

Professional, Administrative and Technical Employees of Derry, SEIU Local 1984 v. Town of Derry, Decision No. 2014-278 (Case No. G-0057-5).

Background: The Union claimed that the Town violated RSA 273-A:5, I (e) when it improperly refused to execute and implement a collective bargaining agreement (CBA) following a 3-2-1 vote of the Town Council on a motion to approve the agreement. The Union argued that the Council's 3-2-1 vote was a valid and binding approval of the agreement, notwithstanding any Town Charter provisions stating that a majority vote of all Council members (four votes) was required for appropriation requests. The Union argued that, because no appropriation of money was necessary in order to fund the contract in the current budgetary year, there was no need to have a vote to appropriate money. In the alternative, the Union asked the PELRB to rule that the Town violated its good faith bargaining obligations given its conduct during the ratification process because the Council failed to approve an agreement which satisfied all of the Council's bargaining requirements. The Town denied the charges and asserted that the Council did not approve the tentative agreement given the requirements of RSA 273-A:3, II (b) and (c) and the Town Charter requirement relevant to appropriation requests. The Town also denied that it violated its good faith bargaining obligations during the ratification process.

Decision: The PELRB dismissed the Union's complaint finding that the tentative agreement included RSA 273-A: 1, IV "cost items" subject to approval by the Council per RSA 273-A:3, II (b) and (c) and that the Council did not approve the tentative agreement in whole or in part by its 3-2-1 vote given Charter requirements on appropriation requests. The evidence was insufficient to support a finding that the Council's conduct during the ratification process constituted a violation of the Town's good faith bargaining obligations under RSA 273-A:5, I (e).

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.