

HB 735-FN - AS INTRODUCED

2025 SESSION

25-0767

11/09

HOUSE BILL **735-FN**

AN ACT relative to elections in collective bargaining.

SPONSORS: Rep. Granger, Straf. 2; Rep. Layon, Rock. 13; Rep. Osborne, Rock. 2; Rep. Litchfield, Rock. 32; Rep. Drago, Rock. 4; Rep. McFarlane, Graf. 18

COMMITTEE: Labor, Industrial and Rehabilitative Services

ANALYSIS

This bill provides for changes to public employee bargaining unit voting.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 Five

AN ACT relative to elections in collective bargaining.

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

1 1 Public Employee Labor Relations; Elections. Amend RSA 273-A:10, VI to read as follows:

2 VI.(a) Certification as exclusive representative shall remain valid ***but shall be recertified***
3 ***by a vote of a majority of the bargaining unit when the members within the unit that have***
4 ***never voted on the issue of collective representation become the majority of members,*** until
5 the employee organization is dissolved, voluntarily surrenders certification, loses a valid election or
6 is decertified ***by a vote of the majority of the bargaining unit. The commissioner of the***
7 ***department of labor shall provide notice to each bargaining unit when the members in the***
8 ***unit that have never voted on the issue of certification of collective representation have***
9 ***become the majority of members.***

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

14 (c) Any challenge to a certified exclusive bargaining representative, whether in a
15 decertification election or a challenge by another labor organization, shall result in decertification or
16 change in bargaining representation if decertification or the challenging organization is approved by
17 a majority vote of members of the bargaining unit voting.

18 (d) ***All members of a bargaining unit shall be permitted to participate in the***
19 ***recertification vote or any vote held to determine a change in bargaining unit***
20 ***representation.***

21 (e) ***If a majority of bargaining unit members votes to decertify the unit, a new***
22 ***bargaining unit may be established by a majority vote of the members of the decertified***
23 ***unit within 12 months of the date of decertification.***

24 (f) ***Documentation of the votes taken pursuant to this paragraph shall be***
25 ***provided to the commissioner of the department of labor within 30 days of the vote.***

26 2 Effective Date. This act shall take effect 60 days after its passage.

**HB 735-FN- FISCAL NOTE
AS INTRODUCED**

AN ACT relative to elections in collective bargaining.

FISCAL IMPACT: This bill does not provide funding, nor does it authorize new positions.

Estimated State Impact				
	FY 2025	FY 2026	FY 2027	FY 2028
Revenue	\$0	\$0	\$0	\$0
<i>Revenue Fund(s)</i>	None			
Expenditures*	\$0	In excess of \$52,000	In excess of \$77,000	In excess of \$78,000
<i>Funding Source(s)</i>	General Fund			
Appropriations*	\$0	\$0	\$0	\$0
<i>Funding Source(s)</i>	None			

*Expenditure = Cost of bill

*Appropriation = Authorized funding to cover cost of bill

Estimated Political Subdivision Impact				
	FY 2025	FY 2026	FY 2027	FY 2028
County Revenue	\$0	\$0	\$0	\$0
County Expenditures	\$0	Indeterminable Increase more than \$10,000 but less than \$100,000 each fiscal year		
Local Revenue	\$0	\$0	\$0	\$0
Local Expenditures	\$0	Indeterminable Increase more than \$10,000 but less than \$100,000 each fiscal year		

METHODOLOGY:

This bill proposes changes to the voting procedures for public employee bargaining units. It mandates the Department of Labor (DOL) to notify each bargaining unit when a majority of the unit members, who have never previously voted on the certification of collective representation, are now eligible to vote. The bill also stipulates that all bargaining unit members must participate in votes for recertification or changes in bargaining representation. Additionally, the bargaining unit is required to report documentation of votes to the DOL.

Currently, the DOL asserts that it lacks jurisdiction over the administration of the state's collective bargaining law and does not have the means to receive the information needed for these notifications. Consequently, the DOL would need to develop a new system and possibly

hire additional staff to manage this information. However, this bill does not provide funding or create new positions.

The Public Employee Labor Relations Board (PELRB) indicates that this bill introduces a "recertification" election requirement for approximately 678 certified bargaining units, which include state, city, county, municipal, and school district employees. Many of these employees were either ineligible to vote or did not vote in previous elections. Like the DOL, the PELRB does not currently maintain voting histories under existing law. As a result, this bill would impose additional administrative tasks on the PELRB, such as determining the necessity of recertification elections, creating a process and requirements through rulemaking, and potentially holding hearings to address disputes.

If a recertification election is deemed necessary, a representative from the PELRB, the public employer, and the bargaining unit would need to meet to review the election procedure and set a time and date for the election, which could be conducted on-site or by mail, depending on the rules. Given the varying sizes of bargaining units, these elections could take anywhere from 90 minutes to multiple 6-8 hour days. While the exact number of required recertification elections is unknown, the PELRB estimates that there could be as many as 400 or more. This would necessitate an additional position at the PELRB.

Additionally, this bill would increase expenditures for city, municipal, and school district employers due to the need to coordinate with the PELRB to determine if recertification elections are required as mentioned above. This might also lead to the need for outside legal assistance. The PELRB anticipates that expenditures could exceed \$10,000 but be less than \$100,000 annually for county and local expenditures..

Please note that the additional expenditures in the table below are due to travel costs, ballots, ballot envelopes, mailing supplies, ballot folding charges, portable voting booths, and other election supplies. For fiscal year 2026 the amount is significantly less at \$3,000 because the PELRB anticipates the process beginning in quarter four given the time necessary to complete rulemaking and gather the necessary data. The increase in fiscal years 2027 and 2028 is due to the expectation that recertification elections will increase as bargaining unit representatives, employers, and PELRB staff get familiar with the recertification election process.

ESTIMATED FISCAL IMPACT (ROUNDED)			
	FY 2026	FY 2027	FY 2028
PELRB Secretary II (1 position)	\$44,500	\$61,500	\$62,500
Computers, office equipment and other supplies	\$4,500	\$2,500	\$2,500

Additional Expenditures - mileage, postage, and other relevant current expenses	\$3,000	\$13,000	\$13,000
Total Estimated Cost	\$52,000	\$77,000	\$78,000

It is assumed that any fiscal impact would occur after FY 2025.

AGENCIES CONTACTED:

Department of Labor and Public Employee Labor Relations Board