



State of New Hampshire

PUBLIC EMPLOYEE LABOR RELATIONS BOARD

STATE OF NEW HAMPSHIRE

Complainant

v.

STATE EMPLOYEES' ASSOCIATION OF
NEW HAMPSHIRE, INC., its officers,
agents and employees, including but
not limited to all members of its
governing body; the S.E.A. Council,
all individual S.E.A. Chapter Officers
and all other state employees who are
members of said Association

Respondents

CASE NO. M-0542

DECISION NO. 83-24

FINDINGS OF FACT AND RULINGS OF LAW

The Public Employee Labor Relations Board of the State of New Hampshire has received evidence in the above captioned matter presented by the State of New Hampshire concerning a "sick-out" being engaged in by the State Employees' Association. As a result of the evidence, the Board finds the following:

1. The State Employees' Association is undertaking a "sick-out" by urging, sanctioning and condoning certain state employees to call in sick and not report to work which constitutes a "strike and other form of job action" in violation of RSA 273-A:13. Regardless of the reasons for said action or actions by any party, this action is illegal.

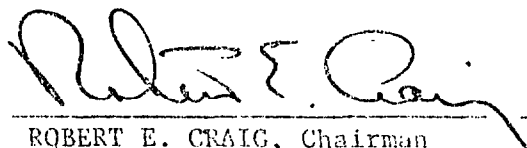
2. The action complained of by the State and found illegal by the Board is against the public interest, creates an emergency situation which at least in some portions of its application endangers the health and welfare of the State and in all cases openly violates the clear command of the law, RSA 273-A:5, II (e) and RSA 273-A:13.

3. The circumstances presented by this case require in the public interest a cease and desist order pending full hearing by this Board.

TEMPORARY ORDER

A. Having found an illegal concerted job action is underway by the State Employees' Association and the named respondents and having found that this job action is illegal and violates the public interest, the Public Employee Labor Relations Board hereby orders that all respondents cease and desist any activity which plans, encourages, implements, carries out, or follows the "sick-out" and further orders that all employees who have failed to report to work cease and desist said activity and return to their normal activities and employment at once and that the officers of said Association (SEA) direct such return and give full publicity and circulation of this Order to the SEA members at once.

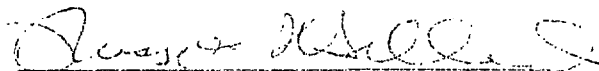
B. This Order is effective upon signing, and until further order of the Board.



ROBERT E. CRAIG, Chairman



SEYMOUR OSMAN, Board Member



RUSSELL F. HILLIARD, Board Member

Date: June 17, 1983

Time: 4:00 p.m.

By unanimous vote. Executive Director Evelyn C. LeBrun and Counsel Bradford E. Cook present.