



State of New Hampshire

PUBLIC EMPLOYEE LABOR RELATIONS BOARD

STATE EMPLOYEES ASSOCIATION
OF NEW HAMPSHIRE, SEIU
LOCAL 1984, AFL-CIO

Complainant

v.

STATE OF NEW HAMPSHIRE
UNIFIED COURT SYSTEM

Respondent

CASE NO. S-0391

S-0391:1

DECISION NO. 96-092

MOTION TO STAY PROCEEDINGS

The Board, meeting at its offices in Concord, New Hampshire, on October 17, 1996, took the following actions:

1. It reviewed the current status of these matters, namely with respect to Case No. S-0391: a) the petition for certification filed December 13, 1994; b) the Unified Court System's answer of December 27, 1994; c) its decision (Decision No. 95-64) in this matter dated September 15, 1995; d) its granting the motion to defer dated November 8, 1995 and identified as Decision No. 95-106; e) the granting of the motion for rehearing dated April 25, 1996 and identified as Decision No. 96-025; f) Decision No. 96-067 ratifying and confirming Decision No. 95-64 and g) its Order of Election dated August 22, 1996.
2. It reviewed the current status of case No. S-0391:1, namely: a) the ULP filed by the Association on September 2, 1996, b) the State's answer thereto filed September 17, 1996 c) the State's motion to stay all proceedings in either of these matters involving the Judicial Branch until the New Hampshire Supreme Court has ruled in the matter of conferring

jurisdiction and rights to bargain to judicial branch employees under RSA 273-A and Decision No. 95-64, and d) a letter from Thomas Hardiman, Director of Operations for the Association, objecting to the motion to stay and claiming that such pleadings have the result in denying employees their "due rights under State law."

3. It took notice of the appeal in the matter of conferring rights under RSA 273-A to legislative branch employees, namely Robert Cushing v. House House Legislative Facilities Subcommittee, Decision No. 94-96 (February 10, 1995), as appealed to and accepted by the New Hampshire Supreme Court under its docket no. 95-164. No decision has yet been rendered in that matter; therefore, no guidance for judicial branch employees can be derived from it.
4. It determined that the efficiency of state government in general, and of the PELRB in particular, would be served by not unnecessarily conducting election proceedings for employees who may ultimately be determined to be outside the coverage and protections conferred by RSA 273-A.
5. It GRANTED the State's motion to stay until the Supreme Court shall have ruled in the Cushing matter, *supra*, or on the jurisdictional issues raised, but not yet formally accepted, in the instant proceedings involving judicial branch employees.

So ordered.

Signed this 18th day of October, 1996.


EDWARD J. HASELTINE
Chairman

By unanimous decision. Chairman Edward J. Haseltine presiding.
Members E. Vincent Hall and William Kidder present and voting.