

State Employees' Association of NH, SEIU Local 1984 v. State of New Hampshire, Governor John Lynch, Decision No. 2010-046 (Case No. G-0115-1).

Background: The Union filed an unfair labor practice complaint claiming that the State violated RSA 273-A:5, I (e) on account of the Governor's public statements concerning ongoing collective bargaining. The Union contended that this conduct violated negotiation ground rules and constituted improper direct dealing with the bargaining unit employees. The State denied the charges claiming that the ground rules did not apply to the Governor, that the statements only contained the publicly available information, that the Governor was entitled to issue public statements about layoff plans, and that the statements did not cause any harm since the parties reached a tentative agreement the day after the statements were made.

Decision: The PELRB found that, although the statements had a minimal negative impact on the negotiations process, the references to the parties' positions in ongoing collective bargaining negotiations violated the ground rule which required the parties to refrain from public comment, and that, therefore, the State committed an unfair labor practice in violation of RSA 273-A:5, I (e). The PELRB concluded that the evidence was insufficient to establish that the disputed statements constituted improper direct dealing.

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.