



State of New Hampshire
PUBLIC EMPLOYEE LABOR RELATIONS BOARD

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Exeter Police Association		*	
		*	
	Complainant	*	Case No: P-0753-13
		*	
	v.	*	and
		*	
Town of Exeter		*	Case No: P-0753-14
		*	
	Respondent	*	Decision No. 2004-199
		*	
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INTERIM ORDER

The first matter, P-0753-13, between these parties is a complaint filed by the Association on September 21, 2004, and answered by the Town on October 4, 2004 involving an alleged course of action undertaken by the Town that resulted in the termination of an employee. The second matter, P-0753-13, is a second complaint filed by the Association on November 7, 2004, and answered by the Town on December 1, 2004.

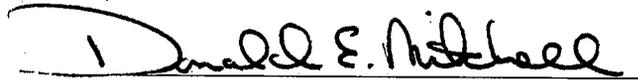
Several procedural matters, including one involving the request by the Town to call the Association's counsel as a sworn witness, were discussed in a telephonic pre-hearing conference in which the undersigned presiding officer and counsel for both parties participated. As a result of that pre-hearing conference, and acting upon the "Assented to Motion to Continue" it is ordered, as follows:

1. The Motion to Continue is GRANTED;
2. The above matters are hereby consolidated for hearing pursuant to PUB 201.07(i);
3. The parties shall meet and confer on or before January 15, 2005 to make a good faith effort to narrow the evidentiary focus at hearing to facts actually in dispute and to stipulate to reasonable statements of fact that are not in dispute;

4. The parties shall discuss the facts intended to be drawn from Attorney McKittrick's testimony and explore reasonable alternative sources or methods to establish those facts; and
5. The parties shall file with the Board, ten (10) days prior to the evidentiary hearing, legal memoranda representing their respective positions establishing the necessary criteria to be met for an individual to qualify for the status of "representative" for purposes of exercising so-called "Weingarten rights."
6. An evidentiary hearing on the consolidated matters shall be conducted at the offices of the PELRB on Thursday, February 17, 2005 commencing at 9:30. All exhibits shall be pre-marked prior to that time. All pending motions shall be considered following argument of counsel, and if no disposition of the issues is made by the Board as a result of considering preliminary motions at that time, the matter shall proceed on the merits immediately following the presentation of arguments. Therefore, as is the common practice of the Board, counsel shall be prepared to go forward with their cases-in-chief immediately following.

So Ordered.

Signed this 15th day of December, 2004



Donald E. Mitchell, Presiding Officer

Distribution:

J. Joseph McKittrick, Esquire
Thomas J. Flygare, Esquire