



STATE OF NEW HAMPSHIRE
PUBLIC EMPLOYEE LABOR RELATIONS BOARD

STATE OF NEW HAMPSHIRE, DEPT. OF SAFETY,
DIVISION OF STATE POLICE

and

CASE NO. G-0118-1 &
G-0117-2

NEPBA LOCAL 55, NH HIGHWAY PATROL
ASSOCIATION SUPERVISORS UNIT, IUPA,
AFL-CIO; NEPBA LOCAL 50, NH HIGHWAY
PATROL ASSOCIATION, PATROL OFFICERS UNIT, IUPA,
AFL-CIO; NH TROOPERS ASSOCIATION;
STATE EMPLOYEES ASSOCIATION OF NH, INC.,
SEIU, LOCAL 1984

Decision 2009-226

ORDER RE: STATE'S MOTION FOR ORDER APPROVING POSTING OF NOTICE OF
SOLICITATION OF COMMENTS FROM BARGAINING UNIT MEMBERS BY
EMPLOYERS' COUNSEL

On October 7, 2009 the State filed a motion to allow the posting of a notice which would
include the following content:

RE: NOTICE RE SUPPORT FOR MODIFICATION PETITION

Dear Members of NEPBA, Local 55 and 50:

....The Modification Petition seeks to dissolve NEPBA, Local 55 and Local 50, and that those members be combined in the respective bargaining units representing the State Police. That is, rank of Lieutenant and above will be combined with the State Employee's Association (SEA) and the rank of Sergeant and below, with the New Hampshire Troopers Association (NHTA).

....this notice is being posted to advise you that if you wish to indicate your support of the Department's Modification Petitions, you are *permitted and encouraged* to contact counsel for the Department...(emphasis in original)

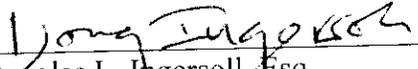
The State also requests an order that the posting and any resulting contacts cannot serve as the basis for any existing or future unfair labor practice charges.

As reflected by the content of the proposed notice and the pending modification petitions, the State requests a modification of existing bargaining units which will result in the merger of Highway Patrol bargaining units with bargaining units currently represented by the NHTA and the SEA, and the survival of the NHTA and the SEA, but not the NEPBA, as exclusive representatives.

The State's petition raises representation issues as well as bargaining unit composition issues, and the proper resolution of the representation issues may require secret ballot elections. The probative value of any information the State might obtain about employee support for its petition through the proposed solicitation is outweighed by the need to preserve the right of involved employees to confidentially and independently determine their exclusive representative through a secret ballot election process, free from any real or perceived employer pressure or preference. The proposed posting and solicitation unnecessarily threaten to impair and interfere with this important employee right and the State's motion is denied.

So ordered.

October 15, 2009



Douglas L. Ingersoll, Esq.
Staff Counsel/Hearing Officer

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