AGENDA

BOARD OF SCHOOL COMMITTEE
SPECIAL MEETING – BOARD TRAINING
MANCHESTER SCHOOL DISTRICT SAU #37

October 28, 2026 **6:00 p.m.**
Mayor and all School Board Members **Manchester SAU District Office**
20 Hecker Street, Large Conference Room

1. Mayor Ruais calls the meeting to order.

2. Mayor Ruais calls for the Pledge of Allegiance.

3. The Clerk calls the roll.

PUBLIC FORUM

4. The purpose of the public forum is to give the residents of Manchester the opportunity to address the board regarding the item that is on this special agenda this evening, being Collective Bargaining/Negotiations. All people wishing to speak will have up to three (3) minutes to do so, and any comments must be directly related to the item on the agenda and must be directed to the chair. Any resident wishing to speak will come forward to the nearest microphone, clearly state their name and address when recognized and give their comments.

a. If there is no one else present wishing to speak, a motion is in order to take all comments under advisement and further to receive and file any written documentation presented and to table the remaining minutes for public comment to the end of the meeting for those that have not already spoken.

5. Collective Bargaining – by Matthew H. Upton, Executive Director of Legal and Policy
(Note: This item is for informational and training purposes only.)

ADJOURNMENT

6. This being a special meeting of the board, no further business can be presented unless by 2/3 majority and a motion is in order to adjourn.

Statement of nondiscrimination: *It is the policy of the Manchester Board of School Committee, in its actions, and those of its employees, that there shall be no discrimination on the basis of age, sex, race, color, marital status, physical or mental disability, religious creed, national origin or sexual orientation for employment in, or operation and administration of any program or activity in the Manchester School District. The Title IX Coordinator is Dr. Kelly Espinola for staff and students.*

COLLECTIVE BARGAINING

Presented by

Matthew H. Upton

Executive Director of Legal & Policy
Manchester School District
mupton@mansd.org

General Framework

Public employer must negotiate in good faith with the exclusive representative of a certified bargaining unit over terms and conditions of employment.

Any agreement reached in this process is referred to as a collective bargaining agreement (CBA).

Exclusive Representative of Public Employees

Determined by an election of the bargaining unit.

Represents all public employees that are part of the certified collective bargaining unit (even if not members).

Public employer must negotiate with the exclusive representative and cannot negotiate directly with employees (unless employees specifically elect to to negotiate without the assistance of the exclusive representative).

PUBLIC EMPLOYER

- The executive body of the public employer, such as the Board of School Committee, school board, selectboard, county commissioners, or any political subdivision thereof, including any quasi-public corporation, council, commission, agency or authority, the state community college system, and the state university system



PUBLIC EMPLOYEE

- Public employee" means any person employed by a public employer except:
  (a) Persons elected by popular vote;
  (b) Persons appointed to office by the chief executive or legislative body of the public employer;
  (c) Persons whose duties imply a confidential relationship to the public employer; or
  (d) Persons in a probationary or temporary status, or employed seasonally, irregularly or on call. However, no employee shall be determined to be in a probationary status who shall have been employed for more than 12 months or who has an individual contract with his employer, nor shall any employee be determined to be in a temporary status solely by reason of the source of funding of the position in which he is employed (grant funded positions).

Collective Bargaining Unit

- Must be certified by the NH Public Employee Labor Relations Board (PELRB).
- Must include at least ten (10) public employees that have a community of interest.
- Generally, a collective bargaining unit should not include:
  - Members with supervisory responsibilities over other members.
  - Positions with dramatically different working conditions.
  - Positions involved in the preparation of negotiation proposals for the same collective bargaining unit.



