



**State of New Hampshire**  
PUBLIC EMPLOYEE LABOR RELATIONS BOARD

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State Employees Association of NH, SEIU  
Local 1984

Complainant

v.

State of New Hampshire, Office of the Governor

Respondent

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Case No. S-0428-4

Decision No. 2008-020

PRE-HEARING MEMORANDUM AND ORDER

BACKGROUND

On January 4, 2008, the State Employees Association of New Hampshire, SEIU, Local 1984 ("Union") filed a complaint alleging that the State violated RSA 273-A:5, I (e) and (h) through its failure to properly apply an agreed upon across-the-board wage increase of fifty-one cents per hour, effective July 6, 2007, to certain law enforcement members of the bargaining unit. As remedies, the Union requests that the PELRB: 1) order the State to cease and desist from its improper action; 2) make whole affected employees deprived of their proper wages; and 3) grant such other and further relief as may be deemed just.

The State filed its answer denying the charges on January 24, 2008. The State contends that the Union has misconstrued the State's obligations under the parties' collective bargaining agreement with respect to the compensation of the certain law enforcement officers at issue. Accordingly, the State requests that the PELRB: 1) dismiss the complaint; and 2) grant such other and further relief as justice may require.

The undersigned hearing officer conducted a pre-hearing conference at the PELRB in Concord on February 5, 2008.

PARTICIPATING REPRESENTATIVES

For the Union: Glenn Milner, Esq.

For the State: Michael K. Brown, Esq.

ISSUE FOR DETERMINATION BY THE BOARD

1. Whether the State failed to properly apply a wage increase and thereby violated RSA 273-A:5, I (e) and (h).

WITNESSES

For the Union:

1. Diana Lacey
2. Dennis Kinnan, SEA Contract and Field Operations Administrator.
3. Any and all witnesses on Respondent's witness list not called by Respondent during presentation of its case and any necessary rebuttal witnesses.

For the State:

1. Sara Willingham, Manager of Employee Relations, State of NH.
2. Thomas Manning, Secretary of State, State of NH.
3. Mark Roth, Administrative Services, Financial Data Mgmt., State of NH.

All 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 with reasonable notice to the other party.

EXHIBITS

For the Union:

1. Collective Bargaining Agreement, effective 2007-2009.
2. Two electronic mail messages from D. Lacey to T. Manning, dated July 25, 2007.
3. One electronic mail message from T. Manning to D. Lacey, dated, July 25, 2007.
4. Letter from R. Molan to T. Manning, dated October 22, 2007.
5. Letter from T. Manning to R. Molan, dated December 18, 2007.
6. Any and all pleadings in this matter.
7. Any and all documents filed as exhibits to pleadings.

8. Any document or exhibit included in Respondent's exhibit list not otherwise introduced by the Respondent.
9. Any and all documents required for impeachment purposes.

For the State:

1. All exhibits listed in the Complainant's Pre-Hearing Worksheet.

All 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 with reasonable notice to the other party. Copies of all exhibits are to be submitted in accordance with Pub 203.02. It is understood that each party may rely on the representations of the other party that the exhibits listed above will be available at the hearing.

#### LENGTH OF HEARING

The time set aside for this hearing is 3 hours.

#### DECISION

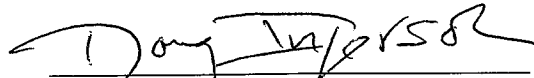
1. Counsel shall meet, or otherwise confer, on or before February 13, 2008 in order to agree on joint exhibits and to compose a mutual statement of agreed facts. The parties' shall file all joint exhibits, factual stipulations, and other exhibits properly marked for identification on or before February 14, 2008.
2. Counsel shall file any amendments to, or deletions from, their Witness and Exhibit lists, as detailed above, at least 5 days prior to the scheduled hearing date.
3. Unless otherwise ordered as a result of the filing of any subsequent motion or for other good cause shown, an evidentiary hearing between the parties will be held on:

**February 14, 2008 @ 9:30 a.m.**

at the offices of the Public Employee Labor Relations Board in Concord.

So ordered.

February 5, 2008.

  
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Douglas L. Ingersoll, Esq.  
Hearing Officer

Distribution:  
Glenn Milner, Esq.  
Michael K. Brown, Esq.