



**State of New Hampshire**

PUBLIC EMPLOYEE LABOR RELATIONS BOARD

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<b>HAMPTON POLICE ASSOCIATION</b>	*	
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	*	
<b>Petitioner</b>	*	
	*	
<b>and</b>	*	<b>CASE NO. P-0719-16</b>
	*	
	*	<b>DECISION NO. 2000-105</b>
<b>TOWN OF HAMPTON</b>	*	
	*	
	*	
<b>Respondent</b>	*	
	*	
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**PRE-HEARING CONFERENCE MEMORANDUM AND ORDER**

**BACKGROUND**

The Hampton Police Association, (Association) filed unfair labor practice charges on August 26, 2000 pursuant to RSA 273-A:5 I (a), (b), and (e) alleging that the Town of Hampton, (Town), through the actions of its Police Chief in failing to respond to official correspondence from the Association's President regarding a change in working conditions, ripping up said correspondence and placing the residue where it would be seen by other members of the Association, intended to restrain, coerce, and intimidate and interfere with the members of the Association and did interfere in the administration of the Association. The Association requests relief in the form of the Board finding that the Town did commit an improper practice and issuing a cease and desist order prohibiting such conduct in the future and ordering the Chief of Police to respond to all official oral and written communications from the President of the Association.

The Town of Hampton, in its answer, admits that the Chief had torn up the correspondence and had placed it into the Association's mail box, but denies that such action constitutes statutory violations amounting to an improper practice and asks the Board to dismiss the Association's complaint. As a further basis for its request for dismissal, the Town indicates that remedies sought by the Association in its Complaint have been "addressed", ostensibly claiming the matter is moot.

**PARTICIPATING REPRESENTATIVES**

For the Complainant: J. Joseph McKittrick, Esq.

For the Respondent: Renny Perry, Labor Relations Consultant

**ISSUES FOR DETERMINATION BY THE BOARD**

1. Whether or not the actions of Police Chief Wrenn constitute an unfair labor practice ?
2. If so, what remedy, if any, is appropriate?

**WITNESSES**

For the Complainant:

1. William Wrenn, Chief
2. Steve Henderson, President of Hampton Police Association

For the Respondent:

1. William Wrenn, Chief
2. James Barrington, Town Manager

Both parties reserve the right to amend their List of Witnesses in conformity with the schedule contained in the DECISION SECTION appearing at the conclusion of this order, or upon proper showing, later reasonable notice to the other party. It is understood that each party may rely on the representations of the other party that witnesses appearing on their respective list will be available at the hearing.

**EXHIBITS**

Joint Exhibits:

1. Collective Bargaining Agreement
2. Original Henderson memo to Chief Wrenn, dated June 7, 2000
3. Intact copy of Henderson memo to Chief Wrenn, dated June 7, 2000
4. Letter of Town Manager Barrington to Attorney McKittrick, dated August 16, 2000

For the Complainant Union:

None other than those included in the Joint Exhibits

For the Respondent Town:

1. Henderson letter to Barrington, dated June 9, 2000
2. Barrington letter to Henderson, dated July 3, 2000
3. McKittrick letter to Barrington re: special officers, dated July 25, 2000
4. McKittrick, letter to Barrington re: disrespect issue, dated July 25, 2000
5. E-Mail series
  - 5a) dated --- 04/30/2000
  - 5b) dated --- 05/02/2000
  - 5c) dated --- 05/06/2000

Both parties reserve the right to amend their List of Exhibits in conformity with the schedule contained in the DECISION SECTION appearing at the conclusion of this order or, upon proper showing, later reasonable notice to the other party. Copies of all exhibits are to be submitted to the presiding officer in accordance with Pub 203.02. It is to be understood by the parties that each party may rely on the representations of the other that the exhibits listed above will be available at hearing.

#### LENGTH OF HEARING

The time being set aside for this hearing is one-half day. If either party believes additional time is required, written notice of the need for additional time shall be filed with the PELRB no later than October 17, 2000.

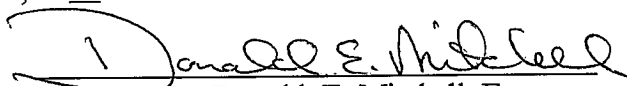
#### DECISION

1. The party representatives shall forward any amendments of their Witness and Exhibit lists detailed above to the opposing representative or counsel and to the PELRB no later than Monday, October 17, 2000. The party representatives shall meet, or otherwise arrange, to pre-mark any exhibits, for identification, prior to the time of hearing and have sufficient copies available for distribution at the hearing as required by Pub 203.02.

2. Any additional preliminary, procedural or dispositive motions shall be filed by the parties no later than fourteen (14) calendar days prior to the scheduled hearing date.

3. Unless otherwise ordered as a result of the filing of any subsequent motion, an evidentiary hearing between the parties is scheduled to be conducted at the Office of the Public Employee Labor Relations Board on **Tuesday, October 24 beginning at 9:30 AM.**

Signed this 25<sup>th</sup> day of September, 2000.

  
Donald E. Mitchell, Esq.  
Hearings Officer