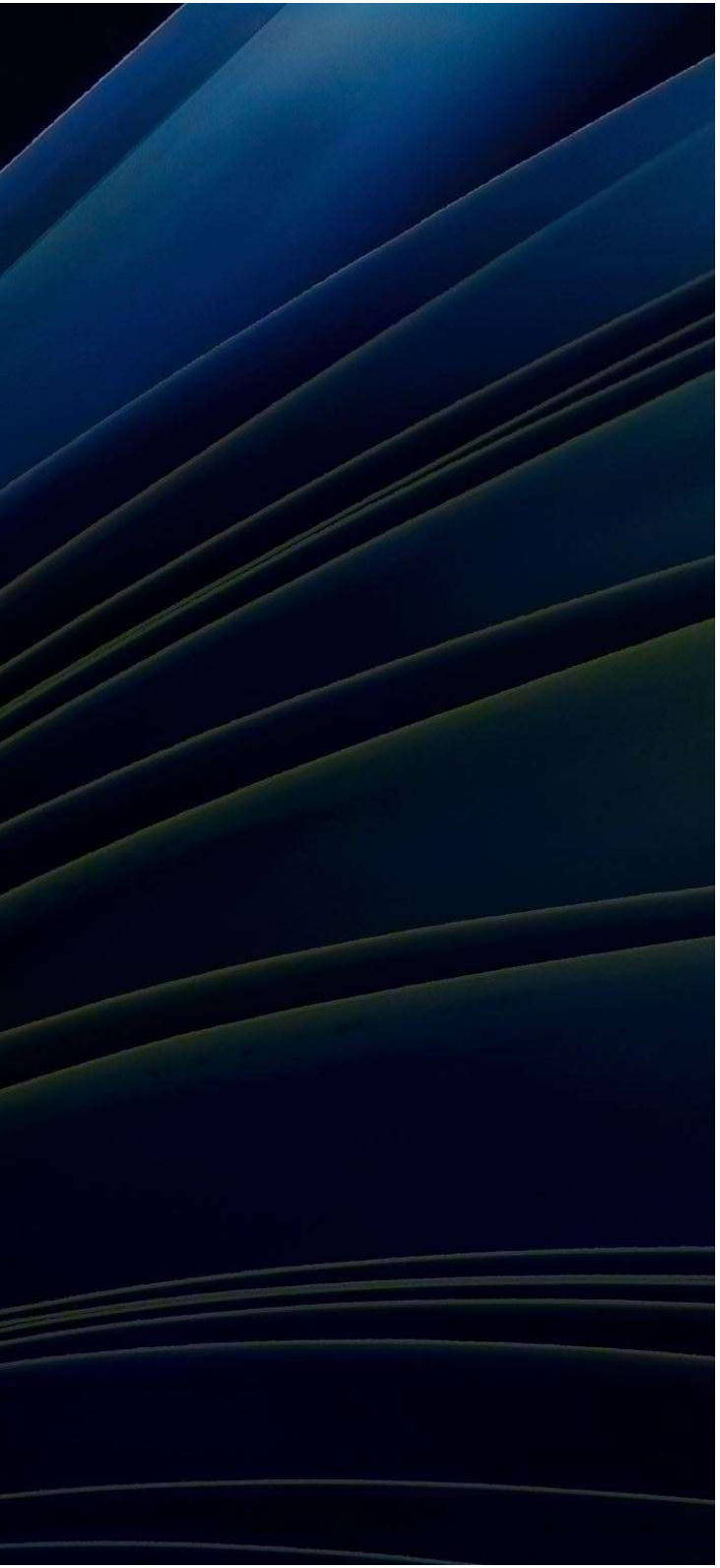
Terms and Conditions of Employment

- Terms and conditions of employment means wages, hours and other conditions of employment other than managerial policy within the exclusive prerogative of the public employer or delegated exclusively to the public employer by statute or regulations adopted pursuant to statute. The phrase "managerial policy within the exclusive prerogative of the public employer" shall be construed to include, but shall not be limited to, the functions, programs and **methods of the public employer,** including the use of technology, the public employer's organizational structure, and **the selection, direction and number of its personnel, *so as to continue public control of governmental functions.***

Good Faith Bargaining

- Must negotiate terms and conditions of employment.
- Must be willing to meet at reasonable times and places (including a mix of both on and off the clock hours).
- Cooperate in mediation and fact finding.
- Importantly, does not require either party to agree to any specific proposal or make any concession.





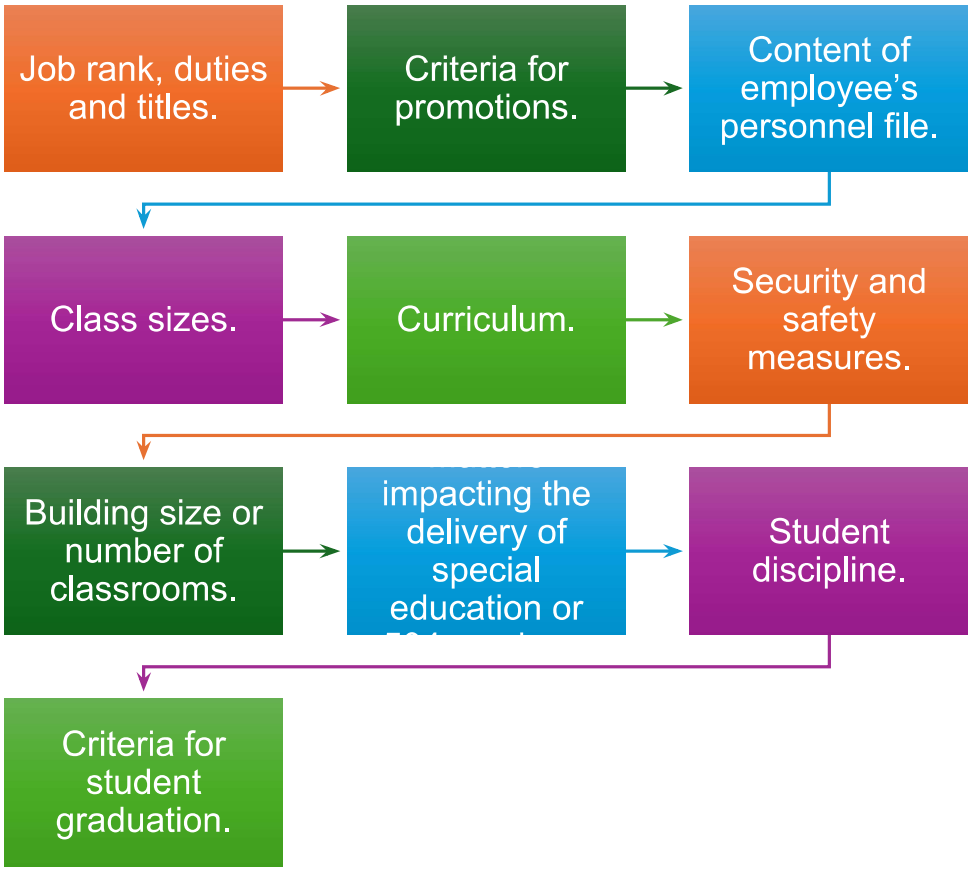
Mandatory Subjects of Bargaining

- WAGES.
- HOURS OF WORK.
- LENGTH OF WORK DAY.
- HEALTH INSURANCE AND OTHER BENEFITS.
- VACATION, SICK TIME OR OTHER LEAVE.
- GRIEVANCE PROCESS.
- UNION RIGHTS.
- CONTRACT DURATION.

