



State of New Hampshire

PUBLIC EMPLOYEE LABOR RELATIONS BOARD

**STATE EMPLOYEES ASSOCIATION
SEIU, LOCAL 1984**

Petitioner

and

**STATE OF NEW HAMPSHIRE
DEPARTMENT OF TRANSPORTATION**

Respondent

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CASE NO. S-0314-4

DECISION NO. 2000-061

PRE-HEARING CONFERENCE MEMORANDUM AND ORDER

BACKGROUND

The State Employees Association, SEIU, Local 1984 (Association), filed unfair labor practice charges on May 10, 2000 alleging that the NH Department of Transportation (State) and its agents breached the Collective Bargaining Agreement (CBA) by failing to bargain in good faith in violation of RSA 273-A:3 I and RSA 273-A:5 I (e), when the State failed to abide by terms of a tentative agreement to provide protective foot gear. The State generally denies all allegations contained in the Details of Charges within the Petition and generally admits that the Association's chronological facts contained in the Association's complaint. However, it further answers that terms of agreement differed. The State then asks the PELRB to dismiss the complaint. In opposition, the Association seeks to have the PELRB to enforce an agreement related to protective equipment, including footwear.

PARTICIPATING REPRESENTATIVES

For the Complainant: Dennis Martino, Collective Bargaining Manager

For the Respondent: Thomas F. Manning, Director of Personnel, State of New Hampshire

PRE-HEARING ORDER

Following discussions between the parties' representatives present at the Pre-Hearing Conference on July 6, 2000 and discussion with the Hearings Officer, the parties have stipulated as follows:

The State shall provide the Association with a statement of commitment regarding the Personal Protective Equipment (PPE) project that is satisfactory to the Association no later than September 15, 2000. If the State fails to provide the required statement that is satisfactory to the Association, the parties shall follow the impasse procedures established by RSA 273-A and forward the relevant recommendation contained in the Fact Finder's Report, dated August 30, 2000, to the Governor and the Executive Council and to the New Hampshire General Court for disposition.

In light of the stipulation of the parties, it is further ordered that:

1. The matters presently pending before the PELRB, being the Association's complaint and the State's response, shall be held in abeyance until Friday, September 14, 2000 at 4:00 PM.
2. During the intervening period, if mutual resolution is otherwise reached between the parties, the parties shall submit a jointly signed document indicating that no further action is required of the PELRB.
3. On or before that date and time, either party may request that this matter be scheduled for further action by the PELRB.
4. In the event that no request that a hearing be scheduled is received from either party before September 21, at 4:00 PM, this complaint shall be administratively dismissed, without prejudice, and the matter removed from the PELRB docket.

So ordered.

Signed this 7th day of July, 2000.



Donald E. Mitchell, Esq.
Hearings Officer