



State of New Hampshire
Public Employee Labor Relations Board

State Employees' Association of New Hampshire, SEIU Local 1984

v.

State of New Hampshire

Case No. G-0115-9

Decision No. 2020-024

Order

This case is scheduled for hearing on February 5, 2020. The principal issues are whether the Governor's written communications to employees relating to the fact finder's report, and his alleged refusal to submit the fact finder's report to governor and council, violated the provisions of RSA 273-A as charged. The essential facts on which the Association's claims are based appear to be uncontested.

On January 27, 2020 the Association filed a request under Admin. Rules, Pub 203.01, asking the board to issue hearing subpoenas for five individuals, including the Governor. At this juncture the proposed testimony from the Governor appears to be irrelevant and unnecessary in order to decide the Association's claims, as the Governor's communications to employees were in writing and will be exhibits at hearing, and there is no dispute that the fact finder's report has not been submitted to governor and council. The impact of the Governor's actions on the bargaining unit is less apparent, and the proposed testimony from the other four individuals may be relevant in this regard.

On January 29, 2020 the State filed an assented to motion to continue the February 5, 2020 hearing, as the State has no objection to having the Governor appear as a witness and has

added the Governor to the State's witness list. However, the Governor is not available on February 5, but he is available on at least two dates later in February.

I am approving the Association's pending subpoena requests for Aucoin, Brennan, Nall, and McKenna. To the extent the Association's request to subpoena the Governor is still pending it is denied without prejudice. The motion to continue the February 5, 2020 hearing is denied as it appears that testimony from the Governor is not relevant or necessary given the claims and anticipated evidence. However, at the conclusion of the February 5 hearing either party may make a motion and argue testimony from the Governor is relevant and necessary and should be included in the record for decision. If such a motion is granted, the board will make arrangements for the submission of the Governor's testimony into the record at a later date, most likely by a trial deposition.

So ordered.

January 30, 2020

/s/ Andrew Eills
Andrew Eills, Esq.
Chair/Presiding Officer

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