Permissive Subjects of Bargaining

- Just cause and discipline.
- Standards for layoff and recall.
- Reassignment .
- Class schedule.
- Process for evaluation.
- Agency fees (now illegal).

Prohibited Subjects of Bargaining



Approval of the Collective Bargaining Agreement

- Must be approved by a vote of the members of the collective bargaining unit.
- Must also be approved by the governing body of the public employer.
- Cost items must be approved by the legislative body (Board of Mayor and Alderman).
- Legislative body has no say in non-cost items such as hours of work, vacations, personal days, sick time or the grievance process.

Cost Items

- Cost items are defined as: "*any benefit acquired through collective bargaining whose implementation requires an appropriation by the legislative body of the public employer...*"
- Generally, wages, stipends, health/dental/life insurance costs, and retirement/severance benefits.

Failure to Reach Agreement

- If the parties are unable to reach agreement through negotiations impasse may be declared by either party.
- Once at impasse, either party may request mediation.
- Mediation is nonbinding unless the parties reach a tentative agreement.
- Mediation is conducted by a neutral third party that is either selected or appointed as required by the collective bargaining agreement.
- Mediation is confidential.
- Neither the public employer nor the Union can be required to agree to anything during mediation.



Fact Finding

- If mediation is unsuccessful, either party may request fact finding.
- Fact finding involves the selection or appointment of a neutral third party that makes recommendations on the terms of a new contract.
- The recommendations of the fact finders as to non-cost items must be approved by both the public employer and collective bargaining unit.
- Cost items recommended by the fact finder must be approved by the legislative body.
- If impasse is not resolved through fact finding, the parties return to traditional negotiations.

Unfair Labor Practices During Collective Bargaining

- Public employer dealing directly with public employees outside of designated or elected representative.
- Coercing public employees to accept any specific proposal.
- Retaliating against public employees due to positions taken during the collective bargaining process.
- Surface bargaining.
- Bargaining with no expectation of approval by the legislative or governing body.



Unfair Labor Practices During Collective Bargaining

- Refusing to discuss a topic that is a mandatory subject of bargaining (does not mean you have to agree).
- A member of the negotiating team reaching tentative agreement and later advocating against approval by the Legislative Body (unless that right is specifically reserved at the table).
- Regressive bargaining.
- Otherwise failing to negotiate in good faith (threats, personal attacks or presenting knowingly disingenuous statements).

TITLE XXIII
LABOR

Chapter 273-A
PUBLIC EMPLOYEE LABOR RELATIONS

Section 273-A:1

273-A:1 Definitions. –
In this chapter:
I. "Board" means the public employee labor relations board created by RSA 273-A:2.
II. "Board of the public employer" means the executive body of the public employer, such as the city council, board of selectmen, the school board or the county commissioners.
(a) For purposes of this chapter:
(1) The board of the public employer for executive branch state employees means the governor and council.
(2) Theboard of the public employer for the judiciarymeans the chief justice of the supreme court with the advice and consent of the judicial branch administrative council appointed pursuant to supreme court rule 54.
(b) In certain political subdivisions of the state the board of the public employer may also be the legislative body.
III. "Budget submission date" means the date by which, under law or practice, the public employer's proposed budget is to be submitted to the legislative or other similar body of the government, or to the city council in the case of a city, for final action. In the case of a town, school district or supervisory union it means February 1 of each year, except in the case of a city school district or city school administrative unit which has a separate budget submission date applied to it by the city.
IV. "Cost item" means any benefit acquired through collective bargaining whose implementation requires an appropriation by the legislative body of the public employer with which negotiations are being conducted.
V. "Grievance" means an alleged violation, misinterpretation or misapplication with respect to one or more public employees, of any provision of an agreement reached under this chapter.
VI. "Impasse" means the failure of the 2 parties, having exhausted all their arguments, to achieve agreement in the course of good faith bargaining, resulting in a deadlock in negotiations.
VII. "Legislative body" means that governmental body having the power to appropriate public money. The legislative body of the state community college system and university system shall be the board of trustees.
VIII. "Professional employee" means any employee engaged in work predominantly intellectual and varied in character, involving the consistent exercise of discretion and judgment, and requiring knowledge in a discipline customarily acquired in a formal program of advanced study.
IX. "Public employee" means any person employed by a public employer except:
(a) Persons elected by popular vote;
(b) Persons appointed to office by the chief executive or legislative body of the public employer;
(c) Persons whose duties imply a confidential relationship to the public employer; or
(d) Persons in a probationary or temporary status, or employed seasonally, irregularly or on call. For the purposes of this chapter, however, no employee shall be determined to be in a probationary status who shall have been employed for more than 12 months or who has an individual contract with his employer, nor shall any employee be determined to be in a temporary status solely by reason of the source of funding of the position in which he is employed.
X. "Public employer" means the state and any political subdivision thereof, the judicial branch of the state, any quasi-public corporation, council, commission, agency or authority, the state community college system, and the state university system.
XI. "Terms and conditions of employment" means wages, hours and other conditions of employment other than managerial policy within the exclusive prerogative of the public employer, or confided exclusively to the public employer by statute or regulations adopted pursuant to statute. The phrase "managerial policy within the exclusive prerogative of the public employer" shall be construed to include but shall not be limited to the

functions, programs and methods of the public employer, including the use of technology, the public employer's organizational structure, and the selection, direction and number of its personnel, so as to continue public control of governmental functions.
XII. [Repealed.]

