

Rep. Labrie, Hills. 2
Rep. Granger, Straf. 2
Rep. Morton, Hills. 39
Rep. Berry, Hills. 44
Rep. Noble, Hills. 2
Rep. Drago, Rock. 4
Rep. Schneller, Hills. 2
Rep. Farrington, Straf. 8
Rep. Drew, Hills. 19
Rep. Osborne, Rock. 2
February 12, 2026
2026-0699h
12/08

Floor Amendment to HB 1704-FN

1 Amend the bill by replacing section 3 with the following:

2

3 3 New Section; Public Employee Choice Act. Amend RSA 273 by inserting after section 11 the
4 following new section:

5 273-A:11-a Public Employee Independent Bargaining.

6 I. For the purposes of this section:

7 (a) "Independent bargaining" shall mean negotiating with a public employer regarding
8 wages, hours, grievance adjustments, or other employment terms without intervention of an
9 employee organization or exclusive bargaining representative;

10 (1) "Independent bargaining" does not confer greater or lesser rights than employees
11 in units with exclusive representation;

12 (2) "Independent bargaining" does not impose greater or lesser duties on employers
13 than those owed to employees in units with exclusive representation;

14 (b) "Employee organization" shall mean any association, organization, or committee
15 advocating for employees concerning wages, labor disputes, hours, or conditions of work;

16 (c) "Public employee" shall mean any person employed by the state of New Hampshire or
17 a political subdivision, public school, authority, commission, board, or other public service entity;

18 (d) "Public employer" shall mean any state or local government, agency, instrumentality,
19 school board, or other public entity employing one or more persons;

20 (e) "Collective bargaining" shall mean the mutual obligation of employer and certified
21 exclusive bargaining representative to negotiate in good faith regarding wages, hours, and
22 employment terms; and

23 (f) "Exclusive bargaining representative" shall mean any employee organization certified
24 by the public employment labor relations board under RSA 273-A to represent employees in a
25 bargaining unit.

Floor Amendment to HB 1704-FN
- Page 2 -

1 II. For the purposes of this section, the following categories of public employees are exempt
2 from independent bargaining rights:

3 (a) Law enforcement officers as defined in RSA 106-L:2;

4 (b) Firefighters;

5 (1) Firefighters shall include employees that:

6 (A) Have the authority and responsibility to engage in the prevention, control, or
7 extinguishment of fires, and who perform activities that are required for and directly concerned with
8 the prevention, control, or extinguishment of fires, including incidental non-firefighting functions;

9 (B) As a job requirement are fully certified as a firefighter by the New
10 Hampshire fire standards and training commission; and

11 (C) As a job requirement meets all physical, mental, educational, and other
12 qualifications for continuing certification as a firefighter that may be established by the certifying
13 authority;

14 (2) Firefighters shall not include any persons employed auxiliary, intermittent,
15 special, part-time, volunteer, call, or reserve firefighters;

16 (c) Emergency medical service personnel as defined in RSA 153-A:2, VI, with the
17 exception of employees or members serving a private organization;

18 (d) State and county corrections officers that:

19 (1) Are responsible for the physical custody and security of inmates at a state or
20 county correctional facility;

21 (2) Are authorized by law to use force to prevent escapes from such facility;

22 (3) As a job requirement are fully certified as a corrections officer by the New
23 Hampshire police standards and training council; and

24 (4) As a job requirement meets all the physical, mental, educational, and other
25 qualifications for continuing certification as a corrections officer that may be established by the
26 certifying authority; and

27 (e) Any other category of employee for which federal law requires exclusive
28 representation to preserve eligibility for federal funding.

29 III. Independent bargaining rights established under this paragraph shall not apply to
30 exempt employees as defined in paragraph II. Employees in these exempt categories remain subject
31 to exclusive representation under RSA 273-A. Independent bargaining rights established under this
32 paragraph shall include:

33 (a) The right of employees to bargain independently;

34 (b) That no agreement between an employee organization and a public employer, nor
35 any policy, may require employees who opt for independent bargaining to be represented by a union;

36 (c) That no collective bargaining agreement may limit an employee's ability to negotiate
37 or adjust grievances directly;

Floor Amendment to HB 1704-FN

- Page 3 -

1 (d) That only one exclusive bargaining representative may be certified per bargaining
2 unit; and

3 (e) That no agreement may link wages or conditions of independent employees to
4 unionized employees.

5 IV. If any provision of this section or the application thereof to any person or circumstance is
6 held invalid, the invalidity does not affect other provisions or applications of this section which can
7 be given effect without the invalid provisions or applications, and to this end the provisions of this
8 section are severable.

Floor Amendment to HB 1704-FN
- Page 4 -

2026-0699h

AMENDED ANALYSIS

This bill provides certain public employees with independent bargaining rights and authorizes said employees to engage in independent bargaining with employers free of any interference.