



State of New Hampshire
PUBLIC EMPLOYEE LABOR RELATIONS BOARD

NEPBA Local 255/NH Supervisory Corrections
Officers, IUPA, AFL-CIO

Petitioner

and

State of New Hampshire, Department of
Corrections

Respondent

NEPBA Local 250/New Hampshire Corrections
Officers Unit, IUPA, AFL-CIO

Petitioner

and

State of New Hampshire, Department of
Corrections

Respondent

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Case No. S-0438-1

Case No. S-0437-1

Decision No. 2007-131

PRE-HEARING MEMORANDUM AND ORDER

BACKGROUND

This matter involves two petitions for modification and certification filed by NEPBA Local 255/NH Supervisory Corrections Officers, IUPA, AFL-CIO and NEPBA Local 250/New Hampshire Corrections Officers Unit, IUPA, AFL-CIO ("NEPBA") on July 9, 2007. The petitions seek to create two bargaining units composed of certain Department of Corrections employees.

The SEA/SEIU Local 1984 ("SEA") is identified in both petitions as the incumbent representative. The SEA appeared and filed exceptions and motions to dismiss in both cases on July 24, 2007. The Department of Corrections, William L. Wrenn, Commissioner, has not appeared or filed any pleadings in the case.

The undersigned Hearing Officer conducted a pre-hearing conference on August 30, 2007 at the PELRB offices in Concord.

PARTICIPATING REPRESENTATIVES

For NEPBA: Peter J. Perroni, Esq.

For the SEA: Glenn R. Milner, Esq.

ISSUES PRESENTED FOR BOARD REVIEW

Whether NEPBA's petitions may be considered on the merits and if so whether NEPBA is entitled to proceed to election concerning the proposed bargaining units?

WITNESSES AND EXHIBITS

Both parties listed witnesses and exhibits on their pre-hearing worksheets. However, at the pre-hearing counsel for both parties represented that the parties are making substantial progress toward the completion of a stipulation of facts which will likely eliminate the need for other evidence. Based upon this representation, the party's witnesses and exhibits were not reviewed in any detail at the pre-hearing and will not be itemized in this pre-hearing order.

LENGTH OF HEARING

The time set aside for the hearing will be one-half (½) day.

DECISION

1. The parties' representatives shall continue to meet and confer concerning a stipulation of facts. Any such stipulation shall be filed on or before September 11, 2007.
2. Counsel for the SEA represented at the pre-hearing that the SEA waives all objections and issues except the 30% showing of interest requirement and the timeliness of the petitions/contract bar issues. Counsel for the SEA agreed to file a supplemental pleading to this effect.

3. The subject of the preparation and submission of briefs was discussed at the pre-hearing. The parties shall submit their briefs, if any, at or before the hearing on September 12, 2007.

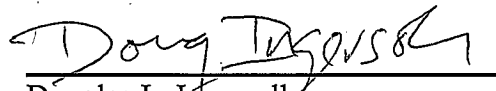
4. A representative for the public employer did not attend the pre-hearing conference. Counsel for the parties shall jointly confer with counsel for the public employer concerning the public employer's planned participation in this case, if any. Counsel for the petitioner shall also confer with counsel for the public employer concerning the public employer's agreement or disagreement with the composition of the proposed bargaining unit.

5. An evidentiary hearing between the parties at the PELRB will be held on:

September 12, 2007 at 9:00 a.m.

So ordered.

August 30, 2007



Douglas L. Ingersoll
Hearing Officer

Distribution:

Peter J. Perroni, Esq.
Glenn R. Milner, Esq.
Commissioner William L. Wrenn
Michael Brown, Esq.