



STATE OF NEW HAMPSHIRE

PUBLIC EMPLOYEE LABOR RELATIONS BOARD

In 1975 the legislature stated that *"it is the policy of the state to foster harmonious and cooperative relations between public employers and their employees and to protect the public by encouraging the orderly and uninterrupted operation of government."* To implement this policy the legislature: 1) recognized the right of public employees to organize and be represented for the purpose of bargaining collectively with public employers such as the state, any political subdivision of the state, the university system but not the General Court; 2) required public employers to negotiate in good faith with certified bargaining unit representatives and reduce collectively bargained agreements to writing; and 3) established the public employee labor relations board (PELRB) and provided it with "broad powers to assist in resolving disputes between governments and its employees."

Administrative and Adjudicatory functions of the PELRB:

Bargaining Unit Formation and Determination of Representative:

Certification petitions are processed which seek recognition of proposed bargaining units. These may require evidentiary hearings to resolve bargaining unit composition issues and to determine an appropriate unit. The certified exclusive representative of an approved bargaining units is chosen by eligible employees through secret ballot election conducted by the PELRB.

Changes to existing bargaining units:

Modification petitions are processed to resolve proposed changes in the composition of previously certified bargaining units and may involve contested evidentiary hearings.

Representation challenges:

Decertification petitions and challenge petitions which raise a question of bargaining unit representation are processed. As appropriate, the PELRB resolves these cases through a secret ballot elections election where eligible employees vote on different choices for bargaining unit representative – they may also vote for no representation, which equates to a vote to discontinue the bargaining unit and participation in collective bargaining. Contested evidentiary hearings may be necessary.

Elections:

Secret ballot elections are held on site at various public employer locations throughout the state to resolve questions of representation of bargaining units or are conducted by mail.

Unfair Labor Practice Complaints:

Unfair Labor Practice complaints are processed which seek to address alleged violations of RSA 273-A:5, I or II. Pre-hearing conferences and contested evidentiary proceedings are typically required to determine whether an unfair labor practice has occurred.

Declaratory Rulings:

Petitions for a declaratory ruling are processed pursuant to Pub 206.01 regarding the specific applicability of any statute within the jurisdiction of the board to enforce, or any rule or order of the board.

Adjudicatory Hearings:

RSA 273-A mandates the conduct of a hearing within 45 days of the filing date for unfair labor practice complaints. Representation and other petitions follow a similar time line. Hearings involve the formal presentation of evidence by sworn testimony from witnesses, the submission of exhibits, as well as written and oral argument.

Decisions:

The PELRB resolves contested cases with the issuance of comprehensive written decisions which provide the factual and legal basis for the ruling. Per RSA 273-A, decisions on unfair labor practice complaints are to issue within 45 days of the close of the record, usually determined by the date established for the submission of post-hearing briefs. A similar timeline is followed for representation and other petitions. All PELRB decisions dating to 1976 are available on the website. Hearing officer and Board decisions are subject to an internal PELRB review process pursuant to N.H. Admin. Rules, Pub 205. Final PELRB decisions are subject to appeal to the New Hampshire Supreme Court.

Legislative Activity:

The PELRB's Executive Director/Counsel attends legislative committee hearings on bills relating to public sector collective bargaining to provide background and context for a proposed change or addition to existing law, to address how a proposed bill will likely change existing law, and to answer questions from committee members.

Rulemaking:

The PELRB files rulemaking petitions as necessary to implement the provisions of RSA 273-A and update existing rules to conform to legislative changes and updates in PELRB practice requirements.

Neutral appointments:

The PELRB maintains a list of neutrals per RSA 273-A:2, V available for employment by the public employers and exclusive representatives/unions as mediators or fact finders in the event of

a bargaining impasse under RSA 273-A:12. Parties are also free to apply, by agreement, for the appointment of a grievance arbitrator from the PELRB's neutral list.

Collective bargaining agreements:

Parties to collective bargaining agreements are required to file their contracts with the PELRB and all such agreements are available on the PELRB website. Note: PELRB board members and staff do not negotiate or approve collective bargaining agreements as this is the statutory responsibility of the public employer, bargaining unit exclusive representatives, and the local legislative body.

Website:

The PELRB maintains a website which contains comprehensive and current information about applicable laws, rules, procedures, decisions, bargaining unit certifications and collective bargaining agreements. The website is intended to be a resource available to public employers, public employees, employee organizations, attorneys and the general public who are researching substantive legal issues or learning about PELRB practice and procedures.

RSA 273-C:

In 1990 the legislature enacted RSA 273-C and authorized proceedings before the PELRB relating to the right of employees of licensed dog or horse racing track owners to form bargaining units and engage in collective bargaining. This law accounts for a relatively small percentage of PELRB activity.

Electronic Filing and Docket Maintenance:

The PELRB maintains an electronic filing and case management system without the aid of dedicated software programs to facilitate and expedite filings made with the PELRB, the issuance of decisions, and internal management of case files, docket material, and general operations.