

*Reference to RSA's or Statutes has been edited to remove information that is not necessary for this discussion. Information here is as written with no edits.

N.H. Rev. Stat. § 31:9-b

TITLE XII

All elected and appointed officials of a municipal corporation **shall** be paid monies due them for services rendered **as approved by a vote of the municipality from the time of election, or appointment, to the expiration of the term of office for which they are elected or appointed...**

CHAPTER 273-A PUBLIC EMPLOYEE LABOR RELATIONS

273-A:2-a Conflict of Interest.

I. No board member shall participate in any case or issue before the board in which he has a potential conflict of interest....

NH Municipal Association

Q. What exactly is a conflict of interest?

A. ...the general rule is that a conflict of interest requiring disqualification will be found when an official has a direct personal or pecuniary (financial) interest in the outcome. That interest must be "immediate, definite and capable of demonstration; not remote, uncertain or speculative." *Atherton v. Concord*, 109 N.H. 164 (1968). In short, would a person of "ordinary capacity and intelligence" be influenced by the financial interest? If yes, then the person has a conflict of interest and must not vote on the matter.

Section 273-A:1 Definitions

IX. "Public employee" means any person employed by a public employer except:

(a) Persons elected by popular vote;

Q. How do municipal employees differ from municipal officials when it comes to compensation?

A: Municipal employees have their compensation set at the time of hiring by the governing body or other person authorized to negotiate compensation.

Municipal officials, in contrast, have their compensation set by town meeting. This may either be through separate warrant article or a dedicated line in the detailed chart of accounts which clarifies the general budget warrant article.

Q. How should the governing body, budget committee, and human resources **deal with raises**, time-off, and overtime for employees versus municipal officials?

Raises for employees, of course, are determined by the governing body and, although they are often conditioned on and administered after a vote by town meeting on the budget, they may be given at any time of the year – regardless of the outcome of the town meeting vote – through reallocation of funds via the transfer authority contained with RSA 32:10.

...municipal officials, in contrast to employees, generally have their compensation set by town meeting... The governing body does not have the authority to adjust the compensation of elected officials, only town meeting does. Thus, municipal officials may acquire additional compensation by persuading voters to increase the line dedicated to their compensation.

NH Library Trustees Association

The board appoints all other employees upon the recommendation of the library director (RSA 202-A:11, V; A:16, II), and determines all compensation and terms of employment, including job descriptions, for every position (RSA 202-A:11, V)

- Only trustees make decisions regarding salaries and benefits, technology, and collection development

FIREWARDS, FIREFIGHTERS, AND FIRE HAZARDS - Chapter 154

154:15 Compensation, Etc., of Chief; Expenses.

- The chief fireward or fire chief shall be paid for services such compensation as the council, aldermen or town meeting shall think reasonable;

Section 154:16

154:16 Pay of Firefighters. – The firefighter shall be paid for their services such compensation as the council, aldermen or town meeting shall think reasonable.

POLICE OFFICERS AND WATCHMEN - Chapter 105

105:3 Powers; Compensation.

- All police officers are, by virtue of their appointment, constables and conservators of the peace. They shall receive such compensation as may be voted by the town, and the same fees as constables.