

Committee Report

REGULAR CALENDAR

February 17, 2021

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Majority of the Committee on Labor, Industrial and Rehabilitative Services to which was referred HB 348,

AN ACT requiring a public employer to provide notice of a new or amended collective bargaining agreement.

Having considered the same, report the same with the following amendment, and the recommendation that the bill OUGHT TO PASS WITH AMENDMENT.

Rep. Leonard Turcotte

FOR THE MAJORITY OF THE COMMITTEE

**MAJORITY
COMMITTEE REPORT**

Committee:	Labor, Industrial and Rehabilitative Services
Bill Number:	HB 348
Title:	requiring a public employer to provide notice of a new or amended collective bargaining agreement.
Date:	February 17, 2021
Consent Calendar:	REGULAR
Recommendation:	OUGHT TO PASS WITH AMENDMENT 2021-0047h

STATEMENT OF INTENT

The bill would provide both union members and interested taxpayers the ability to review a tentative agreement prior to the Collective Bargaining Agreement (CBA) being ratified by their respective authorizing bodies by permitting a 30-day review period. While public sector CBAs are eventually put into the public domain for viewing, it is unfortunately an "after the fact" situation where it is too late for taxpayers or union members to have any solid input to provisions they may deem exceedingly onerous.

Vote 11-9.

Rep. Leonard Turcotte
FOR THE MAJORITY

Original: House Clerk
Cc: Committee Bill File

REGULAR CALENDAR

Labor, Industrial and Rehabilitative Services

HB 348, requiring a public employer to provide notice of a new or amended collective bargaining agreement. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Leonard Turcotte for the **Majority** of Labor, Industrial and Rehabilitative Services.

The bill would provide both union members and interested taxpayers the ability to review a tentative agreement prior to the Collective Bargaining Agreement (CBA) being ratified by their respective authorizing bodies by permitting a 30-day review period. While public sector CBAs are eventually put into the public domain for viewing, it is unfortunately an "after the fact" situation where it is too late for taxpayers or union members to have any solid input to provisions they may deem exceedingly onerous. **Vote 11-9.**

Original: House Clerk

Cc: Committee Bill File

REGULAR CALENDAR

February 17, 2021

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Minority of the Committee on Labor, Industrial and Rehabilitative Services to which was referred HB 348,

AN ACT requiring a public employer to provide notice of a new or amended collective bargaining agreement.

Having considered the same, and being unable to agree with the Majority, report with the following resolution:

RESOLVED, that it is INEXPEDIENT TO LEGISLATE.

Rep. Brian Sullivan

FOR THE MINORITY OF THE COMMITTEE

**MINORITY
COMMITTEE REPORT**

Committee:	Labor, Industrial and Rehabilitative Services
Bill Number:	HB 348
Title:	requiring a public employer to provide notice of a new or amended collective bargaining agreement.
Date:	February 17, 2021
Consent Calendar:	REGULAR
Recommendation:	INEXPEDIENT TO LEGISLATE

STATEMENT OF INTENT

The minority opposes the ought to pass motion. We believe that a 30-day posting of a tentative agreement prior to ratification by the board of the employer and the members of the bargaining unit will be seriously disruptive to the collective bargaining process for public sector employers and employee organizations. It will require the parties to wait for those 30 days not knowing if the two sides will support ratification. There is no point in providing public access to a tentative agreement that may not have the support of the board and the employees. The public has an opportunity to review a ratified collective bargaining agreement for 30 days prior to being approved or rejected by a vote of the legislative body, usually at a town or school district meeting. This bill adds an additional 30 day waiting period to the timeline. We believe this adds unnecessary delay and potential confusion to the process.

