



**Workers for Opportunity Testimony in Support of HB 1704  
(Public Employee Choice Act)**

New Hampshire House Committee on Labor, Industrial and Rehabilitative Services  
Hearing on HB 1704

January 27, 2026

Chairman James Creighton and Members of the Committee:

My name is F. Vincent Vernuccio and I am a senior fellow with Workers for Opportunity, a national project of the Mackinac Center for Public Policy, which is dedicated to freedom of choice for public employees. Thank you for the opportunity to provide written testimony in support of HB 1704.<sup>1</sup>

HB 1704, appropriately titled the “Public Employee Choice Act” gives most unionized New Hampshire public employees<sup>2</sup> the freedom to decide to work directly with their employers or remain under a collective bargaining agreement. It also frees unions from having to represent workers who do not want to be members or pay union fees.

**HB 1704 Gives Public Employees Choice while Keeping Existing Public Sector Collective Bargaining Frameworks**

HB 1704 maintains New Hampshire’s current public sector collective bargaining framework. It keeps exclusive representation for one union, but allows most public employees who are not union members but in an organized unit to opt-out of the union representation and choose independent bargaining. This is something that over 55 percent of New Hampshire public employees<sup>3</sup> (those not represented by a union) do currently.

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<sup>1</sup> <https://legiscan.com/NH/text/HB1704/id/3290771>

<sup>2</sup> HB 1704 does not apply to law enforcement officers as defined in RSA 106-L:2, firefighters, emergency medical service personnel as defined in RSA 153-A:2, VI, and state and county corrections officers or any other category of employee for which federal law requires exclusive representation to preserve eligibility for federal funding

<sup>3</sup> In 2025 44.1 percent of New Hampshire public employees were represented by a union according to an analysis of the Current Population Survey (CPS) and the CPS Outgoing Rotation Group (ORG) Earnings Files by Professors Barry T. Hirsch, David A. Macpherson, and William E. Even on <https://unionstats.com/>. It

HB 1704 gives workers two clear options:

- Join and be represented by the union, accepting the union-negotiated contract; or
- Opt out and negotiate independently, without being forced into union representation,

Public employees across the country already have the ability to choose whether or not to pay union fees, thanks to the 2018 United States Supreme Court Case *Janus v. AFCME*. In the Janus case the Supreme Court ruled that all public employees have a First Amendment right to choose to pay and join a union or to not pay and not join a union. While the case was a huge leap forward for employee choice and workplace freedom, it did not affect how public employees would be represented. Even without having to pay a union, workers would be forced to accept representation from a union that organized their workplace, whether they wanted it or not.

### **HB 1704 is a Solution That Solves the “Free Rider” vs. “Forced Rider” Problem**

The Janus case essentially brought right-to-work to public employees across the country.

Unions criticize right-to-work because workers get representation without having to pay union fees. For example, in its opposition to previous New Hampshire right-to-work legislation, a union representing workers in New Hampshire and Maine wrote right-to-work “allows some workers to enjoy the benefits and protections of a union contract without contributing to the costs of representation. This ‘free rider’ problem undercuts the solidarity and resources needed to negotiate fair contracts and defend worker interests.”<sup>4</sup>

However, what was not noted is that these workers are really “forced riders” because they are required to accept union representation and a union contract they do not want. It is more unfair for force representation on workers and require them to pay for unwanted services.

HB 1704 addresses both sides of this issue by allowing most public employees to opt-out of the union, not pay for unwanted representation, and represent themselves. At the same time, it addresses the union’s free rider concern by alleviating their requirement of representing non-paying public employees.

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should be noted this may include some employees such as federal employees that would not be included in HB 1704 or are otherwise not affected by New Hampshire state law. Additionally according to the website “[d]ue to a government shutdown, no CPS data was collected in October 2025 and all estimates for 2025 are based on 11 months of data.”

<sup>4</sup> <https://www.ibew1837.org/content/%E2%80%99Cright-work%E2%80%9D-bills-threaten-union-members-me-nh>

## **HB 1704 Gives Flexibility and Efficiency to Public Employers**

HB 1704 allows public employers to better use resources and not be bound by one size fits all collective bargaining agreements. Public employers will be able to give different pay scales or bonuses to attract top talent workers specializing in high demand areas.

At the same time for employers that would rather not deal with additional administrative tasks, the employer could still give workers a similar contract to that of the union's collective bargaining agreement. The choice is up the employer and the worker that has chosen to independently bargain.

Even if the employer chooses a similar agreement with the independent bargaining employee, the union at the workplace still does not need to expend their resources to represent those non-union employees in grievance or other proceedings.

Choice, flexibility, and fairness are all at the heart of HB 1704 and the legislation has benefits for employers, employees, and unions.

### **Conclusion**

HB 1704 advances a balanced reform: it does not change collective bargaining for public sector unions. Unions can still bargain over anything they could before the bill including having exclusive representation and being the only union at the workplace.

However, it gives public employers the flexibility they need to attract top talent and better serve New Hampshire taxpayers, and most importantly, it gives most New Hampshire public employees the ability to speak for themselves and negotiate contracts that best fit their individual needs. It solves the "free rider/forced rider" tension by aligning representation with consent—supporting freedom of association and encouraging unions to be more responsive to the workers who voluntarily choose membership.

HB 1704 gives most public employees the ability to say no thanks to unwanted representation and unions the ability to say goodbye to public employees who are not paying them.

For these reasons, I respectfully urge the Committee to support HB 1704.

Sincerely,

F. Vincent Vernuccio

Senior Fellow

Workers for Opportunity