

State Employees' Association of New Hampshire, Inc., SEIU Local 1984 v. State of New Hampshire, Liquor Commission, Decision No. 2014-089 (Case No. G-0202-2).

The Union filed an unfair labor practice complaint claiming that the State violated RSA 273-A:5, I (a), (d), & (g) when it took certain allegedly discriminatory actions against three Union Stewards in retaliation for their union activity. The Union amended its complaint by adding claims for violations of RSA 273-A:5, I (b), (h), & (i) to conform to the evidence presented at hearing. The State denied the charges and asserted that its actions were justified and were in accordance with written procedures. The State filed a motion to dismiss arguing that the Union's claims were moot because the issues between the employees and the State had been allegedly resolved.

The State's motion to dismiss on the ground of mootness was denied because, under the PELRA, an act of commission of an unfair labor practice constitutes harm in itself and unfair labor practice claims do not require the showing of material/physical harm or damages; voluntary cessation of challenged conduct does not ordinarily render a case moot; and the enforcement of statutory prohibition on anti-union animus constitutes a matter of a "pressing public interest." The Union's breach of contract claim was dismissed because the parties' collective bargaining agreement (CBA) provided for final and binding arbitration and covered the dispute. The Hearing Officer found that the State committed an unfair labor practice in violation of RSA 273-A:5, I (a) and (b) with respect one of the Union Stewards when it transferred the Steward to a distant work location without appropriate notice in retaliation for the union activity. The State also violated RSA 273-A:5, I (g) and (i) and RSA 273-A:11 when its representative opened, read, and forwarded a Steward's email communication titled "Union Business" to the administration; when same representative encouraged the Steward's supervisor to show firmness when dealing with her; when the State transferred her to a distant location in retaliation for her union activity; and when it applied the policy requiring employees to submit Medical Release to Return to Work form in a manner that invalidated a provision of the parties' CBA. The evidence was insufficient to prove that the violations of subsections (a) and (b) with respect to other two Union Stewards and these claims were, 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.