Rep. Brian Sullivan
FOR THE MINORITY

Original: House Clerk
Cc: Committee Bill File

REGULAR CALENDAR

Labor, Industrial and Rehabilitative Services

HB 348, requiring a public employer to provide notice of a new or amended collective bargaining agreement. **INEXPEDIENT TO LEGISLATE.**

Rep. Brian Sullivan for the **Minority** of Labor, Industrial and Rehabilitative Services. The minority opposes the ought to pass motion. We believe that a 30-day posting of a tentative agreement prior to ratification by the board of the employer and the members of the bargaining unit will be seriously disruptive to the collective bargaining process for public sector employers and employee organizations. It will require the parties to wait for those 30 days not knowing if the two sides will support ratification. There is no point in providing public access to a tentative agreement that may not have the support of the board and the employees. The public has an opportunity to review a ratified collective bargaining agreement for 30 days prior to being approved or rejected by a vote of the legislative body, usually at a town or school district meeting. This bill adds an additional 30 day waiting period to the timeline. We believe this adds unnecessary delay and potential confusion to the process.

Original: House Clerk

Cc: Committee Bill File

Rep. Turcotte, Straf. 4
January 21, 2021
2021-0047h
04/06

Amendment to HB 348

1 Amend the bill by replacing section 1 with the following:

2

3 1 New Section; Public Employees Labor Relations Board; Notice of Tentative Agreement
4 Required. Amend RSA 273-A by inserting after section 3 the following new section:

5 273-A:3-a Notice of Tentative Agreement Required. A public employer shall post notice of a
6 tentative agreement on any new or amended collective bargaining agreement in a conspicuous place
7 on the public employer's Internet website. The public employer shall also make available for
8 inspection an electronic copy of the tentative agreement on any new or amended collective
9 bargaining agreement on the public employer's Internet website. Both the notice and the electronic
10 copy of the tentative agreement shall remain on the public employer's Internet website for not less
11 than 30 days after reaching the tentative agreement. No new or amended collective bargaining
12 agreement shall be ratified by the public employer until after the Internet posting has expired.

Voting Sheets

HOUSE COMMITTEE ON LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES

EXECUTIVE SESSION on

BILL TITLE: HB 348 Posting tentative collective Bargaining Agreements

DATE: 2/11/21

LOB ROOM:

MOTION: (Please check one box)

- OTP
- ITL
- Retain (1st year)
- Adoption of Amendment # 0047h (if offered)
- Interim Study (2nd year)

Moved by Rep. Turcotte Secoded by Rep. Nunez Vote: 11-9

MOTION: (Please check one box)

- OTP
- OTP/A
- ITL
- Retain (1st year)
- Adoption of Amendment # (if offered)
- Interim Study (2nd year)

Moved by Rep. Turcotte Secoded by Rep. Nunez Vote: 11-9

MOTION: (Please check one box)

- OTP
- OTP/A
- ITL
- Retain (1st year)
- Adoption of Amendment # (if offered)
- Interim Study (2nd year)

Moved by Rep. Secoded by Rep. Vote:

MOTION: (Please check one box)

- OTP
- OTP/A
- ITL
- Retain (1st year)
- Adoption of Amendment # (if offered)
- Interim Study (2nd year)

Moved by Rep. Secoded by Rep. Vote:

CONSENT CALENDAR: YES NO

Minority Report? Yes No If yes, author, Rep: Sullivan Motion

Respectfully submitted: [Signature] Rep Jonathan Mackie, Clerk



2021 SESSION

Labor, Industrial and Rehabilitative Services

 Bill #: HB 348 Motion: Adopt Amendment AM #: 00474 Exec Session Date: 2/11/21

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
Infantine, William J. Chairman	11		
Seaworth, Brian Vice Chairman	1		
Avellani, Lino M. <u>Melvin</u>	9		
Callum, John M.	2		
Mackie, Jonathan D. Clerk	3		
Nunez, Hershel	4		
Warden, Mark	5		
Turcotte, Leonard P.	6		
Prout, Andrew J. <u>Torosian</u>	10		
Boyd, Stephen E.	7		
Hough, Gregg	8		
Sullivan, Brian M.		1	
Soucy, Timothy A.		2	
Baroody, Benjamin C.		3	
Cahill, Michael D.		4	
DiSilvestro, Linda A.		5	
Schmidt, Janice E.		6	
Toomey, Dan		7	
Bouchard, Donald J.		8	
Adjutant, Joshua		9	
TOTAL VOTE:	11	9	



