

Londonderry Administrative Employees Association, Affiliated with AFSCME Council 93 (Public Safety Administrative Employees) v. Town of Londonderry, Decision No. 2022-166 (Case No. G-0022-8).

Background: The Union claimed that the Town violated RSA 273-A:5, I (a)(to restrain, coerce or otherwise interfere with its employees in the exercise of the rights conferred by this chapter) & (e)(to refuse to negotiate in good faith with the exclusive representative of a bargaining unit...) when it unilaterally created a new paid leave benefit available only to vaccinated employees in the event they are unable to work remotely during a COVID-19 related isolation. The Union asserted that the new paid leave benefit was a form of wages under RSA 273-A:1, XI and was, therefore, a mandatory subject of bargaining. The Town denied the charges claiming that the sole purpose of the policy was maintaining the health and safety of employees; that the vaccine incentive was necessary to protect employees and promote a safe and healthy work environment; and that the policy did not disadvantage or negatively affect any employee.

Decision: The PELRB found that the new paid leave benefit was a mandatory subject of bargaining that the Town was required to negotiate with the Association. The Town's failure to do so was a prohibited practice in violation of RSA 273-A:5, I (a) and (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.