

State of New Hampshire

PUBLIC EMPLOYEE LABOR RELATIONS BOARD

Local 1984 SEIU, SEA
Seabrook Employees Association

Complainant

v.

Town of Seabrook

Respondent

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Case No. M-0591-33

Decision No. 2001-094

PRE-HEARING DECISION and ORDER

BACKGROUND

Local 1984 SEIU, Seabrook Employees Association ("Union") filed an unfair labor practice charge on August 16, 2001 pursuant to RSA 273-A:5 I (e) alleging that the Town of Seabrook ("Town") and its agents failed to negotiate in good faith with the exclusive representative of the bargaining unit by interfering with on going negotiations. The Town is alleged to have interfered on one occasion in March of the year 2001, when Warner Knowles informed unit members of an agreed position outside the negotiations session. On another occasion, on or about April 19, 2001 Oliver Carter is alleged to have negotiated a Town bargaining position with a single unit member regarding certain wage increases for selected members of the bargaining.

The Town denies both allegations raised by the Union.

The Union requests relief in the form of a cease and desist order against the Town actions and an order that the Town negotiate with the exclusive representative of the bargaining unit in good faith for terms and conditions of employment for all members of the Union. For its part, the Town seeks a dismissal of the Union's complaint and also seeks an award of reasonable attorneys' fees and costs necessary to its defense of this complaint.

PARTICIPATING REPRESENTATIVES

For the Complainant: Brian Mitchell, Negotiator and Field Representative II
Cora Stockbridge, President, Seabrook Employees Association
For the Respondent: Robert D. Ciandella, Esquire

PRIMARY ISSUE FOR DETERMINATION BY THE BOARD

1. Whether or not the Town committed an unfair labor practice by any actions undertaken by its representatives regarding direct communications of wage offers to individual unit members in violation of RSA273-A:5, I(e).

WITNESSES

For the Complainant:

1. Cora Stockbridge, President, Seabrook Employees Association
2. Randy Littlefield, Water and Sewer Department employee
3. Oliver Carter, Selectman
4. Michael Colin, Water and Sewer Department employee
5. Tom Eaton, Working Foreman, Department of Public Works
6. Robert Knowles, Water and Sewer Department employee

For the Respondent:

1. E. Russell Bailey, Town Manager
2. Warner Knowles, Water Division Superintendent
3. Oliver Carter, Selectman

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 Exhibit:

1. Current Collective Bargaining Agreement, effective 4/20/01 through 3/31/02
2. Prior Collective Bargaining Agreement, effective 4/1/95- 3/31/98

For the Complainant:

1. None other than the collective bargaining agreements referenced above

For the Respondent:

1. Unknown at the present time (Counsel to identify and notify Union Representative and the PELRB within seven (7) days of the date of this order)

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

This matter has been consolidated with Case No. M-0591-32 for purposes of the evidentiary hearing only. The time being set aside for the combined hearing is one 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 ten (10) days from the date of this Order.

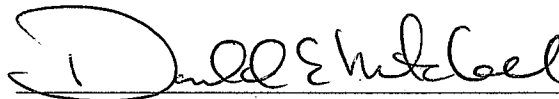
DECISION AND PRE-HEARING ORDER

1. Any preliminary, procedural or dispositive motions and supportive memoranda of law shall be filed by the parties with the PELRB no later than October 5, 2001 and delivered conventionally or electronically, by fax or e-mail, on that same date to the opposing party. The opposing party shall file any responsive pleadings and their own memoranda of law no later than ten (10) days from the receipt of the other's motion or pleading and likewise expediently deliver a copy of same to the other party on that same day.
2. The parties shall meet or otherwise confer to determine such statements of fact as they may agree and stipulate to for purposes of the hearing. The mutually agreed statement of facts shall be executed by both representatives and submitted to the PELRB no later than October 15, 2001.

3. The party representatives shall exchange their final Witness and Exhibit lists and each shall forward a copy of their respective list to the PELRB no later than five (5) days prior to the date of hearing.
4. The party representatives shall meet, or otherwise arrange, to pre-mark for identification purposes, and exchange copies of their respective proposed exhibits, excepting those singularly required for impeachment purposes, prior to the scheduled hearing. Such exhibits shall be produced in sufficient number at the hearing as required by Pub 203.02.

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 November 8, 2001 beginning at 9:30 A.M.**

Signed this 25th day of September, 2001.

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

Donald E. Mitchell, Esq.
Hearing Officer