

2008 SYNOPSIS

SEA, SEIU Local 1984 v. State of New Hampshire PELRB Case No. S-0428-4

The union filed an unfair labor practice complaint against the state alleging that the state violated RSA 273-A:5, I by failing to properly apply an agreed upon across-the-board wage increase to certain law enforcement employees of the bargaining unit. The state denied the allegations and contended that the union misconstrued the state's obligation under the parties' collective bargaining agreement (CBA).

The PELRB found that, although the parties negotiated a new CBA which contained express written provisions providing for intermittent wage increases over the two year term of their agreement, the state understood that a wage increase would be calculated in a manner other than that called for by the express terms of the agreement and, since July 2007, modified employee wages in a manner consistent with its understanding, and not with the written terms of the agreement. The PELRB held that the state's failure to negotiate contract language reflecting its understanding constituted a breach of the CBA in violation of RSA 273-A:5, I. The PELRB ordered the state to recalculate the wage increases affected by its miscalculation and to make the future percentage calculations for increases called for in the CBA consistent with the PELRB's finding.

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.