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STATE OF NEW HAMPSHIRE
PUBLIC EMPLOYEE LABOR RELATIONS BOARD

STATE EMPLOYEES' ASSOCIATION OF NEW HAMPSHIRE, :
INC., Richard E. Molan, Assistant Executive :
Director :
Complainant :
:
and :
:
BOARD OF TRUSTEES, NEW HAMPSHIRE STATE PRISON, :
STATE OF NEW HAMPSHIRE, :
Respondent :
:

CASE NO. S-0317-A
77-37

APPEARANCES

Representing the State Employees' Association of New Hampshire, Inc.:

Richard E. Molan, Assistant Executive Director

Representing the State of New Hampshire, Board of Trustees, State Prison:

Andrew R. Grainger, Attorney, Division of Legal Counsel
R. A. Helgemoe, Warden

FINDINGS

Complaint of Unfair Labor Practice by Affidavit filed by the State Employees' Association on December 6, 1976 by Assistant Executive Director, Richard E. Molan, stating the Public Employer unilaterally changed the hours of work for certain employees by implementating a shift rotation plan effective December 5, 1976, in conflict with RSA 273-A:1, XI, A:3, A:5.

Complainant requested PELRB to issue an interim cease and desist order pursuant to Rule 4, Section 4.5; to find respondent guilty of unfair labor practices under RSA 273-A:5 and, order the Respondent to comply with RSA 273-A:3.

Respondent's Memorandum of Law in support of its answer to the complaint and a motion to dismiss in the above matter, together with several attachments filed by Andrew R. Grainger, Attorney January 12, 1977. Answer to complaint filed by Attorney Grainger on December 21, 1976.

Hearing on the complaint held on January 7, 1977 in Room 306, Legislative Office Building, Concord, New Hampshire. Evidence and exhibit presented by both parties of interest and November 23, 1976 report from Loren E. Daggett presented to the Board. Memorandum on issues citing many cases accepted from SEA's R. Molan.

PELRB members postponed decision on the unfair labor charges pending the decision on the joint request for declaratory judgment by the State Negotiating Committee and the State Employees' Association.

Rehearing on the complaint was held in Room 306, Legislative Office Building, Concord, New Hampshire on May 5, 1977.

Report prepared by Louis F. Dall on the new rotating shift, effective December 5, 1976, outlining the various factors considered in the planning of the shift changes and a breakdown of the considerations on each factor was accepted from Attorney Grainger.


Testimony was presented to the Board that the shift change had been discussed as early as October, 1976, by the Administration of the Prison and the local SEA Chapter President. Further, that the results of a study conducted by Loren E. Daggett had been the subject of much discussion and review by both parties.

After considering all of the testimony at the initial hearing and subsequent hearing in which both parties were provided an opportunity for full and complete presentation before the Board, the Public Employee Labor Relations Board finds, as follows in the complaint before it:

BOARD DECISION

- "A" PELRB declines to issue an interim Cease & Desist Order pursuant to Rule 4, Section 4,5 of the Board's Rules and Regulations.
- "B" PELRB finds that unfair labor practices under RSA 273-A:5 have not been committed by the Respondent Employer.
- "C" Consideration of all testimony presented resulted in PELRB's conclusion that the preponderance of evidence clearly indicated a lack of communication between the duly authorized representative of the employees and the the employer and, PELRB is of the firm opinion that closer communication can remedy situations of this nature in the future.

PELRB is of the further opinion that good labor relations mandate communication and discussion of prospective shift changes should take place prior to any future implementation.


EDWARD J. HASELTINE, CHAIRMAN
PUBLIC EMPLOYEE LABOR RELATIONS BOARD

Signed this 30th day of June, 1977
Vote unanimous at public hearing held June 23, 1977.
Members Haseltine, Anderson and Cummings present.