



**State of New Hampshire**

PUBLIC EMPLOYEE LABOR RELATIONS BOARD

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**TOWN OF SEABROOK**

**Petitioner**

**and**

**SEABROOK EMPLOYEES ASSOCIATION**

**Respondent**

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**CASE NO. M-0591:30**

**DECISION NO. 2000-048**

**PRE-HEARING CONFERENCE MEMORANDUM AND ORDER**

**BACKGROUND**

The Town of Seabrook,(Complainant) filed unfair labor practice (ULP) charges on April 25, 2000 pursuant to RSA 273-A:6 I and RSA 273-A:5 II (a) and (f) alleging that the actions of the Seabrook Employees Association, SEIU, Local 1984 (Respondent) and specifically by its president, Cora Stockbridge, constituted interference with the operation of the Town's governance by physically interrupting employee training and interfering with other employees' ability to perform their job tasks and further, that such actions constituted a breach of certain management rights provisions of the Collective Bargaining Agreement (CBA), specifically Articles 3.2.1; 2.2.2; and 3.2.10. The Town also alleges that Ms. Stockbridge's two hour meeting with another employee during work hours to discuss potential future grievances was not a valid exercise of excused absence from work in violation of RSA 273-A:5 II (f).

The Seabrook Employee Association did not file an answer to the complaint within the period of time required. Its representative did write to the Executive Director of the Board "Requesting a Time Extension" without stating any reason for its inability or unwillingness to provide an answer. The Association's request was denied on May 9, 2000. As of the date of the Pre-Hearing Conference, no answer had been provided to the Board.

**PARTICIPATING REPRESENTATIVES**

For the Complainant:

Robert D. Ciandella, Esquire

For the Respondent:

Brian Mitchell, Negotiator/Field Representative II

## DECISION AND PRE-HEARING ORDER

The Respondent's failure to file an answer on or before May 10, 2000, being within the requisite 15 days required by Rule Pub 201.03, has made it difficult, if not impossible, to process the pleadings for hearing by the Public Labor Relations Board (PELRB). This lack of response by the Respondent has also prejudiced the Complainant's ability to have its case processed, set for hearing and determined by the PELRB. The right to this statutory process is equally applicable to a public employer as it is to public employees and their representative organizations.

Chronologically, a "Notice of Pre-Hearing Conference" was forwarded to the parties on May 17, 2000 and receipt was acknowledged by the same representatives of the parties as indicated above on May 18, 2000. Notwithstanding return of its acknowledgement, the Respondent persisted in its failure to file an answer up to and including the date of the pre-hearing conference.

The ULP alleges inappropriate and disruptive conduct which, in turn, is alleged to have interfered with the Town's ability to maintain and "continue control of governmental functions," namely an auditor-ordered training session, within the contemplation of RSA 273-A:1 XI. The Respondent's continued failure to file an answer cannot be permitted to delay relief available to the public employer that will protect it from another such occurrence pending a final hearing on the merits of the Town's complaint.

Accordingly, it is ORDERED that the Seabrook Employee Association, SEA, SEIU Local 1984, its officers and agents, inclusive of Cora Stockbridge as president of the Seabrook organization, CEASE and DESIST from the conduct complained of by the Town in its ULP and from all similar conduct which transgresses on the Town's ability to maintain control over its duly authorized governmental functions pending hearing on this matter. The Respondent shall file responsive pleadings with the PELRB and the Town within ten (10) days of the date of this order. The Town and the Union shall thereafter meet and, within thirty (30) days of the date of this order, identify, mark and file all documentary evidence, a list of their respective witnesses and an estimate of the time needed for hearing before the PELRB. Failing receipt of said documents and information by the PELRB on or before the thirty-first (31<sup>st</sup>) day following the date hereof, the interim cease and desist order contained herein shall become a PERMANENT ORDER and the pending ULP shall be considered disposed of as a matter of summary judgement.

So ordered.

Signed this 16<sup>th</sup> day of June, 2000.



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Parker Denaco  
Hearing Officer