

**State Employees' Association of New Hampshire, SEIU Local 1984, NEPBA Local 40, NH, Fish & Game Conservation Officers, & NEPBA Local 45, NH Fish & Game Supervisory Officers v. State of New Hampshire**, Decision No. 2021-028 (Consolidated Cases Nos. G-0115-9, G-0255-4, & G-0254-4).

**Background:** The Unions claimed that the State violated RSA 273-A:5, I (a), (b), (e), & (g) when, during bargaining impasse procedures, the Governor emailed state employees and discussed, among other things, the State's bargaining proposals and when the Governor refused to submit the fact finder's report to the Executive Council as required under the RSA 273-A:12, II mandatory impasse procedures. The State denied the charges and claimed, among other things, that the Governor's email to employees was consistent with the Governor's rights and responsibilities as the State's chief executive and constituted protected speech under the First Amendment of the U.S. Constitution, Part I, Article 22 of the New Hampshire Constitution, and RSA chapter 98-E. The State also claimed that the Governor was not required to submit the fact finder's report to the Executive Council because the Governor did not accept the fact finder's recommendations.

**Decision:** The Board found that the State committed unfair labor practices in violation of RSA 273-A:5, I (a), (b), (e), & (g) given the Governor's December 3, 2019 email to employees and the State's refusal to submit the fact finder's report to the Executive Council pursuant to RSA 273-A:12, II. The State was ordered to cease and desist from interfering with employees in the exercise of rights conferred by the Act; interfering with the administration of Union business; making bargaining presentations to employees and discussing negotiations directly with employees except as permitted under RSA 273-A:12, I (a)(2); and refusing to follow impasse resolution procedures prescribed by RSA 273-A:12.

***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.***