



State of New Hampshire

PUBLIC EMPLOYEE LABOR RELATIONS BOARD

United Automobile, Aerospace, Agricultural
Implement Workers of America, International
Union, UAW

Petitioner

v.

Concord School District

Respondent

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Case No. M-0775

Decision No. 2001-002

PRE-HEARING DECISION and ORDER

BACKGROUND

The Complainant, United Automobile, Aerospace, Agricultural Implement Workers of America, International Union, (UAW), filed a Petition for Certification of a bargaining unit consisting of the following positions: Head Cook, Cook Assistant, Cook Assistant/Cashier, Assistant Head Cook, Permanent Substitute and Substitute. At the time of the filing, 37 individuals occupied these positions. As of the date of the Pre-Hearing Conference, the Respondent had not filed any objection to the formation of the unit, nor had the Respondent filed its required Pre-Hearing Worksheet prior to that same date. The Respondent did hand deliver a copy of its worksheet on the date of the Pre-Hearing Conference and did make an oral objection to the inclusion of the position of Head Cook into the proposed bargaining unit.

The undersigned Hearing Officer conducted the Pre-Hearing Conference at the offices of the Public Employees Labor Relations Board on January 5, 2001.

PARTICIPATING REPRESENTATIVES

For the Petitioner: Joseph R. Santos, International Representative, UAW
For the Respondent: Edward Kaplan, Esquire,

WITNESSES

For the Petitioner:

1. Diane Fink
2. Alita Moss
3. Kathleen McIntyre
4. Debra Levesque
5. Marion Foss
6. Lorraine Reed
7. Carol Riley

For the Respondent:

1. Megan Bizzarro

Both parties reserve the right to amend their List of Witnesses upon proper showing and reasonable notice to the other party. Both parties reserve the right to call witnesses of the other party and rebuttal witnesses as may be deemed allowable by the Hearings Officer. 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.

At the time of the Pre-Hearing Conference the following matters were decided:

1. The parties stipulate that the issue for determination is whether or not there is a supervisory relationship within the meaning of RSA 273-A:8 II, between the Head Cook position and the remaining positions that would preclude membership in the same bargaining unit.
2. The Respondent shall produce to the representative of the Complainant, no later than Thursday, February 8, 2001, a current employee list and all written job descriptions as existed as of the date of the filing of the Petition for Certification and any later drawn job descriptions for any of the positions listed in said petition.
3. The Respondent shall produce at hearing all seven witnesses as listed on the Petitioner's Pre-Hearing Worksheet without the need for subpoena and Petitioner may rely on that representation and the presence of said witnesses in the presentation of its case.

4. Each party shall exchange its final list of witnesses and its list of planned exhibits in writing or by facsimile transmission no later than five (5) business days prior to the date of the evidentiary hearing on the merits. Copies of each shall also be transmitted to the PELRB in like fashion by the same date. The parties also shall arrange to pre-mark all planned exhibits, in sufficient number as called for in the rules of the PELRB, prior to the commencement of the hearing.

The hearing shall commence at 9:30 A.M on Wednesday, February 14, 2001 at the offices of the Public Employee Labor Relations Board.

So ordered.

Signed this 5th day of January, 2001

A handwritten signature in black ink, appearing to read "Donald E. Mitchell", written over a horizontal line.

Donald E. Mitchell, Esq.
Hearings Officer