



State of New Hampshire
PUBLIC EMPLOYEE LABOR RELATIONS BOARD

Pittsfield Town Employees, AFT Local #6214, AFT-NH, AFL-CIO

v.

Town of Pittsfield, Board of Selectmen

Case No. G-0060-10
Decision No. 2012-248

Order

I. Background:

This is an order on the Union's motion for a cease and desist order pending a hearing on its unfair labor practice charge asserting the Town has violated RSA 273-A:5, I (e),(g),(h), and (i). This case involves ambulance department employees. The background to the Union's complaint includes the following allegations. Prior to May 2012 ambulance department employees worked two 24 hour shifts. They were also able to complete shift swaps pursuant to Article 15 of the parties' collective bargaining agreement. Between May and September 11, 2012 these employees could still utilize shift swaps, and thereby structure the equivalent of two 24 hour shifts, but they were not longer formally scheduled to work two 24 hour shifts. On or about September 11, 2012 these employees learned that the Town Administrator would no longer approve any Article 15 shift swap requests that result in a 24 hour shift.

The Union requests an interim cease and desist order pending the hearing ordering the Town to in effect suspend the Fire Chief's September 11, 2012 directive and the Town Administrator's related refusal to approve any shift swap request resulting in a 24 hour shift. The Union asserts that affected employees are experiencing hardship and personal sacrifice as a result of this unilateral change, such as increased travel to and from work and increased child

care costs. The Union alleges that the elimination of shift swaps resulting in a 24 hour shift may cause some employees to leave their employment with the Town on account of these hardships.

The Town objects, asserting that it has valid defenses to the complaint, that the Union will be able to obtain sufficient relief following the hearing on the merits should it prevail, and therefore the Union is not entitled to an interim cease and desist order.

II. Discussion and Order:

The PELRB's authority to issue a cease and desist order pending a hearing on an unfair labor practice charge is set forth by statute and administrative rule, relevant portions of which are as follows:

RSA 273-A:6 Violations.

I. The board shall have primary jurisdiction of all violations of RSA 273-A:5...

II. *The board may issue a cease and desist order if it deems one necessary in the public interest, pending the hearing.*

Pub 304.02 Interim Orders.

(a) When the board considers it to be in the public interest, it shall issue a cease and desist order under RSA 273-A:6, III pending a hearing under Pub 201.05.

(b) The board shall issue such an order for reasons to include, but not limited to:

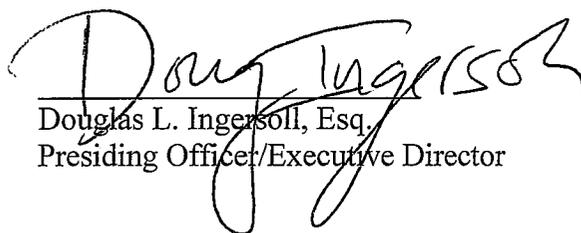
- (1) Protection of the public safety;
- (2) To avoid prejudice to one party or another; or
- (3) To avoid irreparable harm.

Upon due consideration of the pleadings on file and the standards applicable to the Union's Motion for Interim relief the motion is denied without prejudice. The merits of the Union's entitlement to any relief in this case is reserved and will be finally decided upon the submission of the case at the adjudicatory hearing currently scheduled for November 19, 2012.

So Ordered.

November 5, 2012

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