Source. 1975, 490:2. 1977, 437:1. 1983, 270:1. 2001, 170:1, 2. 2007, 107:1, eff. June 11, 2007; 368:1, eff. Sept. 15, 2007. 2011, 159:1, I, eff. Aug. 8, 2011. 2014, 13:1, 2, eff. July 13, 2014.

Section 273-A:2

273-A:2 The Board. –
I. There is hereby created a public employee labor relations board consisting of 5 members, appointed by the governor and council. Two members shall be appointed who shall have extensive experience representing organized labor. Two members shall be appointed who shall have extensive experience in representing management interests. One member, who shall be the chairman, shall be appointed to represent the public at large, and shall not hold elective or appointive public office, or elective or appointive office, or membership in, organized labor at the time of his appointment or during his term. Members of the board may be removed by the governor and council for cause.
I-a. The governor and council shall appoint, in addition to the regular board members specified in paragraph I, 4 alternate board members. One member shall have extensive experience representing organized labor, one member shall have extensive experience in representing management interests, and 2 members shall represent the public at large. The members representing the public at large shall not hold elective or appointive public office, or elective or appointive office, or membership in, organized labor at the time of appointment or during their term. Alternate board members shall serve a 6-year term, and may be removed by the governor and council.
II. Each member of the board shall serve for a term of 6 years, except that of the members first appointed, one shall be appointed for 2 years, one for 3 years, one for 4 years, one for 5 years and one for 6 years. Each member shall serve until his successor is appointed and qualified. A person appointed to fill a vacancy shall be appointed for the unexpired term by the governor and council.
III. Three members of the board shall constitute a quorum; provided, however, that no meeting shall be held unless organized labor, management and the public at large are each represented by at least one board member. In the absence of the 2 regular board members representing organized labor, or the 2 regular board members representing management, their respective alternates shall act in their place so as to constitute a quorum representative of each interest. Alternate board members shall also serve when the respective regular board members do not participate in a meeting due to a conflict of interest.
IV. The board may appoint an executive director and such other staff, including counsel, as it deems necessary, who shall serve at the pleasure of the board.
V. The board shall maintain a list of neutral third parties but the parties to an impasse may agree upon other persons not on the list.
VI. The board may make, amend and rescind in the manner prescribed by RSA 541-A such rules, establish such procedures and conduct such studies as may be necessary to carry out the provisions of this chapter.
VII. The members of the public employee labor relations board shall be paid $250 a day and their necessary expenses while actually engaged in the performance of their duties.
VIII. All board decisions shall be indexed in a timely fashion.
IX. The board shall develop, post, and maintain on its website training to educate negotiating parties as to applicable laws and rules and the skills that contribute to effective collective bargaining.

Source. 1975, 490:2. 1979, 374:1, 2. 1985, 257:1. 1994, 356:1. 1999, 156:2, eff. Aug. 27, 1999. 2013, 36:1, eff. June 4, 2013. 2025, 141:179, 205, eff. July 1, 2025.

Section 273-A:2-a

273-A:2-a Conflict of Interest. –
I. No board member shall participate in any case or issue before the board in which he has a potential conflict of interest. A conflict of interest shall include any case or action in which a member has a personal or professional

interest and any case or action in which a member is personally or professionally associated with any of the parties involved.
II. The board shall adopt rules, under RSA 541-A, to establish procedures for identifying and addressing potential conflicts of interest by board members.

Source. 1987, 379:3, eff. May 26, 1987.

Section 273-A:3

273-A:3 Obligation to Bargain. –
I. It is the obligation of the public employer and the employee organization certified by the board as the exclusive representative of the bargaining unit to negotiate in good faith. "Good faith" negotiation involves meeting at reasonable times and places in an effort to reach agreement on the terms of employment, and to cooperate in mediation and fact-finding required by this chapter, but the obligation to negotiate in good faith shall not compel either party to agree to a proposal or to make a concession.
II. (a) Any party desiring to bargain shall serve written notice of its intention on the other party at least 120 days before the budget submission date; provided, however, that bargaining with state employees shall commence not later than 120 days before the deadline for submission of the governor's proposed operating budget.
(b) Only cost items shall be submitted to the legislative body of the public employer for approval at the next annual meeting of the legislative body, unless there is an emergency as defined in RSA 31:5 or RSA 197:3. If the legislative body rejects the submission, or while accepting the submission takes any action which would result in a modification of the terms of the cost item submitted to it, either party may reopen negotiations on the entire agreement. No cost item agreed to by the public employer and the employee organization shall be modified by the legislative body of such public employer.
(c) If the public employer is a local political subdivision with a city or town council form of government cost items shall be submitted within 30 days to the city council or aldermen or to the town council for approval. Within 30 days of the receipt of the submission, the city council, aldermen, or the town council shall vote to accept or reject the cost items. If the city council or aldermen or the town council rejects any part of the submission, or while accepting the submission takes any action which would result in a modification of the terms of the cost item submitted to it, either party may reopen negotiations on all or part of the entire agreement.
III. Matters regarding the policies and practice of any merit system established by statute, charter or ordinance relating to recruitment, examination, appointment and advancement under conditions of political neutrality and based upon principles of merit and competence shall not be subjects of bargaining under the provisions of this chapter. Nothing herein shall be construed to diminish the authority of the state personnel commission or any board or agency established by statute, charter or ordinance to conduct and grade merit examinations from which appointments or promotions may be made.
IV. Each public employer shall record its budget submission date with the board.

