

**AFSCME Council 93, Local 534 v. Town of Moultonborough**, Decision No. 2018-190 (Case No. G-0270-2).

Background: The union claimed that the town violated RSA 273-A:5, I (b), (c), & (d) when it coerced and interfered with rights of employees of the proposed bargaining unit by threatening termination if they attended a unit determination hearing at the PELRB. Allegedly, one of the union's witnesses did not appear for a hearing because of this threat of termination. The town denied the charges.

Decision: The employee had an absolute right to engage in organizing activity and to attend and participate in a hearing before the PELRB without repercussions in the workplace or threat to his employment. Hearing Officer found that he was denied these rights because of the way he was treated and threatened by the DPW director. The town committed an unfair labor practice in violation of RSA 273-A:5, I (b)(to dominate or interfere in the formation or administration of any employee organization...) and (c)(to discriminate in the hiring or tenure, or terms and conditions of employment ... for the purpose of ... discouraging membership in any employee organization). The RSA 273-A:5, I (d) claim was dismissed. The town was ordered to cease and desist from engaging in such conduct; to respect the right of its employees to participate in organizing activities; and to post this decision for 30 days.

***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.***