

State Employees' Association of NH, SEIU Local 1984 v. State of New Hampshire, Department of Health and Human Services, Decision No. 2017-108 (Case No. G-0148-7).

Background: The SEA filed an unfair labor practice claiming that the State hired a new part-time employee but failed to include a salary enhancement in the employee's compensation in violation of RSA 273-A:5, I (e), (h), & (i). The SEA asserted that inclusion of a salary enhancement was a longstanding past practice which was recognized in prior PELRB Decision No. 2014-184 and which the State cannot unilaterally eliminate. The State denied the charge and asserted that it met the requirements necessary to end the provision of a salary enhancement to new hires because: 1) it provided the requisite notice to the SEA that the practice would be discontinued upon the effective date of the 2015-17 CBA; and 2) the SEA attempted to negotiate the inclusion of salary enhancements into the 2015-17 CBA without success prior to signing the 2015-17 CBA. The State filed a motion to dismiss because this case involved a probationary employee. The SEA countered that under the State's personnel rules, the probationary period applied only to full-time employees and, therefore, part-time employees were not probationary employees.

Decision: The State's motion to dismiss was denied because the relevant Personnel Rules only subjected full-time, and not part-time, employees to a probationary period. The State did not commit an unfair labor practice by terminating salary enhancement for new hires because the State provided the SEA with notice and an opportunity to bargain. The SEA's complaint was dismissed.

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.