Source. 1975, 490:2. 1977, 437:2. 1979, 374:3. 1985, 39:1. 1998, 205:1, eff. Aug. 17, 1998. 2013, 244:1, eff. Sept. 22, 2013.

Section 273-A:4

273-A:4 Grievance Procedures. – Every agreement negotiated under the terms of this chapter shall be reduced to writing and shall contain workable grievance procedures. No grievance resulting from the failure of a teacher to be renewed pursuant to RSA 189:14-a shall be subject to arbitration or any other binding resolution, except as provided by RSA 189:14-a and RSA 189:14-b. Any such provision in force as of the effective date of this section shall be null and void upon the expiration date of that collective bargaining agreement. However, after the expiration date of that collective bargaining agreement, nothing in this section shall be deemed to prohibit the school district public employer and the exclusive bargaining representative from entering into a subsequent agreement that may include arbitration or any other binding resolution for teacher nonrenewals pursuant to RSA 189:14-a and RSA 189:14-b. If such grievance procedures become incorporated into a subsequent collective bargaining agreement, those procedures shall become null and void at the expiration of that agreement. "Grievance resulting from failure of a teacher to be renewed" means a grievance that challenges

nonrenewal, or that seeks reversal or reinstatement from nonrenewal as a remedy.

Source. 1975, 490:2. 2003, 204:5. 2008, 246:2, eff. Aug. 23, 2008. 2011, 267:3, eff. July 1, 2011.

Section 273-A:5

273-A:5 Unfair Labor Practices Prohibited. –

I. It shall be a prohibited practice for any public employer:

(a) To restrain, coerce or otherwise interfere with its employees in the exercise of the rights conferred by this chapter;

(b) To dominate or to interfere in the formation or administration of any employee organization;

(c) To discriminate in the hiring or tenure, or the terms and conditions of employment of its employees for the purpose of encouraging or discouraging membership in any employee organization;

(d) To discharge or otherwise discriminate against any employee because he has filed a complaint, affidavit or petition, or given information or testimony under this chapter;

(e) To refuse to negotiate in good faith with the exclusive representative of a bargaining unit, including the failure to submit to the legislative body any cost item agreed upon in negotiations;

(f) To invoke a lockout;

(g) To fail to comply with this chapter or any rule adopted under this chapter;

(h) To breach a collective bargaining agreement;

(i) To make any law or regulation, or to adopt any rule relative to the terms and conditions of employment that would invalidate any portion of an agreement entered into by the public employer making or adopting such law, regulation or rule.

II. It shall be a prohibited practice for the exclusive representative of any public employee:

(a) To restrain, coerce or otherwise interfere with public employees in the exercise of their rights under this chapter;

(b) To restrain, coerce or otherwise interfere with public employers in their selection of agents to represent them in collective bargaining negotiations or the settlement of grievances;

(c) To cause or attempt to cause a public employer to discriminate against an employee in violation of RSA 273-A:5, I(c), or to discriminate against any public employee whose membership in an employee organization has been denied or terminated for reasons other than failure to pay membership dues;

(d) To refuse to negotiate in good faith with the public employer;

(e) To engage in a strike or other form of job action;

(f) To breach a collective bargaining agreement.

(g) To fail to comply with this chapter or any rule adopted hereunder.

Source. 1975, 490:2. 1979, 374:4, eff. Aug. 22, 1979.

Section 273-A:6

273-A:6 Violations. –

I. The board shall have primary jurisdiction of all violations of RSA 273-A:5, but no complaint may be filed with the board for violation of RSA 273-A:5, I(c) or (d) until the complainant has exhausted the administrative remedies provided by statutes other than this chapter. The board may refer any prohibited practice charges, as defined in RSA 273-A:5, to a hearing officer who shall conduct a hearing, make findings of fact, and report to the board within the time limits set forth in this section.

II. Complaints shall be filed by affidavit and shall be accompanied by a $60 filing fee. Such fees shall be continually appropriated to the board. A copy of the complaint shall be given to the party complained against at the time the complaint is filed. The board or its designee shall hold a hearing within 45 days under rules adopted by the board pursuant to RSA 541-A and shall give 5 working days' notice of the hearing by certified mail to all persons required to appear and to the representative of any party against whom a complaint has been filed.

