



## State of New Hampshire

### PUBLIC EMPLOYEE LABOR RELATIONS BOARD

STATE EMPLOYEES' ASSOCIATION OF N.H.,  
INC., LOCAL 1984, S.E.I.U., AFL-CIO,  
CLC

Complainant

and

MERRIMACK COUNTY COMMISSIONERS

Respondent

CASE NO. S-0327:4

DECISION NO. 89-63

#### MOTION FOR REHEARING

PELRB on June 6, 1989 issued a decision (No. 89-40) finding the Merrimack County Commissioners guilty of unfair labor practices for failing to submit to the County Delegation their proposal, agreement which was later ratified by the union membership. It further ordered the County to submit the agreement to the Delegation and report compliance to its order within 30 days of the decision.

Counsel for the County appealed on the basis of several errors in stipulated facts and the incorrect naming of the public employer.

After careful review of the testimony and written evidence in this matter, PELRB makes the following corrections: -

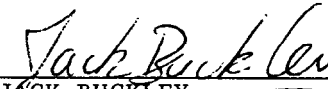
1. Negotiations between the parties began in September 1988. On October 31, 1988 the Union presented the commissioners with a contract proposal containing changes in the benefit package. This proposal was "rejected" by the Commissioners.
2. On November 7, 1988 the Commissioners through its representative presented a "new" proposal which was found "acceptable" to the union negotiating team who agreed to submit it to its membership.
3. The Union negotiating team is empowered to make non-binding agreements, however, such agreements must be submitted to the membership who have the final authority to accept or reject any agreement made by its negotiating team.
4. The union team accepted the Commissioners' proposal in early November and as in the normal course presented the proposal to its membership on November 18, 1989.
5. Although the union negotiating team cannot bind its membership by approving an employer's offer, the offer made in good faith by the Commissioners and subsequently ratified by the Union membership cannot be withdrawn and must be submitted to the funding authority, the County Delegation.

Finally, the Board agrees that it erred in stating that the County Delegation was the "public employer", the Commission is the employer under 273-A (II) and (X) and the Delegation is the legislative body or funding authority.

With the above corrections, PELRB reaffirms, its final decision and ORDERS the Commission to submit the agreement to the Delegation and report compliance no later than October 31, 1989.

The request for reconsideration is hereby, DENIED.

Signed this 26th day of September, 1989.

  
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JACK BUCKLEY  
Chairman

By unanimous vote: Jack Buckley, Chairman presiding. Members present and voting James C. Anderson and Seymour Osman. Also present, Executive Director, Evelyn C. LeBrun.