2021 SESSION

Labor, Industrial and Rehabilitative Services

Bill #: HB 348 Motion: OTB-A AM #: _____ Exec Session Date: 2/11/21

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
Infantine, William J. Chairman	11		
Seaworth, Brian Vice Chairman	1		
Avellani, Lino M. Melvin	9		
Callum, John M.	2		
Mackie, Jonathan D. Clerk	3		
Nunez, Hershel	4		
Warden, Mark	5		
Turcotte, Leonard P.	6		
Prout, Andrew J. Torosian	10		
Boyd, Stephen E.	7		
Hough, Gregg	8		
Sullivan, Brian M.		1	
Soucy, Timothy A.		2	
Baroody, Benjamin C.		3	
Cahill, Michael D.		4	
DiSilvestro, Linda A.		5	
Schmidt, Janice E.		6	
Toomey, Dan		7	
Bouchard, Donald J.		8	
Adjutant, Joshua		9	
TOTAL VOTE:	11	9	

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11 than 30 days after reaching the tentative agreement. No new or amended collective bargaining
12 agreement shall be ratified by the public employer until after the Internet posting has expired.

UNAPPROVED

Public Hearing

HOUSE COMMITTEE ON LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES

PUBLIC HEARING ON

BILL TITLE: HB 348 requiring a public employer to provide notice of a new or amended collective bargaining agreement.

DATE: 1/28/21

ROOM: **Time Public Hearing Called to Order: 11:30** _____

Time Adjourned: 12:10 _____

(members high-lighted in red were absent)

Committee Members: Reps. Infantine, Seaworth, Mackie, Avellani, Callum, Nunez, Warden, Turcotte, Prout, Boyd, Hough, Sullivan, Soucy, Barody, Cahill, DiSilvestro, J. Schmidt, Toomey, Bouchard and Adjutant

Bill Sponsors: Rep. Turcotte, Rep. Cordelli, Rep. Moffett, Sen. Avard

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

Sponsor Rep. Turcotte introduced the bill. He stated that this bill was requested by the School District Governance Association. This bill would enable the public to see a tentative agreement prior to final approval.

Q Rep. Adjutant- What is the average time between tentative agreement and vote?

A By my experience 30 days.

Q Rep. Adjutant- This would require 30 day minimum?

A Yes

Q Rep. Toomey- Does this apply to airline pilots?

A No. Only public employees

Q Rep. Sullivan- There are already tight schedules for public sector agreements. There are also deadlines relating to votes by town meetings. How would these be dealt with?

A Start earlier. Build it into the timeline

Q Rep. Soucy- Is the 30 day just to view or can changes be made.

A No, not as written, but viewers of the contract might pressure either side for changes.

Q Rep. Bouchard- Why would we want to make a tentative agreement public?

A To provide transparency.

Q Rep. Bouchard- Why not just wait until after ratification?

A Law already requires it to be posted after ratification.

Natch Greyes of the NH Municipal Assoc.testified against the bill. He said that tentative is not denied and if changes are made after posting that could mean another 30 days of posting. He also stated that the personnel policies in these contracts are not subject to vote by the public, just the costs.

Jim Durkin from AFSME representing 4,000 workers testified against the bill. He stated they saw an issue with time limitations and that it was unnecessary and could lead to confusion. Contracts should be public until they are ratified.

Brian Hawkins from NEA- NH representing 17,000 members testified against the bill. Could be unintentionally confusing because as written non-cost items in a contract would be posted. Though unintended voters could be misled.

*Brian Ryll of the Professional Firefighter of New Hampshire submitted written testimony opposing the bill.

