



**STATE OF NEW HAMPSHIRE**  
Public Employee Labor Relations Board

**State Employees' Association of NH, Inc., SEIU Local 1984**  
**(Office of Professional Licensure & Certification)**

**and**

**State of New Hampshire**

**Case No. G-0235-1**  
**Decision No. 2016-085**

Order

On February 26, 2016, the State Employees' Association of NH, Inc., SEIU Local 1984 (SEA) filed a Petition for Certification. The petition is supported by the requisite number of authorization cards, as documented in the March 28, 2016 Card Report. In substance, the SEA proposes the formation of a new bargaining unit consisting of all full-time employees of the Office of Professional Licensure and Certification (OPLC). The proposed unit includes positions covered by the existing certification for the Board of Nursing<sup>1</sup> as well as other positions now part of the OPLC. The SEA and the State have reached agreement on unit composition, and they have requested that the PELRB accept their unit stipulation and advance this case to a representation election.

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<sup>1</sup> See PELRB Decision No. 2008-189 (September 18, 2008). The Board of Nursing bargaining unit is covered by the October 5, 2015 to June 30, 2017 Collective Bargaining Agreement between the SEA and the State (2015-17 CBA) and these positions are now part of the OPLC.

The PELRB has jurisdiction over all petitions to determine bargaining units and certify the exclusive representative of an approved bargaining unit through the process of a representation election pursuant to RSA 273-A:8, 273-A:10, and Pub 300.

The parties' stipulation includes a list of proposed bargaining unit positions, with specific comments and requests as to a number of the positions and/or employees. The stipulation requests the exclusion, pursuant to RSA 273-A:1, IX (c), of the Business Administrator IV position (1 employee) and Division Director, OPLC position (2 employees) from the bargaining unit. The stipulation identifies six employees who presently are in a probationary status (Positions 18093, 18659, 19845, 13064, 13065, and 43300) and suggests that these employees should be temporarily excluded from the unit. It also identifies two positions (Administrative Supervisor - Position 13066 and Business Administrator I – Position 14338) which the parties agree should be included in the unit description but which will be excused from any agency fee obligation given their designation as Human Resources employees per procedures set forth in Article 5.7 of the 2015-17 CBA.

The parties' agreement on unit composition is approved as follows. In general, combining the existing Board of Nursing bargaining unit with the OPLC positions listed in the stipulation to create a new bargaining unit is consistent with the relevant bargaining unit formation provisions of RSA 273-A:8 and N.H. Admin. Rule, Pub 302. It is also appropriate given the recent establishment of the OPLC, which encompasses the positions covered by the Board of Nursing bargaining unit. As to the treatment of the six probationary employees, their positions will be listed in the unit description in accordance with the PELRB's prevailing interpretation and administration of relevant bargaining unit formation statutory provisions and rules, but the six employees will retain their probationary status. The two HR position

designations are noted in this order, but there is no need to document their status further in the actual unit description. The positions of Business Administrator IV and Division Director, OPLC will be excluded from the unit per the parties' request.

Accordingly, an Order of Election shall issue and the PELRB will conduct an election pursuant to the provisions of RSA 273-A:10 and N.H. Admin. Rules, Pub 303, to determine the exclusive representative, if any, of the following unit of OPLC full-time employees:

**Unit:**

Accounting Technician	Administrative Assistant I
Administrative Supervisor	Administrator I
Administrator II	Administrator III
Attorney I	Barber, Cosm & Esthetics Insp
Business Administrator I	Clerk IV
Counter Clerk II	Electrical Inspector
Executive Director, Board of Nursing	Executive Director, Joint Board
Executive Secretary	Fraud Investigator
License Clerk	License Coordinator
Paralegal I	Pharm Bd Compliance Inv/Insp
Program Assistant I	Program Assistant II
Program Specialist III	Program Specialist IV
Real Estate Commission Investigator	Supervisor II
Supervisor IV	Supervisor V
Systems Development Spec IV	

**Exclusions:**

Business Administrator IV	Division Director, OPLC
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So ordered.

Date: April 27, 2016

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