

State Employees' Association of New Hampshire, Inc., SEIU Local 1984 v. State of New Hampshire, Decision No. 2014-131 (G-0115-7).

Background: The SEA filed an unfair labor practice complaint claiming that in its negotiations with a second DOC bargaining unit represented by the Teamsters, the State proposed and negotiated a language change to the overtime provision in the Teamsters' CBA that improperly restricted and/or interfered with SEA unit employees' access to overtime work. The SEA charged that the State violated RSA 273-A:5, I (e), (h), & (i). The State denied the charges and argued that its contract with the Teamsters was negotiated in good faith; that the SEA did not have standing to challenge the State's contract with the Teamsters; that any past practice relied upon by the SEA ended when the SEA's representation of both groups of employees ended; and that it was improper for the State and the SEA to negotiate terms and conditions of employment applicable to the Teamsters' unit.

Decision: The PELRB dismissed the SEA's complaint finding that the claims were premature and, in effect, the SEA sought an advisory opinion based upon the potential loss of SEA unit overtime work. This dismissal was without prejudice to the filing of a grievance based upon alleged violations of SEA's unit employees' contractual right to overtime work. The PELRB expressed no opinion about the merits or likelihood of success of any such grievance.

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.