

State Employees' Association of New Hampshire, SEIU Local 1984 and New England Police Benevolent Association, Local 250 v. State of New Hampshire, Department of Corrections,
Decision No. 2012-122 (Consolidated Cases Nos. G-0108-3 & G-0109-6).

Background: In Case G-0109-6 the NEPBA filed an unfair labor practice complaint claiming that the State violated RSA 273-A:5, I (a), (b), and (h) when it refused to participate in an arbitration session scheduled to address several grievances pursuant to the parties' collective bargaining agreement (CBA). In Case G-0108-3 the SEA filed an unfair labor practice claiming that the State violated RSA 273-A:5, I (a), (b), (e), (f), (g), and (i), RSA 273-A:3, and RSA 273-A:4 when it refused to participate in arbitration of a grievance involving shift briefing pay. The State denied the charges in both cases and moved for dismissal claiming that the subject grievances were not arbitrable, that the SEA's grievance was untimely and that the NEPBA failed to follow the contractual grievance process. The cases were consolidated.

Decision: The Hearing Officer granted the SEA's motion for summary disposition and deferral to arbitration and denied the State's motion to dismiss as moot on the ground that the parties' CBAs provided that the questions of arbitrability were to be decided by the arbitrator. The parties were directed to proceed with the scheduling and conduct of arbitration and to submit the threshold question of arbitrability to the arbitrator for decision.

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.