



Appeal to NH Supreme Court
withdrawn on February 14, 1990, NH
Supreme Court Case No. 89-490.

State of New Hampshire

PUBLIC EMPLOYEE LABOR RELATIONS BOARD

STATE EMPLOYEES ASSOCIATION OF
N. H., INC., LOCAL 1984, S.E.I.U.
AFL-CIO, CLC

Petitioner

v.

MERRIMACK COUNTY COMMISSIONERS

Respondents

CASE NO. S-0327:4

DECISION NO. 89-40

APPEARANCES

Representing SEA, Local 1984:

Ward P. Freeman, Field Representative

Representing the Merrimack County Commissioners:

Mark Broth, Esq., Counsel

Also appearing:

Kenneth McDonnell, Commissioner
Peter J. Spaulding, Commissioner
William Potter, Corrections Administrator
Rodney E. Tenney, County Administrator
Carol Bickert, Personnel Coordinator
Richard G. Daust, SEA
Deborah Nault, SEA
Richard Van Winkler, SEA
Stuart Trachy, County

BACKGROUND

On December 28, 1988, the State Employees Association of N. H., Inc., Local 1984, S.E.I.U., AFL-CIO, CLC (Union) filed unfair labor practices against the Merrimack County Commissioners (County) for withdrawing its approval of the ratified agreement and by refusing to submit same to the legislative body, County Delegation.

The County denied that a binding agreement had been reached and stated that merely a conditional acceptance of its offer was reached and as such, the Commissioners were within their rights in withdrawing their offer prior to Union ratification.

FINDING OF FACTS

Negotiations for the new contract began in early September of 1988 and on October 31, 1988, the Union presented a benefits package plan which was on November 7, 1988 approved by the County Commissioners, subject to minor modifications in the parental leave benefit. The modified package was accepted by the Union.

The offer by the County with subsequent modifications, proposed by the County, and approval by the Union represented a full agreement on all issues in the benefits package.

The benefits package was presented to the Union membership and ratified.

On November 18, 1988, the representative for the County informed the Union representative that the Commissioners had withdrawn their approval due to a substantial percentage increase in health insurance rates.

Negotiations had included discussions about insurance "cost containment".

DECISION AND ORDER

The Board issues the following order:

1. The County Commissioners, by failing to submit the agreement ratified by the Union to the County Delegation are guilty of unfair labor practice under RSA 273-A:5, I(e).
2. The Commissioners are ORDERED to submit the agreement to the public employer, the County Delegation, for approval in accordance with the requirements of RSA 273-A.
3. Compliance to this ORDER should be submitted to this Board no later than 30 days from the date of this decision.



JOHN BUCKLEY, Alternate Chairman
PUBLIC EMPLOYEE LABOR RELATIONS BOARD

Signed this 6th day of June, 1989.

By unanimous decision. John Buckley, Chairman, presiding. Also present and voting members James C. Anderson and Seymour Osman. Also present, Executive Director, Evelyn C. LeBrun.