



STATE OF NEW HAMPSHIRE
Public Employee Labor Relations Board

State Employees' Association of NH, SEIU Local 1984

v.

**State of New Hampshire,
Department of Health and Human Services**

Case No. G-0148-7
Decision No. 2014-073

7

Order

In case G-0148-2 the Board ended its decision with the following:

In conclusion, we find that the State's unilateral reduction in SYSC employee wages effective July 1, 2014 is a violation of the State's obligation to negotiate wages, a term and condition of employment that is a mandatory subject of bargaining. Under RSA 273-A:5, I (e), it is an unfair labor practice for a public employer to refuse to negotiate in good faith with the exclusive representative of a bargaining unit, which is what happened in this case when the State unilaterally implemented a wage reduction effective July 1, 2014. The State is ordered to restore the salary enhancements, make affected employees whole, allow any SYSC employee who retired on account of the July 1, 2014 wage change to return to State service, and to negotiate any changes to the existing salary enhanced wages for the SYSC employees. Given our finding of a violation under sub-section (e), which we conclude is the statutory provision applicable to this case, we dismiss the SEA claims under sub-sections (h) and (i).

See PELRB Decision No. 2014-148 (July 31, 2014). The question in the present case, and one which was not directly addressed in Case No. G-0148-2, is whether and how the State may, with respect to new hires, alter a past practice concerning a term and condition of employment such as wages. See *Appeal of New Hampshire Department of Corrections*, 164 N.H. 307, 309 (2012). The Board believes supplemental briefs will be helpful to the Board in its deliberations. Accordingly, both parties are directed to file supplemental briefs (five pages or less) on or before

May 5, 2017. The briefs should cite and discuss all relevant New Hampshire authority as well as any relevant and persuasive authority from other jurisdictions.

So ordered.

Date: 4/24/17

Peter Callaghan, Esq., Chair

By unanimous vote of Alternate Chair Peter Callaghan, Esq., Board Member Carol M. Granfield, and Board Member Richard J. Laughton, Jr.

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