



New Hampshire Liquor Commission

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Joseph W. Mollica
Chairman

Michael R. Milligan
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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