



State of New Hampshire
Public Employee Labor Relations Board

Internal Affairs Association of New Hampshire

and

State of New Hampshire, Department of Corrections

and

SEA, SEIU Local 1984

Case No. G-0260-1

Decision No. 2018-019

Order

On September 21, 2017, the Internal Affairs Association of New Hampshire (IAANH) filed a modification petition seeking to remove Internal Affairs Investigators (IA Investigators) from the existing bargaining unit represented by the SEA, SEIU Local 1984 (SEA) for the purpose of creating a new unit consisting of Department of Corrections (DOC) Internal Affairs employees. The existing SEA unit is described in the PELRB Certification of Representative and Order to Negotiate, Decision No. 2004-037 (May 6, 2004) and PELRB Decision No. 2017-201 (December 4, 2017). The IAANH also filed a petition for certification proposing a new unit of Internal Affairs employees. See Case No. G-0258-2 (petition for certification filed on November 2, 2017). On October 31, 2017, the IAANH moved to amend the modification petition by adding a position of Administrative Secretary-Investigations (IA Administrative Secretary) to the proposed bargaining unit description. No objections to motion to amend have been filed. Accordingly, the IAANH's motion to amend its modification petition is granted.

The State objects to the modification and certification petitions on the ground that the

unit proposed in the certification petition does not have 10 employees with the same community of interest as required under RSA 273-A:8, I. The SEA objected to the petition for certification but did not object to the modification petition.

The hearing on objections was conducted on December 19, 2017. The State's objection to the petition for certification is addressed in the PELRB Decision No. 2018-020.

The State's objection to the *modification* petition¹ is based only on the minimum number of employees required for *certification* of bargaining units.² The State specifically stated in its answer to the modification petition that "[t]he State as the employer takes no position on this request for modification of the bargaining unit if the requirement for numerosity is met." This objection appears to be pertinent to the petition for certification of a new unit rather than the petition to remove employees from the already-certified unit; and this objection is addressed and rejected in the companion certification case. See PELRB Decision No. 2018-020. To the extent this objection is properly raised in the modification case, it is overruled.

Based on the foregoing, the IAANH's modification petition is granted. The existing bargaining unit represented by the SEA is modified to exclude the following DOC positions: Internal Affairs Investigators I, II, and III and Administrative Secretary - Investigations.

So ordered.

Date: 2/23/2018


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¹ Petitions for modification are filed under Admin. Rule Pub 302.05.

² Petitions for certification and accompanying unit determinations are governed by RSA 273-A:8, which sets forth a 10-employee minimum requirement and which provides in part that the "board or its designee shall determine the appropriate bargaining unit and shall certify the exclusive representative thereof when petitioned to do so under RSA 273-A:10." RSA 273-A:10 governs petitions for representation elections.