

State Employees' Association of New Hampshire, Inc., SEIU Local 1984 v. State of New Hampshire, Liquor Commission, Decision No. 2013-168 (Case No. G-0202-1).

The Union complained that the State violated RSA 273-A:5, I (a), (b), (c) & (g) when it refused to recognize the Union as the exclusive representative of certain part time employees of the New Hampshire Liquor Commission in accordance with the PELRB's 1976 Liquor Commission bargaining unit certification. The State denied the charges and asserted that the Union did not represent all part time Liquor Commission employees because there were part time Liquor Commission employees who were "persons in a ... temporary status, or employed seasonally, irregularly or on call", and therefore, not "public employees" under RSA 273-A:1, IX (d). The State argued that these employees were therefore not covered by the Liquor Commission bargaining unit certification and were not represented by the Union. The State also filed a motion to dismiss on collateral estoppels grounds arguing that the parties litigated the scope of the "all classified employees" unit description in 1983.

The PELRB denied the State's motion to dismiss because the issue for decision in this case was not the same as in the 1983 case. The PELRB found that the part-time employees at issue in this case were public employees within the meaning of RSA 273-A:1, IX and were not irregular, on call, seasonal or temporary employees. Because of nature of work in retail environment, the schedule of subject employees varied from week to week but they were regularly scheduled on a year round basis and had a reasonable expectation of continued employment. The State committed an unfair labor practice when it failed to recognize the Union as the exclusive representative of part time Liquor commission retail employees and when it failed to recognize the part time employees as members of the bargaining unit.

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.