III. The board may issue a cease and desist order if it deems one necessary in the public interest, pending the hearing.

IV. The board or its designee shall have the power to compel the attendance of witnesses and the production of

documents by the issuance of subpoenas, and to take testimony under oath, as provided in RSA 516, and may delegate such powers to any persons it may appoint.
V. Both parties shall have the right to be represented by counsel.
VI. The board or its designee shall render its decision within 45 days after the hearing, in accordance with rules adopted by the board pursuant to RSA 541-A. Upon finding that a party has violated RSA 273-A:5, the board may (a) issue a cease and desist order; (b) order reinstatement of an employee with back pay; (c) require periodic reporting of compliance; (d) order payment of the costs incurred by a party negotiating in good faith in negotiations found by the board to have been carried on not in good faith by the other party, if the board finds such penalty appropriate to the circumstances; or (e) order such other relief as the board may deem necessary.
VII. The board shall summarily dismiss any complaint of an alleged violation of RSA 273-A:5 which occurred more than 6 months prior to the filing of the complaint with the body having original jurisdiction of that complaint.
VIII. Any proceeding referred to a hearing officer under this section or RSA 273-A:8, I shall be reviewable by the board on motion of any party thereto or on motion of the board if the motion is made within 30 days of the rendering of such decision; otherwise the decision shall become final. The review by the board may result in approval, denial, or modification of the decision of the hearing officer and may be made administratively by the board without a hearing de novo unless ordered by the board.
IX. Any order issued by the board shall contain findings of fact and rulings of law on which the order is based. Any other decision made by the board shall contain, in a written record of oral proceedings or other written document, findings of fact and rulings of law on which the decision is based.

Source. 1975, 490:2. 1979, 374:5, 6. 1992, 192:2. 1994, 356:2, 3, eff. July 1, 1994.

Section 273-A:7

273-A:7 Injunctions. –
The board shall petition the superior court for the county in which the party sought to be enjoined is principally located for such order of the court as may be necessary to compel obedience to an order of the board and the superior court shall issue its order upon satisfying itself that:
I. The order of the board was within its jurisdiction to issue; and
II. There is substantial evidence on the record considered as a whole to support the finding of the board.

Source. 1975, 490:2. 1977, 437:3, eff. Sept. 3, 1977.

Section 273-A:8

273-A:8 Determining Bargaining Unit. –
I. The board or its designee shall determine the appropriate bargaining unit and shall certify the exclusive representative thereof when petitioned to do so under RSA 273-A:10. In making its determination the board should take into consideration the principle of community of interest. The community of interest may be exhibited by one or more of the following criteria, although it is not limited to such:
(a) Employees with the same conditions of employment;
(b) Employees with a history of workable and acceptable collective negotiations;
(c) Employees in the same historic craft or profession;
(d) Employees functioning within the same organizational unit.
In no case shall the board certify a bargaining unit of fewer than 10 employees with the same community of interest. For purposes of this section, probationary employees shall be counted to satisfy the employee minimum number requirement. In no case shall such probationary employees vote in any election conducted under the provisions of this chapter to certify an employee organization as the exclusive representative of a bargaining unit.
II. The board may certify a bargaining unit composed of professional and non-professional employees only if both the professional and non-professional employees, voting separately, vote to join the proposed bargaining unit. Persons exercising supervisory authority involving the significant exercise of discretion may not belong to the same bargaining unit as the employees they supervise.

III. In the event the bargaining unit is determined by the board's designee, the decision may be appealed to the board for final determination.

Source. 1975, 490:2. 1983, 270:2. 2008, 137:1, eff. Aug. 5, 2008. 2011, 45:1, eff. July 8, 2011.

Section 273-A:9

273-A:9 Bargaining by State Employees. –

I. All cost items and terms and conditions of employment affecting state employees in the classified system generally shall be negotiated by the state, represented by the governor as chief executive, with a single employee bargaining committee comprised of exclusive representatives of all interested bargaining units. Negotiations regarding terms and conditions of employment unique to individual bargaining units shall be negotiated individually with the representatives of those units by the governor.

II. To assist in the conduct of such negotiations the governor may designate an official state negotiator who shall serve at the pleasure of the governor.

III. The governor shall also appoint an advisory committee to assist in the negotiating process. The manager of employee relations appointed under RSA 21-I:44, II shall be a member of this committee.

III-a. No person who is appointed to serve as a state negotiator or as a member of the state negotiating team or any person who serves as a member of the employee bargaining committee shall use his or her position to obtain anything of value for the private benefit of such person or the person's immediate family. Nothing in this section shall prevent an employee or taxpayer from serving on a negotiating team or bargaining committee.

IV. The division of personnel, through the manager of employee relations and the manager's staff, shall provide administrative and professional support to the governor in the conduct of negotiations.

V. [Repealed.]

VI. There shall be a joint legislative committee known as the joint committee on employee relations.

(a) The joint committee on employee relations shall include the following members:

(1) The president of the senate.

(2) The speaker of the house of representatives.

(3) The majority leader of the senate.

(4) The majority leader of the house of representatives.

(5) The minority leader of the senate.

(6) The minority leader of the house of representatives.

(7) The chairperson of the senate finance committee.

(8) The chairperson of the senate capital budget committee.

(9) The chairperson of the house of representatives finance committee.

(10) The chairperson of the senate ways and means committee.

(11) The vice chairperson of the house of representatives finance committee.

(12) The chairperson of the house of representatives public works and highways committee.

(13) The chairperson of the house of representatives labor, industrial and rehabilitative services committee.

(14) The ranking minority member of the house of representatives labor, industrial and rehabilitative services committee.

(15) The chairperson of the senate commerce committee.

(16) The vice chairperson of the senate commerce committee.

(b) Members of the committee shall receive mileage at the legislative rate. The chair of the committee shall rotate biennially between the president of the senate or designee and the speaker of the house of representatives or designee, provided that the speaker of the house of representatives shall serve as the first chairperson under the provisions of this subparagraph. In the event that the presiding officer or designee serving as chairperson resigns or for any reason is unable to serve, the other presiding officer or designee shall become chairperson, provided that such substitution shall not change the rotation provided for in this subparagraph.

