AN ACT relative to the establishment of public employee bargaining units.

SPONSORS: Rep. W. Pearson, Ches. 16

COMMITTEE: Labor, Industrial and Rehabilitative Services

ANALYSIS

This bill allows a bargaining unit to request certification of its representative through a petition accompanied by the signatures of a majority of the bargaining unit members.

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.
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Be it Enacted by the Senate and House of Representatives in General Court convened:

1 Public Employee Labor Relations; Definition. Amend RSA 273-A:1 by inserting after paragraph XII the following new paragraph:

XIII. “Written majority authorization” means writings signed and dated by employees in the form of authorization cards, petitions, or such other written evidence as the public employee labor relations board under RSA 273-A:10 shall find suitable, in which a majority of employees in an appropriate bargaining unit designate an employee organization as their representative for the purpose of collective bargaining. Current employee signatures must be dated within the 6 months preceding the date on which the writings are offered to establish majority and exclusive representative status.

2 New Paragraph; Public Employee Labor Relations; Elections. Amend RSA 273-A:10 by inserting after paragraph IX the following new paragraph:

X. Notwithstanding any other provision of this section, the board shall certify and the public employer shall recognize as the exclusive representative an employee organization which has received a written majority authorization for the purpose of collective bargaining of all the employees in the bargaining unit. This rule shall apply only when no other employee organization has been and currently is lawfully recognized as the exclusive representative of the employees in the appropriate bargaining unit. When an employee organization offers evidence that it has received a written majority authorization, the employee organization and the public employer shall agree on a neutral party to conduct a confidential inspection of the evidence of written majority authorization. If within 10 days the employee organization and the public employer do not agree upon a neutral party, the board shall act as the neutral party. The neutral party shall verify the employee organization’s majority support within the appropriate bargaining unit and report the results of such inspection in writing to the parties and, if the verification was conducted by an agreed neutral party, to the board, which shall in turn certify the results to the parties in writing. The board shall establish rules and procedures for the prompt verification of evidence of written majority authorization, including safeguards to protect the privacy of individual employee choice, and shall provide that, absent exceptional cause, the verification procedure shall not last longer than 10 days from the appointment of the neutral party or from assumption by the board of the duties of the neutral party.

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