

New England Police Benevolent Association, Auburn Police Union v. Town of Auburn,
Decision No. 2014-011 (Case No. G-0195-2).

Background: The Union filed an unfair labor practice complaint claiming that the Town violated RSA 273-A:5, I (a), (b), (e), & (g) when, during the status quo period following the filing of Union's petition for certification, it unilaterally amended the Town traffic control ordinance, thereby changing the existing police detail policy. The Union argued, among other things, that the traffic control ordinance was a mandatory subject of bargaining and that the Town's actions violated the existing past practice and the status quo doctrine. The Town denied the charges and asserted, among other things, that it had begun considering changes to the ordinance before the Union commenced its organizing efforts; that the disputed change was within the Town's management rights and did not affect mandatory subjects of bargaining; and that the Town offered to bargain over the impact which the new ordinance might have on the terms and conditions of employment but the Union failed to request impact bargaining.

Decision: The PELRB found that the primary purpose of the new ordinance was safety; and that the evidence was insufficient to prove that the adoption of the new ordinance primarily affected the terms and conditions of employment or caused a change in the police detail pay rate or the total number of police detail hours. The PELRB denied the Union's complaint because the evidence was insufficient to establish that the new traffic control ordinance constituted a change in terms and conditions of employment.

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.