

International Chemical Workers Union Council/UFCW v. Hillsborough County Nursing Home, Decision No. 2024-105 (Case No. G-0292-6).

Background: The Union claimed that the County failed to provide a holiday pay benefit required by the parties' collective bargaining agreement (CBA). The Union filed a grievance, and when the County denied the grievance at Step 2, the Union demanded that the County bargain over "a unilateral change in working conditions." The County did not agree to bargain. The Union continued to process its grievance to arbitration and filed an unfair labor practice complaint with the PELRB asserting that the County's actions violated RSA 273-A:5, I (e), (g), & (h). The County denied the charges, emphasizing that the holiday pay dispute was the subject of pending arbitration and arguing that the PELRB lacked jurisdiction because the arbitrator's decision would be final and binding per the CBA. The Union moved to defer proceedings in this case pending the completion of the arbitration. The County objected and moved to dismiss for lack of jurisdiction.

Decision: The Union's motion to defer proceedings pending the completion of arbitration was denied, and the County's motion to dismiss was granted, because it could not be found, with positive assurance, that the parties' CBA was not susceptible of an interpretation that covered the dispute over the holiday pay benefit. Given the provision for final binding arbitration, the PELRB did not have jurisdiction to interpret the CBA and decide the holiday pay dispute, and the Union's claims about the County's alleged failure to negotiate were completely derived from the County's Step 2 action on the contractual grievance.

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.