

**State Employees' Association of NH, Inc., SEIU Local 1984 v. State of New Hampshire Veterans Home**, Decision No. 2022-024 (Case No. G-0305-1)

**Background:** The Union claimed that the State had violated RSA 273-A:5, I (g), (h), and (i) when it refused to implement an arbitration award issued pursuant to the final and binding arbitration provision set forth in the parties' collective bargaining agreement (CBA). The Union alleged as follows: (1) a bargaining unit employee was terminated for non-disciplinary reasons; (2) the Union filed a grievance concerning this non-disciplinary termination; (3) the parties' CBA grievance procedure provided for final and binding arbitration; (4) the arbitrator heard the case and issued an award ordering the State to reinstate the employee and reimburse her for the loss of salary and all accrued benefits; and (5) the State refused to comply with the arbitrator's award. The Union asserted that the State's actions, among other things, violated the CBA and rendered the grievance procedure unworkable. The State denied the charges and asserted that the arbitrator went above and beyond the powers granted to him by the CBA. The State argued that the plain language of the CBA provided only income protection for employees who were out of work due to disabling injury or illness, and not job protection.

**Decision:** The Board concluded that, under *Appeal of Merrimack County*, 156 N.H. 35 (2007), the arbitrator's award was final and binding, and the State had, without justification, failed to implement the specified remedies. The State had committed an unfair labor practice in violation of RSA 273-A:5, I (h). The Board ordered the State to proceed with implementation of the award without further delay. The Union's claims filed under sub-sections (g) and (i) were dismissed.

***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.***