

State of New Hampshire

PUBLIC EMPLOYEE LABOR RELATIONS BOARD

LONDONDERRY POLICE DEPARTMENT,
AFSCME, COUNCIL 93, LOCAL 1801

Petitioner

v.

TOWN OF LONDONDERRY

Respondent

CASE NO. A-0454:10

DECISION NO. 89-82

APPEARANCES

Representing Local 1801, AFSCME:

Vincent A. Weners, Esq., Counsel

Representing the Town of Londonderry:

Alan Hall, Esq., Counsel

BACKGROUND

Counsel for Local 1801 on behalf of the police department certified unit filed an unfair labor practice complaint alleging unilateral adoption and implementation of certain policies and procedures which changed the working conditions of unit members. In addition, counsel sought a temporary cease and desist order barring enforcement of said policies and procedures pending a hearing on the merits.


Counsel for the Town in reply to the charges stated that the Town and the Union for the life of the collective bargaining agreement had waived their right, voluntarily and unqualifiedly, to bargain collectively with respect to any subject or matter referred to, or covered by the agreement, or with respect to any subject or matter not specifically referred to or not covered in the agreement, even though such subjects or matters may not have been within the knowledge or contemplation of either or both of the parties at the time they negotiated or signed the agreement. Further, that the "Management Rights" clause in the contract, except as specifically limited or abridged by the terms of the agreement, management of the Police Department in all its phases and details remained vested exclusively with the Selectmen and their designated agents. For all the above answers, Counsel filed a Motion to Dismiss and a request that PELRB act on that motion prior to a hearing on the merits.

A hearing on the Cease and Desist and Motion to Dismiss was held at the Center of New Hampshire, Manchester, N.H., on November 15, 1989 with both parties represented.

DECISION AND ORDER

1. After hearing arguments from Counsels for both parties and the oral request by Counsel for AFSCME on the withdrawal of the TRO, or Cease and Desist as the Town had voluntarily ceased implementation of a good deal of the policies particularly offensive to the officers, PELRB unanimously accepted the withdrawal of that request;
2. As progress was being made, PELRB also unanimously delayed any further action in the case for sixty (60) days pending a report from the parties involved.
3. Report of progress by both parties should be received in the office of the Public Employee Labor Relations Board, no later than January 15, 1990.

Signed this 29th day of November, 1989.


EDWARD J. HASELTINE
Chairman

By unanimous vote. Chairman Edward J. Haseltine presiding. Members present and voting: Richard E. Molan, Esq. and Richard W. Roulx. Also present, Executive Director, Evelyn C. LeBrun.