

AFSCME Local 3657 Hillsborough County Sheriff's Office v. Hillsborough County Sheriff's Office, Decision No 2012-203 (Case No. G-0012-17).

Background: The Union filed a complaint claiming that the County committed an unfair labor practice in violation of RSA 273-A:5, I (b), (e), (g), (h), and (i) when it unilaterally reduced working hours of a bargaining unit employee from 40 to 35 hours per week. The County denied the charges and claimed, among other things, that following the reduction in the Sheriff's Department salary budget, the employer negotiated with the Union regarding the reduction of working hours in an attempt to avoid permanent layoffs but the parties failed to reach an agreement. The employer then reorganized the department to accommodate the reduction in the budget by laying off one of the employees in a 40-hour position and creating a new 35-hour position.

Decision: The Hearing Officer found that the County committed an unfair labor practice when it unilaterally reduced hours for a bargaining unit position from 40 to 35. The County was obligated to bargain the change in hours of Secretary II position because this position was in the bargaining unit and the reduction in hours constitutes a change in terms and conditions of employment, as defined by the RSA 273-A:1, XI, and, therefore, is a mandatory subject of bargaining. The Union's breach of contract claim was dismissed because the reduction-in-hours dispute was covered by the CBA that provided for final and binding arbitration. The evidence was insufficient to prove that the County violated RSA 273-A:5, I (b) and this claim was, therefore, denied.

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.