

Timothy D. DeMaria v. New Hampshire Judicial Branch/Administrative Office of the Courts, Decision No. 2023-247 (Case No. G-0102-5)

Background: DeMaria, who was involved in an Appeals Board proceeding under the collective bargaining agreement (CBA) between the New Hampshire Judicial Branch (NHJB) and the State Employees' Association of NH, SEIU Local 1984 (Union), filed an unfair labor practice complaint. He alleged non-compliance with hearing timelines applicable to the Appeals Board proceeding per CBA Article V (B), in violation of RSA 273-A:5, I (h)(to breach a collective bargaining agreement). The NHJB denied the charge and argued the PELRB lacked jurisdiction as the Union and the NHJB agreed in the CBA that the Appeals Board, and not the PELRB, had jurisdiction over issues involving the interpretation of the CBA that may arise in an appeal of an adverse action under CBA Article V (B). The NHJB also claimed the complaint was otherwise insufficient to prove the NHJB breached the CBA and committed an unfair labor practice in violation of RSA 273-A:5, I (h).

Decision: The PELRB found that, pursuant to the terms of the CBA, the Appeals Board, and not the PELRB, had jurisdiction over issues which arise in the course of an appeal of an adverse action involving the interpretation of scheduling and docket requirements imposed by CBA Article V(B). Additionally, Mr. DeMaria, individually, lacked standing to maintain this breach of collective bargaining agreement claim in violation of RSA 273-A:5, I (h). The complaint was 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.