

## **Governor's Veto Message Regarding HB 1666**

By the authority vested in me, pursuant to part II, Article 44 of the New Hampshire Constitution, on June 20, 2012, I vetoed HB 1666, relative to legislative approval of collective bargaining agreements entered into by the state.

Under law, the negotiation of collective bargaining agreements between public employers and employees has historically been the purview of the executive, with legislative oversight and approval on cost items alone. At the state level, legislative approval of cost items has traditionally been accomplished through the budget process. While the executive negotiates the terms and conditions of employment, the legislature determines through the budget process how much money is to be spent on personnel, wages and benefits.

RSA 273-A:9 establishes the framework for collective bargaining as follows: "All terms and conditions of employment affecting state employees in the classified system generally shall be negotiated by the state, represented by the governor as chief executive." By law, the governor may designate an official state negotiator and an advisory committee to assist in the negotiation process. RSA 273-A:3 obligates public employers and employees to negotiate in good faith, which involves "meeting at reasonable times and places in an effort to reach agreement on the terms of employment, and to cooperate in mediation and fact-finding required by this chapter." RSA 273-A:3 II (b) states, "Only cost items shall be submitted to the legislative body of the public employer for approval at the next annual meeting of the legislative body." These laws pertaining to collective bargaining have been in place for decades.

The Joint Committee on Employee Relations, until its repeal in 2010, was a committee of the legislature that would be briefed by the state negotiating team, hold hearings on all collective bargaining agreements and submit recommendations to the Senate and House. The committee's role was advisory only.

HB 1666 would dramatically change the process of collective bargaining in by requiring the fiscal committee to approve all collective bargaining agreements. This runs counter to established law and procedure in , and would, in effect, turn the fiscal committee into its own state negotiating team, potentially requiring dozens of fiscal committee meetings.

At this time, there are three unions, eight master collective bargaining agreements and 27 sub-unit agreements, many of which contain dozens or hundreds of provisions, all of which are negotiated item by item over a period of many months and which are concluded at different times. Reaching a complete CBA is a painstaking, time-consuming, give and take process, conducted in accordance with the obligation to bargain in good faith.

HB 1666 creates a redundant and cumbersome process where each item, in each collective bargaining agreement, will now be subject to fiscal committee approval. The potential exists for reopening debate on hundreds of items, all of which inter-relate and comprise the entire agreement. Such a process creates a practical impediment to contract resolution, intrudes on the traditional role of the executive to negotiate contracts and risks putting the state at odds with the obligation to bargain in good faith.

We should be working to streamline government and make it run more efficiently, not adding additional layers, which is what HB 1666 will do.

The Legislature has a time tested and practical role to play in the collective bargaining process – approval of cost items through the state budget. This system has served our state well over the years, and major changes contemplated by HB 1666 will be a detriment to that system.

For these reasons, I am vetoing HB 1666.

John H. Lynch  
Governor  
Dated: June 20, 2012