*Donna Green of the School District Governance Association submitted written testimony in favor of the bill

House Remote Testify

Labor, Industrial and Rehabilitative Services Committee Testify List for Bill HB348 on 2021-01-28

Support: 6 Oppose: 6 Neutral: 0 Total to Testify: 3

Export to Excel

<u>Name</u>	<u>City, State</u> <u>Email Address</u>	<u>Title</u>	<u>Representing</u>	<u>Position</u>	<u>Testifying</u>	<u>Non-Germane</u>	<u>Signed Up</u>
Greyes, Natch	ngreyes@nhmunicipal.org	A Lobbyist	New Hampshire Municipal Association	Oppose	Yes (0m)	No	1/25/2021 2:54 PM
Durkin, Jim	jdurkin@afscme93.org	A Lobbyist	AFSCME Council 93	Oppose	Yes (0m)	No	1/28/2021 10:29 AM
Hawkins, Brian	bhawkins@nhnea.org	A Lobbyist	NEA-NH	Oppose	Yes (0m)	No	1/28/2021 11:10 AM
Fordey, Nicole	nikkif610@gmail.com	A Member of the Public	Myself	Support	No	No	1/23/2021 1:43 PM
Culliton, Penny	pculliton@comcast.net	A Member of the Public	Myself	Oppose	No	No	2/6/2021 3:52 PM
Avard, Senator Kevin	kevin.avard@leg.state.nh.us	An Elected Official	Senate District 12	Support	No	No	1/26/2021 7:21 AM
Brackett, Glenn	communications@nhaficio.org	A Lobbyist	The working people of the NH AFL-CIO	Oppose	No	No	1/26/2021 2:57 PM
Green, Donna	SDGAofNH@gmail.com	A Member of the Public	School District Governance Association of NH	Support	No	No	1/27/2021 10:33 AM
Ryll, Brian	brian@pffnh.org	A Lobbyist	Professional Fire Fighters of NH	Oppose	No	No	1/27/2021 12:55 PM
Rathbun, Eric	ericrathbun@gmail.com	A Member of the Public	Myself	Support	No	No	1/27/2021 9:54 PM
ploszaj, tom	tom.ploszaj@leg.state.nh.us	An Elected Official	Myself	Support	No	No	1/27/2021 11:09 PM
Groetzinger, Tonda	groetzinger6@aol.com	A Member of the Public	Myself	Support	No	No	1/28/2021 8:28 AM

Testimony

Archived: Thursday, April 15, 2021 12:01:26 PM
From: [Stacey Ober](#)
Sent: Tuesday, January 26, 2021 9:23:52 AM
To: ~[House Environment and Agriculture Committee](#)
Subject: Testimony in Support with Amendment HB 438 Confidentiality of database
Importance: Normal
Attachments:
Testimony HB 438 Confidentiality of Database 1-25-21 FINAL.pdf ;

Dear Chair Pearl and Committee Members:

Attached for your consideration is testimony with a recommended amendment to HB 438, being heard by the committee tomorrow morning. Thank you to Representative Comtois for filing this legislation.

Warmly,

Stacey Ober, J.D.

Legislative Analyst & Community Outreach, New England Region
Government Relations



t: 919-816-3348 | e: stacey.ober@akc.org

A Salute to AKC's Canine Health Foundation! Celebrating 25 Years with \$59.5 million funded to improve the health of all dogs and their owners through scientific research and dissemination of health information to prevent, treat and cure canine disease. www.akcchf.org

Archived: Thursday, April 15, 2021 12:01:26 PM
From: [George Cook](#)
Sent: Wednesday, January 27, 2021 8:04:59 AM
To: ~[House Environment and Agriculture Committee](#)
Subject: HB 438
Importance: Normal

Honored members of the House Environment and Agriculture Committee.

I have signed in as opposed to HB 438, not because the attempt to guarantee data security is not a very worthy mission, but because the bill is poorly written and does not achieve it's goal. Section I makes the bold statement that a public record "is not a public record" and I believe is and is of questionable constitutionality. Furthermore, all of the strength of Section I is nullified by the language in Section V where the database information can be obtained by a court order, thereby leaving it unprotected. I recommend that the committee consider this bill Inexpedient To Legislate.

