

State Employees' Association of NH, Inc., SEIU Local 1984 v. State of NH, Dep't of Transportation, Decision No. 2020-128 (Case No. G-0240-2).

Background: The Union claimed that the State had violated RSA 273-A:5, I (a), (e), & (g) when it imposed a new condition of employment on DOT employees by requiring them to obtain Commercial Driver's License (CDL) medical cards and when it changed employees' rates of pay. State denied the charges and claimed that whether to require certain current DOT employees to obtain CDL medical cards in connection with a position change was a matter of managerial prerogative and a prohibited subject of bargaining.

Decision: The PELRB found that the CDL medical card requirement for current employees qualified as a mandatory subject of bargaining under the three step analysis set forth in *Appeal of State*, 138 N.H. 716, 724 (1994). The PELRB held that the CDL medical card requirement was not a prohibited subject of bargaining; that it primarily affected the terms and conditions of employment for current employees and not matters of broad managerial policy; and that requiring the State to bargain on the subject would not interfere with public control of governmental functions. The SEA's request for a cease and desist order was granted. The State was directed to refrain from applying the new CDL medical card requirement to current employees.

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.