



**State of New Hampshire**

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# **Public Employee Labor Relations Board**

**April 20, 2021 Budget Presentation  
Senate Finance Committee  
Senator Gary Daniels, Chair**

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New Hampshire Public Employee Labor Relations Board  
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## **Mission Statement**

### Public Employee Labor Relations Board

When the Public Employee Labor Relations Act (RSA 273-A) became law 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." This has been accomplished by: 1) recognizing 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) requiring public employers to negotiate in good faith with certified employee representatives and reduce collectively bargained agreements to writing; and 3) establishing a public employee labor relations board with "broad powers to assist in resolving disputes between governments and its employees." Strikes and job actions are prohibited, and public employees have the right to form bargaining units and engage in collective bargaining pursuant to a statutory framework.

On a macro level, the mission of this board is to administer state public sector collective bargaining laws and rules in a fair, impartial, and consistent manner. This is achieved by the service of board members with labor experience, board members with management experience, and board members who represent the public interest and act as chairs, as well as by the service of a professional and administrative staff.

On a micro level, the board discharges its responsibilities, and fulfills its mission, through:

- Determination of appropriate bargaining units
- Elections to resolve representation questions, including challenge/decertification petitions
- Modifications to the composition of existing bargaining units
- Unfair Labor Practice hearings
- Declaratory Rulings
- Hearings to resolve contested cases
- Written decisions containing factual findings and legal rulings
- Rulemaking
- Neutral appointments for service as impasse mediators and fact finders and grievance arbitrators
- Maintenance of website including approximately 650 bargaining unit certifications, 550 collective agreements, PELRB decisions dating to 1976, statutes and administrative rules, practice and procedure information, and guidance in the requirements of collective bargaining



## Organizational Chart

Public Employee Labor Relations Board (4 FT Employees)

**Nine Member Board Appointed by Governor and Council per RSA 273-A:2**

Chairman (1)

Management Members (2)

Labor Members (2)

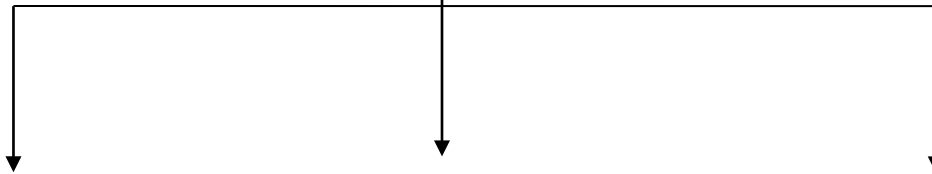
Alternate Chairpersons (2)

Alternate Management Member (1)

Alternate Labor Member (1)



Executive Director (1 FT)



Staff Attorney II (1 FT)

Executive Secretary (1 FT)

Secretary Typist II (1 FT)

**ACCOUNTING UNIT NAME: Public Employee Labor Relations Board**

**ACCOUNTING UNIT: 20660000**

**PURPOSE:** The PELRB administers the state public sector collective bargaining law (RSA 273-A). This involves determining appropriate bargaining units using criteria set forth in the statute and the administrative rules (Pub 100-300), conducting elections to resolve questions of representation, deciding unfair labor practice cases, assisting with the bargaining process through the maintenance of a list of neutrals available for service and appointment of a mediator or fact finder in the event of an impasse in negotiations, and the issuance of declaratory rulings. The PELRB also administers the collective bargaining law for race track employees (RSA 273-C).

**CLIENT PROFILE:** Public sector employers, labor organizations seeking to represent or certified to represent public sector bargaining units, and public sector employees (RSA 273-A). Race track employers, labor organizations seeking to represent or certified to represent race track bargaining units, and race track employees.

**FINANCIAL SUMMARY:**

Description	FY2020 Actual	FY2021 Adj Auth	FY2022		FY2023	
			Governor	House	Governor	House
General Funds	465,603	484,117	491,374	491,374	507,583	507,583
Agency Income	1,560	2,000	1,570	1,570	1,568	1,568
Total Funds	467,163	486,117	492,944	492,944	509,151	509,151
GF Change/Increase:		Increase to FY20: <b>18,514</b>		Increase to FY21: <b>7,257</b>		Increase to FY22: <b>16,209</b>
GF Change/Increase detail greater than 1,000:		Personal Services: 2,013 Current Expenses: 1,768 Transfers to Oit: 1,984 Telecomm: 1,954 Bd Per Diem: 1,900 Benefits: 7,330 Bd Expenses: 1,110		Transfers to Oit: 1,126 Telecomm: (1,480) Bd Per Diem: (1,200) Benefits: 8,342		Personal Services: 10,508 Rents-Leases: 1,861 Transfers to Oit: (3,455) Benefits: 7,263

**FUNDING SOURCES:** General funds, filing & copy fees.

**STATE MANDATES:** RSA 273-A is the enabling legislation for the PELRB and outlines the scope and extent of the board's jurisdiction. See also RSA 273-C.

**FEDERAL MANDATES:** NA

**SERVICES PROVIDED:** In general, implementation and maintenance of statutory structure for public sector labor relations designed 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. In particular, administration of RSA 273-A and C through the conduct of pre-hearing and election conferences, contested hearings as necessary, on site and mail ballot elections, in order to process: petitions for certification of new bargaining unit, petitions for certification (challenge election), petitions for modification of existing bargaining units, petitions for declaratory ruling, unfair labor practice complaints, and petitions for appointment of mediators, fact finders, and arbitrators. The PELRB maintains a website which features decisions and orders issued, statutes and administrative rules, comprehensive information about existing bargaining unit certifications in the state (approximately

650), collective bargaining agreements on file with the PELRB (approximately 550), detailed information about PELRB practice and procedure, and the legal requirements for collective bargaining.

**SERVICE DELIVERY SYSTEM:** The PELRB functions are carried out by four full time employees (two support staff and two attorneys [1 Staff Attorney/Hearing Officer and 1 Executive Director/Counsel]) and a board (two members and an alternate with extensive experience representing organized labor, two members and an alternate with extensive experience in representing management interests, and one member and two alternates who serve as chairs appointed to represent the public at large). PELRB legal staff serves as hearing officers and issue written decisions after hearing cases. Panels of board members (one chair, one labor, one management member) also hear cases, review hearing officer decisions upon motion, and act on all motions for rehearing. The PELRB conducts operations at its offices which include a public hearing room, lobby, and adjacent conference rooms. Contested hearings can involve twenty or more people, including multiple attorneys and party representatives as well as witnesses and interested members of the public. The PELRB issues decisions and orders in pending cases which, after internal review, are subject to a Rule 10 appeal to the state supreme court. The PELRB utilizes email to receive all filings and issue all orders and decisions, and to facilitate an electronic case management system constructed from basic features of Microsoft Word. PELRB legal staff is available to answer questions and provide guidance as appropriate and necessary to public employers, public employer groups, public employees, and labor organizations. Support staff has primary responsibility for case file maintenance and docket systems, and website maintenance.

**EXPECTED OUTCOMES:** Accurate and informative responses to all general information requests and case file inquiries within one business day, typically by email if received in that format, or immediately in response to a telephone inquiry when practical and possible. Prompt scheduling of all filed cases, including the scheduling of a hearing within 45 days after filing, and the conduct of all proceedings in a fair and impartial manner. Provision to parties with a full and fair opportunity to present their cases under applicable law and rules. Issuance of interim orders and final written decisions which directly address the issues raised and clearly explain the basis for the order or decision. Consistency in the application of relevant statutes, prior decisions, case law, and rules. Timely maintenance of website.