subject of bargaining. The Commission also claimed that the Union failed to show that impact bargaining was required in the circumstances of this case.

Decision: The Board found that the Commission was not obligated to negotiate the selection of a third party consultant as charged by the Union, nor was the Commission obligated to impact bargain with the Union over its decision in the circumstance of this case. The Board dismissed the complaint.

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.