Regards,
George Cook
Jefferson NH

Sent from [Mail](#) for Windows 10

PROFESSIONAL FIRE FIGHTERS

O F N E W H A M P S H I R E

House Labor, Industrial and Rehabilitative Services Committee
Legislative Office Building
33 N State Street
Concord, NH 03301

RE: Testimony in opposition of HB348, Requiring a Public Employer to Provide Notice of a New or Amended Collective Bargaining Agreement

Dear Chairman Infantine and Members of the Committee,

My name is Brian Ryll and I serve as the President of the Professional Fire Fighters of New Hampshire and am a Captain for the Portsmouth Fire Department. On behalf of the 42 local unions and approximately 2,000 active and retired professional fire fighters and paramedics that I represent, I am providing testimony in opposition of HB348, *requiring a public employer to provide notice of a new or amended collective bargaining agreement.*

The negotiating table has long been a place where representatives from labor and management can come together to talk about the impacts of wages, hours, and working conditions. Oftentimes, this process is an extensive one, but one that is designed to reach fair and equitable agreements for both sides. At the start of any negotiation, all parties will develop a set of ground rules that allow for good faith negotiating in an attempt to ensure that the process will move as swiftly and efficiently as possible. Once a tentative agreement is reached, municipalities will follow a process that can include public hearings and discussions on the agreements, or even a warrant article that notifies voters of the content of the collective bargaining agreement to be voted on at town meeting.

Implementing an additional step to collective bargaining will not only slow down an already involved process, but will take away local autonomy to handle the business of negotiations as they see fit. Additionally, by publicly posting a tentative agreement prior to any public session or warrant article being posted, you damage the integrity of bargaining in good faith. This would allow for the public to weigh in, prior to elected officials having the opportunity to scrutinize an agreement or to provide a fact-based budgetary analysis, which is necessary in order to engage in a productive discussion or to make informed decisions.

We believe in full transparency in regards to collective bargaining -- cities and towns should have the autonomy to ensure this remains a part of the process how they see fit. Every public employee collective bargaining agreement in the State of New Hampshire is viewable on the Public Employee Labor Relations Board website, making additional notification of said agreements redundant and unnecessary. This bill will delay productive negotiations which is a detriment to the employer, the employee and the community as a whole. We respectfully ask that the committee oppose HB348, *requiring a public employer to provide notice of a new or amended collective bargaining agreement.*

Respectfully Submitted,



Brian Ryll
President
Professional Fire Fighters of New Hampshire

Bill as
Introduced

HB 348 - AS INTRODUCED

2021 SESSION

21-0365

04/06

HOUSE BILL **348**

AN ACT requiring a public employer to provide notice of a new or amended collective bargaining agreement.

SPONSORS: Rep. L. Turcotte, Straf. 4; Rep. Cordelli, Carr. 4; Rep. Moffett, Merr. 9; Sen. Avard, Dist 12

COMMITTEE: Labor, Industrial and Rehabilitative Services

ANALYSIS

This bill requires a public employer to post notice and an electronic copy of a tentative agreement on any new or amended collective bargaining agreement on the public employer's Internet website.

Explanation: Matter added to current law appears in ***bold italics***.
Matter removed from current law appears ~~[in brackets and struckthrough.]~~
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty One

AN ACT requiring a public employer to provide notice of a new or amended collective bargaining agreement.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 New Section; Public Employees Labor Relations Board; Notice of Tentative Agreement
2 Required. Amend RSA 273-A by inserting after section 3 the following new section:

3 273-A:3-a Notice of Tentative Agreement Required. A public employer shall post notice of a
4 tentative agreement on any new or amended collective bargaining agreement in a conspicuous place
5 on the public employer's Internet website. The public employer shall also make available for
6 inspection an electronic copy of the tentative agreement on any new or amended collective
7 bargaining agreement on the public employer's Internet website. Both the notice of the tentative
8 agreement and the electronic copy of the tentative agreement shall remain on the public employer's
9 Internet website for not less than 30 days after the signing of the tentative agreement.

10 2 Effective Date. This act shall take effect 60 days after its passage.