



## New Hampshire Liquor Commission

50 Storrs Street, P.O. Box 503  
Concord, N.H. 03302-0503  
(603) 230-7015

Joseph W. Mollica  
Chairman

Michael R. Milligan  
Deputy Commissioner

Christopher T. Sununu  
Governor

July 11, 2018

*VIA ELECTRONIC AND U.S. MAIL*

Randy Hunneyman  
Executive Branch Negotiator  
SEA/SEIU Local 1984  
207 N. Main Street  
Concord NH 03301

Matthew Newland  
Manager of Employee Relations  
State of New Hampshire  
28 School Street  
Concord NH 03301

*Re: Step IV Grievance (Articles II, III, and XIV) – Petition for Appointment of Arbitrator*

Dear Mr. Hunneyman and Mr. Newland:

In accordance with Section 14.5.1 of the Collective Bargaining Agreement (CBA) between the State of New Hampshire and the State Employees' Association of New Hampshire, SEIU 1984 (SEA), the New Hampshire Liquor Commission (NHLC) hereby submits this petition to the Labor Management Committee for the appointment of an arbitrator as provided in Section 14.5.4. In support of this petition, the NHLC states as follows:

On June 25, 2018 and in accordance with CBA Section 14.1.8, the NHLC filed a Step III grievance with SEA President Rich Gulla asserting violations of Article II and Section 3.5. In the Step III grievance, the NHLC indicated that Mr. Gulla should recuse himself as provided in Section 14.1.11 of the CBA. Rather than immediately advancing the matter to Step IV, however, the NHLC stated that it would be willing to meet at Step III with a designee of the SEA's choosing, other than Mr. Gulla.

On July 6, 2018, Mr. Gulla responded with a letter in which he refused to recuse himself from deciding the Step III grievance in which his own actions are at issue. Mr. Gulla's refusal to recuse himself violates Section 14.1.11 of the CBA, which provides:

Whenever an employee who is a steward or is an officer in the Association finds that he/she is a supervisor involved in decision making in a grievance procedure, it is agreed that the individual will recuse themselves in that particular grievance and the grievance shall proceed to the next step in the grievance process.

Whenever the employee is the supervisor in a grievance procedure and that employee could be a direct beneficiary of the outcome of the grievance, that supervisor shall recuse themselves and the grievance shall proceed to the next step in the grievance process.

With no attempt to justify the decision, the response simply stated, "Your request for me to recuse myself is denied." This action violates the CBA and exhibits a patent disregard for the bargained-for grievance process.

In addition to the above, the NHLC grieves the following violations of Article II and Section 3.5 of the Collective Bargaining Agreement (CBA) by the SEA President, Richard Gulla:

On June 4, 2018, the NHLC learned that Mr. Gulla admitted to intentionally violating Section 3.5 of the CBA by planning a visit to the NHLC Keene retail store that, in his words, was "not . . . pursuant to contract" and for which he failed to obtain permission, in direct violation of clear and unambiguous contract language. On the date of that visit, February 3, 2018 Mr. Gulla and his guest loitered in the store for three hours during which time they entered and photographed the secure stockroom area of the store, in violation of NHLC policy. The visit was inordinately long and disruptive to store employees who found the visit by the union president disconcerting, particularly since he did not introduce himself or his guest to the NHLC employees working at the time.

More recently, on June 19, 2018, Mr. Gulla again attempted to sidestep clear contractual language to attempt to quiet certain SEA members who have quite vocally expressed their displeasure with the SEA. On that date, Mr. Gulla accompanied Andy Capen, SEA Internal Organizer, on several store visits. Although Mr. Capen followed the CBA and requested permission to visit certain stores that day, Mr. Gulla's plan to accompany him was not shared. The visit included the store managed by a Retail Store Manager who recently publicly called into question Mr. Gulla's campaign against the NHLC and its leadership. In light of the last several months of Mr. Gulla very publicly taking aim at the NHLC, the failure to share his plan to visit stores violated the spirit and intent of section 3.5 if not its express terms. The NHLC received numerous communications from store employees declaring that Mr. Gulla's store visit on that date was tremendously unsettling and disruptive to store operations.

In addition, the SEA has violated Article II of the CBA through its recent communications intended to incite the public and frighten and bully NHLC employees. Beyond a mere expression of opinion, the SEA public campaign against the NHLC is replete with false statements of fact that serve no social value and are wholly intended to obstruct the NHLC's rights and ability to manage, direct and control its operations.

Employees disturbed and offended by the SEA's tactics have shared recent mailings from the SEA, including a mailing from June 4, 2018 in which the SEA asserts that the NHLC is intentionally putting its employees in harm's way and calls for new NHLC leadership. The mailing was coordinated with a political ad making the same assertions.