(c) The joint committee on employee relations shall meet with the state negotiating committee after the first Wednesday in December in the even-numbered years as necessary, to discuss the state's objectives in the bargaining process. The meeting shall be at the call of the chairperson of the joint committee on employee relations.

(d) The joint committee on employee relations shall hold hearings on all collective bargaining agreements with

state employees and on all fact-finders' reports relative to the collective bargaining process with state employees and shall submit any recommendation on such agreements or reports to the members of the senate and the house of representatives.

Source. 1975, 490:2. 1986, 12:7. 1995, 9:35, 36. 1997, 351:53. 1999, 225:15, 16. 2004, 137:1, eff. July 18, 2004. 2010, 368:1(50), eff. Dec. 31, 2010. 2018, 12:1, eff. June 19, 2018.

Section 273-A:9-a

273-A:9-a Bargaining by Judicial Employees. –

I. All cost items and terms and conditions of employment affecting judicial employees generally shall be negotiated by the unified court system, represented by the chief justice of the supreme court with the advice and consent of the judicial branch administrative council appointed pursuant to supreme court rule 54, with a single employee bargaining committee comprised of exclusive representatives of all interested bargaining units. Negotiations regarding terms and conditions of employment unique to individual bargaining units shall be negotiated individually with the representatives of those units by the chief justice and the administrative council.

II. The chief justice of the supreme court, with the advice and consent of the judicial branch administrative council appointed pursuant to supreme court rule 54, may designate an official negotiator who shall serve at the pleasure of the chief justice and the administrative council.

Source. 2001, 170:3. 2007, 107:2, eff. June 11, 2007.

Section 273-A:9-b

273-A:9-b Repealed by 2018, 12:2, eff. June 19, 2018. –

Section 273-A:10

273-A:10 Elections. –

I. If a petition is filed by:

(a) At least 30 percent of the employees in the bargaining unit seeking recognition, alleging that they wish to be represented in collective bargaining by an employee organization as their exclusive representative or asserting that the employee organization which has been certified by the board is no longer the representative of the majority of employees in the bargaining unit; or

(b) A public employer alleging that one or more employee organizations has petitioned to be recognized as the exclusive representative of a majority of employees in a bargaining unit; the board shall investigate such petition and may hold hearings for the purpose of determining whether or not grounds exist for conducting an election. Upon so finding, the board shall order an election to be held under its supervision and in accordance with rules prescribed by the board. Otherwise, it shall dismiss the petition.

II. The petition shall consist of separate forms for each employee, whose names shall not be disclosed.

III. The ballot shall contain a space permitting a vote against representation by any employee organization whatever; and no election shall be held within 12 months after an election in which a majority of those voting cast ballots against representation by any employee organization.

IV. An employee organization receiving a simple majority of the votes cast shall be certified by the board as the exclusive representative of the bargaining unit. In the absence of a simple majority, a run-off election shall be conducted between the 2 options receiving the most votes.

V. The board shall not certify any employee organization as the exclusive representative of a bargaining unit without an election being held pursuant to this section.

VI. (a) Certification as exclusive representative shall remain valid until the employee organization is dissolved, voluntarily surrenders certification, loses a valid election or is decertified.

(b) The board shall decertify any employee organization which is found in a judicial proceeding to discriminate with regard to membership, or with regard to the conditions thereof, because of age, sex, race, color, creed, marital status or national origin; or has systematically failed to allow its membership equal participation in the

affairs of the employee organization.
(c) Any challenge to a certified exclusive bargaining representative, whether in a decertification election or a challenge by another labor organization, shall result in decertification or change in bargaining representation if decertification or the challenging organization is approved by a majority vote of members of the bargaining unit voting.
VII. Two or more bargaining units may with the approval of the public employer affected combine for the purpose of engaging in collective bargaining negotiations with a single public employer and the bargaining unit thus created shall enjoy the same rights and be subject to the same duties as if a single exclusive representative for the combined bargaining unit had been certified by the board.
VIII. [Repealed.]
IX. [Repealed.]

Source. 1975, 490:2. 1979, 374:7. 1983, 149:1. 2007, 368:2, eff. Sept. 15, 2007. 2011, 159:1, II, eff. Aug. 8, 2011.

Section 273-A:11

273-A:11 Rights Accompanying Certification. –
I. Public employers shall extend the following rights to the exclusive representative of a bargaining unit certified under RSA 273-A:8:
(a) The right to represent employees in collective bargaining negotiations and in the settlement of grievances. An individual employee may present an oral grievance to his employer without the intervention of the exclusive representative. Until the grievance is reduced to writing, the exclusive representative shall be excluded from a hearing if the employee so requests; but any resolution of the grievance shall not be inconsistent with the terms of an existing agreement between the parties.
(b) The right to represent the bargaining unit exclusively and without challenge during the term of the collective bargaining agreement. Notwithstanding the foregoing, an election may be held not more than 180 nor less than 120 days prior to the budget submission date in the year such collective bargaining agreement shall expire.
II. A reasonable number of employees who act as representatives of the bargaining unit shall be given a reasonable opportunity to meet with the employer or his representatives during working hours without loss of compensation or benefits.

Source. 1975, 490:2, eff. Aug. 23, 1975.

