



On remand from Appeal of
Town of Hanover, Supreme
Court Case No. 95-651.

State of New Hampshire

PUBLIC EMPLOYEE LABOR RELATIONS BOARD

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AFSCME, LOCAL 1348 FOR	:
HANOVER TOWN EMPLOYEES	:
	:
Complainant	:
	:
v.	:
	:
TOWN OF HANOVER	:
	:
Respondent	:
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CASE NO. A-0576:1
DECISION NO. 96-064
(Supplemental Decision to Decision No. 95-47)

BACKGROUND

The American Federation of State, County and Municipal Employees (AFSCME), Local 1348 (Union) filed unfair labor practice (ULP) charges and a request for a Cease and Desist Order against the Town of Hanover (Town) on November 18, 1994, alleging violations of RSA 273-A:5 I (a), (c), (d), (g) and (i) relating to the Town's unilateral changes in personnel policies after the union had filed a petition for certification to represent certain Town employees and to intimidation resulting from those unilateral changes. The Town filed its answer by letter on December 2, 1994. This matter was heard by the PELRB on May 4, 1995. Thereafter, the PELRB issued Decision No 95-47 on July 21, 1995 finding that RSA 273-A:5 1 (c) had been violated and that a ULP had been committed. The Town moved for rehearing on August 9, 1995, the Union filed objections thereto on August 17, 1995, and the Town filed a response to those objections on August 21, 1995. By decision of August 31, 1995, the PELRB denied rehearing. Decision No. 95-73.

The Town then appealed this matter to the New Hampshire Supreme Court on September 25, 1995, said case having been accepted by the Court on November 30, 1995 and docketed as their Case No. 95-651.

On June 3, 1996, the New Hampshire Supreme Court rendered a decision in Appeal of Sullivan County, Docket No. 94-279, dealing

with pre-election conduct and the element of an employer's intent for such conduct during the course of an organizing campaign and prior to a bargaining agent election. The Town of Hanover then filed a Motion for Summary Reversal with the Court on June 28, 1996 seeking relief consistent with Appeal of Sullivan County. By decision of July 23, 1996, the Court remanded this case to the PELRB for disposition in light of the Town's motion of June 28, 1996 and union counsel's assent to the relief sought therein.

DECISION AND ORDER

In accordance with the Court's remand to the PELRB in this case, we modify our prior findings in Decision No. 95-47 by vacating the finding of an unfair labor practice and the directive that the Town reinstate wages and terms and conditions of employment to what they were on April 15, 1994.

So ordered.

Signed this 22nd day of August, 1996.


EDWARD J. HASELTINE
Chairman

By unanimous vote. Chairman Edward J. Haseltine presiding.
Members E. Vincent Hall and Richard W. Roulx present and voting.