New Hampshire Employment Security
www.nhes.nh.gov
"We're working to keep New Hampshire working"

GEORGE N. COPADIS, COMMISSIONER
RICHARD J. LAVERS, DEPUTY COMMISSIONER

ADMINISTRATIVE OFFICE
45 SOUTH FRUIT STREET
CONCORD, NH 03301-4857

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January 5, 2021

His Excellency, Governor Christopher T. Sununu
And the Honorable Council
State House
Concord, NH 03301

REQUESTED ACTION

Pursuant to RSA 94:6, the New Hampshire Department of Employment Security (NHES) respectfully requests approval for Erik Bal, Counsel (Position # 9U081), to be placed at a compensation level higher than the minimum established in RSA 94:1-a. This request is to place Attorney Bal's annual salary in Group FF, at Step 2, $76,606.40 (range $71,896.24 - $100,159.28), appropriation #010-027-8040-013, (100% Federal Funds), effective upon Governor and Council approval or January 29, 2021, whichever is later.

EXPLANATION

I would like to appoint Erik Bal to the position of Counsel beginning January 29, 2021. This is an unclassified position within the Department. *See* RSA Ch. 282-A:136.

This position encompasses a broad range of responsibilities, including rendering decisions in administrative appeals, providing legal analysis on a range of unemployment compensation issues, preparing contracts and requests for proposal, drafting legislation and rules, handling personnel matters and litigating collections cases. Attorney Bal has a significant background in administrative law and procedure, including representing parties before administrative agencies and courts. He has served as a client counselor for NHES while in the Attorney General's Office and is familiar with its responsibilities in administering the Unemployment Insurance program in New Hampshire. He has reviewed the Department's contracts and MOU's and would thus be able to hit the ground running in drafting contracts documents. He graduated law school with a concentration in Labor and Employment law, which is an excellent background for the work of the position.

Attached is a copy of Attorney Bal's resume for your review.

Respectfully submitted,

George N. Copadis
Commissioner

ERIK BAL

EDUCATION

University of Minnesota Law School, Minneapolis, MN
J.D., concentration in Labor & Employment Law, 2015
Managing Editor, ABA Journal of Labor & Employment Law
Honors: Minnesota Justice Foundation Public Service Award, 2015; Dean's List, 2014-2015; Dean's List, 2012-2013
Activities: Fighting Mondales Hockey Club: Captain
Office of Admissions: Head Student Ambassador

University of Minnesota, Minneapolis, MN
B.A., Political Science, June 2006

LEGAL EXPERIENCE

Assistant Attorney General, **New Hampshire Department of Justice**, Concord, NH, December 2018 – Present

- Advise 12 State agencies and boards on legal issues including interpretation of statutory authority, responses to Right to Know requests, personnel issues, and review and approval of contracts.
- Draft pleadings, prepare witnesses and exhibits, and represent agencies in proceedings before administrative agencies, including the Personnel Appeals Board and Public Employee Labor Relations Board, and state and federal district courts.
- Review and approve State agency administrative decisions as required by statute.

Associate, **Rice, Michels & Walther LLP**, Minneapolis, MN, November 2015 – October 2018

- Serve as general counsel for an independent board of municipal government, including drafting ordinances, construction contracts, and appeal of $1.2 million deobligation of Public Assistance funds by the Federal Emergency Management Agency.
- Advocate interests of Union members through representation of grievants in disciplinary proceedings including arbitration and drafting an amicus curae brief to the Minnesota Supreme Court advocating Union's interest.
- Protect pensions of volunteer firefighters by drafting amendments to the Relief Association's Retirement Benefit Plan, defend amendments through litigation, negotiate and implement settlement agreement.

Fellow, **Minnesota Court of Appeals – Judge Louise Dovre Bjorkman**, St. Paul, MN, September – October 2015

- Review evidentiary record and parties' briefs and conduct relevant legal research.
- Draft bench memorandum to three-judge panel regarding case.
- Prepare initial draft of court's opinion.

Student Volunteer, **National Labor Relations Board Region 18**, Minneapolis, MN, September – December 2014

- Investigate Unfair Labor Practice charges against Employers and Unions by taking affidavits, reviewing documentary evidence, and researching relevant case law.
- Make written merit decision recommendations to the Regional Director.
- Orally defend my recommendations to the Regional Director and Supervisory Attorney.

Law Clerk, **Education Minnesota**, St. Paul, MN, April – August 2014

- Research and draft a breach of contract complaint and duty of fair representation motion to dismiss.
- Research case law and arbitration decisions regarding implied just cause provisions, employee eligibility under the American with Disabilities Act, and reasonable accommodations in preparation for grievance proceedings.
- Draft appeals of Long Term Disability claim denials.

Research Assistant, **Professor Stephen Befort, University of Minnesota Law School**, June - Septmeber 2013

- Research recent developments in the field of Employment Law.
- Write and edit eight chapters of the pocket part update of the Minnesota Practice Series Employment Law and Practice Guide.
- Cite check five chapters of the casebook *ADR in the Workplace*.