Section 273-A:12

273-A:12 Resolution of Disputes. –
I. (a) Whenever the parties request the board's assistance or have bargained to impasse, or if the parties have not reached agreement on a contract within 60 days, or in the case of state employees 90 days, prior to the budget submission date, and if not otherwise governed by ground rules:
(1) The chief negotiator for the bargaining unit may request to make a presentation directly to the board of the public employer. If this request is approved by the board of the public employer, the chief negotiator for the board of the public employer shall in turn have the right to make a presentation directly to the bargaining unit. The cost of the respective presentations shall be borne by the party making the presentation.
(2) The chief negotiator for the board of the public employer may request to make a presentation directly to the bargaining unit. If this request is approved by the bargaining unit, the chief negotiator for the bargaining unit shall in turn have the right to make a presentation directly to the board of the public employer. The cost of the respective presentations shall be borne by the party making the presentation.
(b) If the impasse is not resolved, a neutral party chosen by the parties, or failing agreement, appointed by the board, shall undertake to mediate the issues remaining in dispute. If the parties so choose, or if mediation does not result in agreement within 45 days, or in the case of state employees 75 days, prior to the budget submission date, a neutral party chosen by the parties, or failing agreement, appointed by the board, shall make and report findings of fact together with recommendations for resolving each of the issues remaining in dispute, which findings and recommendations shall not be made public until the negotiating teams shall have considered them

for 10 days.
II. If either negotiating team rejects the neutral party's recommendations, his findings and recommendations shall be submitted to the full membership of the employee organization and to the board of the public employer, which shall vote to accept or reject so much of his recommendations as is otherwise permitted by law.
III. (a) If either the full membership of the employee organization or the board of the public employer rejects the neutral party's recommendations, the findings and recommendations shall be submitted to the legislative body of the public employer at the next annual meeting of the legislative body, unless there is an emergency as defined in RSA 31:5 or RSA 197:3, which shall vote to accept or reject so much of the recommendations as otherwise is permitted by law.
(b) If the public employer is a local political subdivision with a city or town council form of government and if either the full membership of the employee organization or the board of the public employer rejects the neutral party's recommendations, the findings and recommendations shall be submitted within 30 days to the city council or aldermen or town council for approval. Within 30 days of the receipt of the submission, the city council or aldermen or town council shall vote to accept or reject the recommendations as otherwise is permitted by law.
IV. If the impasse is not resolved following the action of the legislative body, negotiations shall be reopened. Mediation may be requested by either party and may, at the mediator's option, involve the board of the public employer. In cases where the board of the public employer also serves as the legislative body of a municipality, the mediator may request no more than one less than a quorum of the legislative body to participate in the mediation.
V. Nothing in this chapter shall be construed to prohibit the parties from providing for such lawful procedures for resolving impasses as the parties may agree upon; providing that no such procedures shall bind the legislative body on matters regarding cost items. The parties shall share equally all fees and costs of such procedures.
VI. The parties shall share equally all fees and costs of mediation and fact-finding required by this chapter.
VII. [Repealed.]

Source. 1975, 490:2. 1979, 374:9. 1998, 205:2; 341:1. 2008, 388:1, eff. July 15, 2008. 2011, 3:1, eff. Mar. 1, 2011. 2012, 161:1, eff. Jan. 1, 2013.

Section 273-A:13

273-A:13 Strikes Prohibited. – Strikes and other forms of job action by public employees are hereby declared to be unlawful. A public employer shall be entitled to petition the superior court for a temporary restraining order, pending a final order of the board under RSA 273-A:6 for a strike or other form of job action in violation of the provisions of this chapter, and may be awarded costs and reasonable legal fees at the discretion of the court.

Source. 1975, 490:2, eff. Aug. 23, 1975.

Section 273-A:14

273-A:14 Appeals. – Any person aggrieved by a final order of the board granting or denying in whole or in part the relief sought may obtain review of such order in the manner prescribed in RSA 541.

Source. 1975, 490:2, eff. Aug. 23, 1975.

Section 273-A:15

273-A:15 Actions by or Against Public Employee Organizations. – Actions by or against the exclusive representative of a bargaining unit may be brought, without respect to the amount of damages, in the superior court of the county in which it is principally located, or where the plaintiff resides or has its principal place of business, if the plaintiff is a resident of this state or is incorporated in this state.

Source. 1975, 490:2, eff. Aug. 23, 1975.

Section 273-A:16

273-A:16 Records and Reports. –

I. A copy of all agreements reached as a result of collective bargaining under this chapter shall be filed with the board by the parties within 14 days after execution of said agreement.

II. Except as provided in paragraph IV, all documents and records of the board shall be public records and shall be kept for a minimum of 10 years.

III. The board shall biennially submit a report of its activities to the governor and council.

IV. In adjudicatory hearings conducted by the board, the board's deliberative processes shall be privileged and exempt from the public disclosure provisions of RSA 91-A. Decisions and orders in these adjudicatory hearings, including any prehearing orders required by RSA 541-A:31, V(d), shall be publicly available, but only after they have been reduced to writing, signed by a representative of the board, and served upon the parties.

V. Within 14 days after a legislative body votes on a collective bargaining agreement or a fact finding report, the result of such vote shall be reported by the public employer to the board, which shall maintain a record of such information and provide an annual summary report to the speaker of the house of representatives and the senate president.

Source. 1975, 490:2. 1979, 374:10. 2005, 278:2, 3, eff. Sept. 20, 2005. 2013, 36:2, eff. June 4, 2013.

Section 273-A:17

273-A:17 Gifts, Grants, or Donations. – The board is authorized to receive any gifts, grants, or donations and to disburse and expend such gifts, grants, and donations.

Source. 1994, 356:4, eff. July 1, 1994.