

State of New Hampshire

PUBLIC EMPLOYEE LABOR RELATIONS BOARD

AFSCME, LOCAL 3657 for the
Hillsborough County Corrections Employees

Complainant

HILLSBOROUGH COUNTY,
DEPARTMENT OF CORRECTIONS

Respondent

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CASE NO. A-0428:203

DECISION NO. 2000-080

INTERIM ORDER

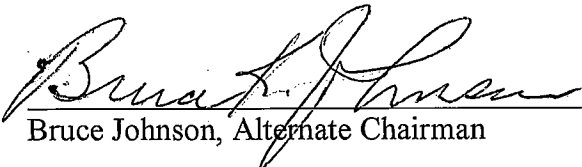
The Board, meeting at its offices in Concord, New Hampshire, on August 8, 2000, took the following actions:

1. It convened an evidentiary hearing between the parties on the unfair labor practice complaint filed by Local 3657, AFSCME Council 93 on behalf of the Hillsborough County Corrections Employees and the answer filed in response by the Hillsborough County Department of Corrections.
2. The hearing was remarkable by reason of confusion created by an unanticipated entry into evidence of voluminous exhibits by the Respondent, not previously shared with the Complainant, and confusion created by miscalculations on a key exhibit entered into evidence by the Complainant and its later entry of an amended version of that same exhibit.
3. As equal access to available statistical data by each party is crucial to due process and the orderly presentation of the same to the Board is crucial to the Board's decision in this matter, the record was left open for a period of thirty days.
4. During this time, the parties are hereby ordered to meet and confer for the purpose of executing a mutual statement incorporating the following component data:

- a. the period of time that each of the four employees that remain the objects of this complaint were not originally paid wages expressed as a duration with a beginning date and an end date;
 - b. the period of time assigned as the period of suspension also expressed as a duration with a beginning date and an end date;
 - c. the base hourly pay for each subject employee; and
 - d. the hourly rate for each and every so-called "premium pay" category for which each subject employee may or may not have been eligible, eg. hazardous, holiday, shift differential, etc.;
5. Upon execution of said mutual statement, it shall be submitted to the Board by the Complainant on or before September 8, 2000 and shall be considered by the Board as evidence in making its final decision. In the event that the parties cannot so stipulate as to a component of the data requested in Paragraph # 4 a-d; each party is to submit to the Board a written explanation of its position as to that disputed component on or before September 8, 2000.
 6. Additionally, each party shall submit its memorandum of law in this unfair labor practice action to the Board on or before September 8, 2000 on which date the record shall be closed and a decision by the Board rendered thereafter.
 7. In the event that the "meet and confer" process to share and examine the statistical data referenced above in Paragraph # 4 and development of the mutual statement shall result in a settlement between the parties prior to September 8, 2000, the Complainant shall inform the Board, in writing, of the fact of settlement and its desire to withdraw its complaint. Upon receipt of said request, the matter shall be dismissed.

So ordered.

Signed this 15 th day of August, 2000


Bruce Johnson, Alternate Chairman

By unanimous vote. Alternate Chairman Bruce Johnson presiding. Members Seymour Osman and E. Vincent Hall present and voting.