



State of New Hampshire
Public Employee Labor Relations Board

State of New Hampshire

v.

State Employees' Association of New Hampshire, SEIU Local 1984

Case No. G-0115-15
Decision No. 2023-300

Pre-Hearing Memorandum and Order

Date of Conference: November 28, 2023

Appearances: Jessica A. King, Esq. for State of New Hampshire
Gary Snyder, Esq. for SEA of NH, SEIU Local 1984

Background:

The State filed this unfair labor practice complaint on October 27, 2023, charging that the SEA violated its bargaining obligations by suspending a ratification vote on a tentative agreement the parties negotiated relating to the State's redesign of the position classification system. The State claims the SEA's actions are unfair labor practices in violation of RSA 273-A:5, II (a)(to restrain, coerce or otherwise interfere with public employees in the exercise of their rights under this chapter); (d)(to refuse to negotiate in good faith with the public employer); and (g)(to fail to comply with this chapter or any rule adopted hereunder). The State requests that the PELRB find unfair practices as charged and as relief:

- A. Order the SEA to resume and complete the ratification vote by a date certain;

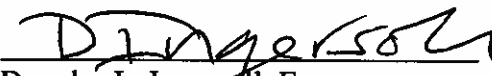
- B. Order the SEA to bargain in good faith pursuant to CBA Article 21.1.1; and
- C. Grant all other relief that may be just and proper.

The SEA denies the charges and contends it was entitled to suspend the ratification vote.

The purported justification for the SEA's actions can be summarized as follows: 1) the agreement was expressly subject to the SEA's acceptance of data provided in the "position crosswalk" (Crosswalk) and, upon review, the SEA has rejected the Crosswalk data; 2) the State's use, or intended use, of the tentative agreement to provide multiple in-band-advancements (IBAs) as reflected by the Crosswalk data was not discussed at the bargaining table and is not part of the tentative agreement; 3) the State's planned use of IBAs shows that the parties did not have a meeting of the minds and in fact have not reached a tentative agreement; and 4) the SEA controls the process for ratification of the tentative agreement and the SEA Board of Director acted within its rights when it suspended the ratification vote.

After a fairly in-depth discussion of relevant background, including the tentative agreement and the disputed IBAs, the pre-hearing conference was suspended so the parties could immediately begin discussions to determine whether an agreement can be structured which will adequately address each parties' concerns and allow for the resumption and completion of the ratification vote. This pre-hearing order will be updated and supplemented once the parties apprise the PELRB of the status via email or a joint status report.

Date: 11/28/2023


Douglas L. Ingersoll, Esq.
Executive Director/Presiding Officer

Distribution: Gary Snyder, Esq.
Jessica A. King, Esq.