

2010 SYNOPSIS

State Employees' Association of NH, SEIU Local 1984 v. State of New Hampshire PELRB Case No. G-0115-2

The Union filed an unfair labor practice complaint claiming that the State interfered with employees' rights and with the administration of an employee organization and refused to bargain in good faith when it distributed to department heads a memorandum with an opinion-editorial letter written by the State negotiation team, which was distributed by the department heads to some state employees. The State denied the charges and moved to dismiss arguing that neither the content of the opinion-editorial nor its distribution to state employees could serve as the basis for a violation of RSA 273-A:5, I under the circumstances of this case.

The PELRB found that the Union had not proven that the State violated any provision of RSA 273-A:5, I and denied all of the Union's claims for relief. In reaching its decision the PELRB relied upon the content of the op-ed letter, the identity of its authors, the fact that the negotiations had concluded, the general obligation of the State negotiation team to support the tentative agreement, the fact that in the letter the State negotiation team was promoting an agreement negotiated and approved by the Union negotiation team, and the Union bargaining Senate's recommendation to the membership against the approval of the tentative agreement.

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.