

## State of New Hampshire

PUBLIC EMPLOYEE LABOR RELATIONS BOARD

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SALEM POLICE RELIEF,  
TEAMSTERS LOCAL 633

Petitioner

v.

TOWN OF SALEM

Respondent

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CASE NO. P-0715:27

DECISION NO. 1999-044

### PRE-HEARING CONFERENCE MEMORANDUM AND ORDER

#### BACKGROUND

On March 19, 1999, Salem Police Relief, Teamsters Local 633 (Union) filed unfair labor practice charges against the Town of Salem (Town) pursuant to RSA 273-A:5 I (e), (g), (h) and (i). The Town answered the charges and filed a cross-claim pursuant to RSA 273-A:5 II (f) on March 29, 1999. A hearing was scheduled for May 13, 1999 but the Union requested a continuance because two witnesses were unavailable. A pre-hearing conference was held instead of the full hearing.

The parties were unable to stipulate to the wording of an issue. The Union sees the issue as whether the Town breached the collective bargaining agreement when it failed to bargain and unilaterally instituted changes in the promotion/selection process for police officers. The Town believes the matter is not properly before the PELRB since a grievance had been filed and partially processed when the unfair labor practice charges were filed. Yet, the Town insists that it will raise the time limitation issue if the matter reaches an arbitrator. Mr. Leslie noted that his answer contains a cross-complaint. Mr. Leslie feels that his motion to dismiss should be addressed before the Union's because he has stated a cross-complaint.

## WITNESSES

The Union will present three witnesses and the Town will put on five witnesses. The Union's witnesses are John Tommasi, Police Sergeant, Fred Rheault, Detective, Theresa Padvaiskas, President of the Salem Police Relief Association. The Town's witnesses are Stephen MacKinnon, Police Chief, Margie Jacques, operator of a police testing service, Alan Gould, Captain, Robert Larsen, Lieutenant, William Ganley, Lieutenant.

## EXHIBITS

Exhibits will be submitted prior to the hearing. The exhibits below have been marked. It is understood that objections to these exhibits may be raised at the hearing.

- Joint Exhibit No. 1 - CBA April 1, 1998 - March 31, 2000
- Union Exhibit No. 1 - Three (3) page document entitled Promotional Testing Announcements marked First Draft - October 27, 1998.
- Union Exhibit No. 2 - Three (3) page document entitled Announcement: Examination for the Position of Police Lieutenant marked 2nd Draft.
- Union Exhibit No. 3 - Questions on Promotional Posting - November 26, 1998.
- Union Exhibit No. 4 - Scores of John Tommasi. Document entitled Police Lieutenant Structured Oral Board.
- Town Exhibit No. 1 - Grievance form dated 1-23-99
- Town Exhibit No. 2 - Two (2) page document regarding Lieutenant's Oral Board Grievance.
- Town Exhibit No. 3 - Two (2) page document dated April 5, 1999 to Sergeant Tommasi from the Acting Town Manager.

## TIME REQUIRED AND METHOD OF CLOSING

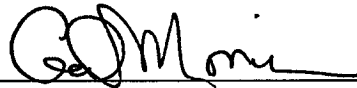
The Union expects that it can put on its case in less than one hour. The Town indicated that it requires two full hours. The parties will submit post-hearing briefs according to a schedule to be set at the hearing.

DECISION AND ORDER

This matter is set forth for a hearing of the above cited dispute to be scheduled on the Board's June docket. The agreements of the parties addressed herein are adopted as they pertain to the hearing.

So ordered.

Signed this 21st day of May, 1999.



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GAIL MORRISON  
Hearing Officer