Since then, the SEA has been increasing the intensity of a spin campaign asserting that the NHLC is engaging in criminal activity, attacking NHLC leadership and even attacking its own members. On or about June 18, 2018, certain outspoken NHLC store employees who have expressed their displeasure with SEA tactics received "gifts" in the form of a book. The book was the Maxwell Daily Reader by John C. Maxwell and each included a handwritten message from Mr. Gulla "strategically placed" within the book. The employees have indicated that they perceive the handwritten notes as attempts to persuade them to abandon their efforts around circulating a petition concerning their dissatisfaction "with the recent events created by our current Union President." Indeed, the notes state that no petition is needed to meet with him. At a store visit on June 19, 2018, Mr. Gulla intentionally misinformed the store manager that the NHLC released information about bank deposits to the media and deliberately put its employees at risk. Most recently, on June 21, 2018, an SEA mailing directly attempted to instill fear of legal liability and personal safety in NHLC store employees.

In short, the SEA is now engaging in employee intimidation and fear mongering in an attempt to incite employees and stifle dissenters. Its tactics are disrupting the workplace and harming employee morale. The SEA's actions are also a calculated means of interfering in the NHLC's right to manage, direct and control its operations in all particulars, in violation of Article II of the CBA. Finally, the SEA's actions are contrary to the principles of good faith and fair dealing.

The NHLC requests the following relief:

1. The SEA and Mr. Gulla shall follow the provisions of the CBA;
2. To allow for a cooling-off period, Mr. Gulla shall not visit stores for the next six months or until all litigation, including litigation related to Garrett Boes or this grievance, is complete, whichever is later. The NHLC agrees and acknowledges that other staff representatives of the Association may continue to visit stores as provided in the CBA; and
3. The SEA shall cease and desist attempts to frighten, intimidate or silence NHLC employees.

Respectfully submitted,



Joseph W. Mollica  
Chairman

Enc.

cc: Rich Gulla, SEA President  
Ken Roos, SEA First Vice President  
Gary Snyder, SEA Legal Counsel  
Charlie McMahon, SEA Grievance Representative



**The State Employees' Association of New Hampshire, Inc.**

Service Employees International Union, Local 1984  
207 North Main Street  
Concord, NH 03301

Tel. 603-271-3411  
Fax 603-271-3500

July 6, 2018

Mr. Joseph Mollica, Chairman  
NH Liquor Commission  
50 Storrs Street  
Concord, NH 03301

Dear Chairman Mollica:

I am in receipt of your step III grievance received on, or about June 25, 2018. Your request for me to recuse myself is denied. I am available to meet at the SEA on July 10 between 9:00 am and 4:00 pm, July 11 between 9:00 am and noon, or on July 16 between 10:00 am and noon. If none of these dates/times will work for you, please offer alternatives.

Additionally, I would like to notify you that I have concerns over the timeliness of this grievance, and while I am agreeing to meet with you to hear your grievance, I am not, nor is the SEA, waiving any argument or objection on the grounds of timeliness, grievability, or arbitrability.

Sincerely,

Rich Gulla  
SEA President

## Rosemary Wiant

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**From:** Joseph W. Mollica  
**Sent:** Friday, July 6, 2018 10:53 AM  
**To:** Daniel I. St. Hilaire; Rosemary Wiant; Michael R. Milligan  
**Subject:** FW: Step III Grievance  
**Attachments:** 2018 0706 Mollica letter - Step III.pdf

**Importance:** High

Team,

This item was not sent to you.

Thank you,

JoeM

Sent with BlackBerry Work  
([www.blackberry.com](http://www.blackberry.com))

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**From:** Beth Aborn <[baborn@seiu1984.org](mailto:baborn@seiu1984.org)>  
**Date:** Friday, Jul 06, 2018, 8:02 AM  
**To:** Joseph W. Mollica <[Joseph.Mollica@liquor.nh.gov](mailto:Joseph.Mollica@liquor.nh.gov)>  
**Cc:** Rich Gulla <[rgulla@seiu1984.org](mailto:rgulla@seiu1984.org)>, Gary Snyder <[gsnyder@seiu1984.org](mailto:gsnyder@seiu1984.org)>  
**Subject:** Step III Grievance

Commissioner Mollica -

Attached please find President Rich Gulla's response to your Step III grievance.

### *Beth A. Aborn*

Legal Coordinator  
SEIU Local 1984  
207 North Main Street  
Concord, NH 03301  
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STATEMENT OF CONFIDENTIALITY: The information contained in this electronic message and any attachment to this message may contain confidential or privileged information and are intended for the exclusive use of the addressee(s). Please notify the SEA Legal Department immediately at (603) 271-6384 if you are not the intended recipient and destroy all copies of this electronic message and any attachments.



## New Hampshire Liquor Commission

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Joseph W. Mollica  
Chairman

Michael R. Milligan  
Deputy Commissioner

Christopher T. Sununu  
Governor

June 25, 2018

*VIA ELECTRONIC AND U.S. MAIL*

Richard Gulla, President  
State Employees Association of New Hampshire  
207 N. Main St  
Concord NH 03301

*Re: Step III Grievance*

Dear President Gulla:

Pursuant to 14.1.8 of the Collective Bargaining Agreement (CBA) between the State of New Hampshire and the State Employees' Association of New Hampshire, Inc., Service Employees International Union, Local 1984 (SEA), the New Hampshire Liquor Commission (NHLC) wishes to grieve violations of Article II and Section 3.5 of the CBA as more particularly described below:

On or about June 4, 2018, the NHLC came into possession of a document in which SEA President Richard Gulla admits that he intentionally violated Section 3.5 of the CBA, governing SEA access to NHLC employees. Specifically, Mr. Gulla stated that his visit to the Keene store on February 3, 2018 with Executive Councilor Volinsky was "not . . . pursuant to contract." On that date, Mr. Gulla and his guest, Councilor Volinsky, visited the Keene store without first receiving permission from the NHLC. Mr. Gulla and his guest loitered in the store for three hours during which time they entered and photographed the secure stockroom area of the store. The visit was inordinately long and disruptive to store employees who found the visit by the union president disconcerting particularly since he did not introduce himself or his guest to the NHLC employees working at the time. Mr. Gulla, as SEA President, cannot simply declare that he is visiting a store "outside" of the CBA to evade the terms and conditions of a negotiated contract.

On June 19, 2018, Mr. Gulla accompanied Andy Capen, SEA Internal Organizer, on several store visits. Although Mr. Capen followed the CBA and requested permission to visit

certain stores that day, Mr. Gulla's plan to accompany him was not shared. It is also relevant that the visit included the store managed by a Retail Store Manager who recently publicly called into question Mr. Gulla's campaign against the NHLC and its leadership. In light of the last several months of Mr. Gulla very publicly taking aim at the NHLC, the failure to share his plan to visit stores violated the spirit and intent of section 3.5 if not its express terms. Not surprisingly, Mr. Gulla's visits were tremendously unsettling to NHLC store employees and disruptive to store operations.

In addition, the SEA has violated Article II of the CBA through its recent communications intended to incite the public and frighten and bully NHLC employees. Beyond a mere expression of opinion, the SEA public campaign against the NHLC is replete with false statements of fact that serve no social value and are wholly intended to obstruct the NHLC's rights and ability to manage, direct and control its operations. Employees disturbed and offended by the SEA's tactics have shared recent mailings from the SEA, including a mailing from June 4, 2018 in which the SEA asserts that the NHLC is intentionally putting its employees in harm's way and calls for new NHLC leadership. The mailing was coordinated with a political ad making the same assertions. Since then, the SEA has been increasing the intensity of a spin campaign asserting that the NHLC is engaging in criminal activity, attacking NHLC leadership and even attacking its own members. On or about June 18, certain NHLC store employees who have been vocal in their displeasure with SEA tactics received "gifts" in the form of a book. The book was the Maxwell Daily Reader by John C. Maxwell and each included a handwritten message from Mr. Gulla "strategically placed" between two pages of the book. The employees have indicated that they perceive the handwritten notes as attempts to persuade them to abandon their efforts around circulating a petition concerning their dissatisfaction "with the recent events created by our current Union President." At a store visit on June 19, 2018, Mr. Gulla intentionally misinformed the store manager that the NHLC released the information about bank deposits to the media and deliberately put its employees at risk. Most recently, on June 21, 2018, an SEA mailing directly attempted to instill fear of legal liability and personal safety in NHLC store employees. In short, the SEA is now engaging in employee intimidation and fear mongering in an attempt to incite employees. The SEA's actions are a calculated means of interfering in the NHLC's right to manage, direct and control its operations in all particulars, in violation of Article II of the CBA. In addition to directly violating the CBA, the SEA's actions are contrary to the principles of good faith and fair dealing.

As stated above, the NHLC grieves violations of Article II and Section 3.5 of the CBA the SEA and specifically by Mr. Gulla. In accordance with Section 14.1.11 of the CBA, Mr. Gulla should recuse himself from deciding this grievance and it should proceed to the next step in the grievance process. Given the unique nature of this grievance, however, the NHLC would be willing to meet at Step III with a designee of the SEA's choosing, other than Mr. Gulla. In addition, the NHLC requests the following relief:

1. The SEA shall follow the provisions of the CBA;
2. To allow for a cooling-off period, Mr. Gulla shall not visit stores for the next six months or until all litigation, including litigation related to Garrett Boes or this grievance, is complete, whichever is later. The NHLC agrees and acknowledges



that other SEA members may continue to visit stores as provided for in the CBA;  
and

3. The SEA shall cease and desist attempts to frighten or intimidate NHLC employees.

Sincerely,



Joseph W. Mollica  
Chairman

cc: Matthew Newland, Manager of Employee Relations  
Ken Roos, SEA First Vice President  
Randy Hunneyman, SEA Executive Branch Negotiator  
Gary Snyder, SEA Legal Counsel  
Charlie McMahon, SEA Grievance Representative