



STATE OF NEW HAMPSHIRE
PUBLIC EMPLOYEE LABOR RELATIONS BOARD

Seabrook Employees Association, SEA/SEIU	*	
Local 1984	*	
	*	
Complainant	*	Case No. G-0021-5
v.	*	
	*	
Town of Seabrook	*	Decision No. 2008-062
	*	
Respondent	*	

PRE-HEARING MEMORANDUM AND ORDER

BACKGROUND

The Seabrook Employees Association, SEA/SEIU Local 1984 (the "Association") filed an unfair labor practice complaint on February 19, 2008 alleging that the Town of Seabrook committed an unfair labor practice in violation of RSA 273-A:5 I (a) because of the manner in which it dealt with a position reclassification and the involved bargaining unit employee. The Association has not requested a specific remedy.

On March 3, 2008 the Town filed its answer denying the Association's charges of unfair labor practice. The Town asserts that it acted properly and that any alleged violations of the collective bargaining agreement are subject to grievance and arbitration proceedings. The Town requests that the PELRB: (1) dismiss the Association's allegations as being without a legal basis; (2) determine that said allegations do not amount to a violation of RSA 273-A:5 I (a); (3) determine that the Association has not exhausted its administrative remedies and therefore any ULP Complaint is untimely; and (4) order such other and further relief as it may deem just.

The undersigned Hearing Officer conducted a telephonic pre-hearing conference on March 17, 2008, at 11:00 a.m.

PARTICIPATING REPRESENTATIVES

For the Association: Christopher Long, Field Representative

For the Town: J. Joseph McKittrick, Esq.

ISSUES FOR DETERMINATION BY THE BOARD

Whether the Town improperly reclassified a bargaining unit position and/or had improper dealings with a bargaining unit employee in violation of RSA 273-A:5 I (a)?

WITNESSES

For the Association:

1. Mr. William Knowles
2. Ms. Carrie Brown
3. Scott Dunn, Town Administrator

For the Town:

1. Scott Dunn, Town Administrator
2. Ms. Carrie Brown

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 with 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

For the Association:

1. Collective Bargaining Agreement exp. 3/31/08
2. Email of Scott Dunn dated 2/13/08
3. Memorandum of Understanding dated 2/13/08

For the Town:

1. Collective Bargaining Agreement
2. Proposed Job Description
3. Current Job Description
4. All Correspondence relating to this matter

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 with 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 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 being set aside for this hearing is 3 hours. If either party believes that additional time is required, written notice of the need for additional time shall be filed with the PELRB at least 10 days prior to the date of the evidentiary hearing.

DECISION

1. "Parties" means the named petitioner and respondent or the counsel/representative appearing in the case. Unless otherwise ordered, the The parties shall meet, or otherwise confer, on or before April 7, 2008 and attempt to reach a stipulation on presenting the instant case by written submission, or, in the alternative, without the need for formal testimony. The parties shall document any such agreement by immediately filing a joint statement which includes a proposed schedule for the parties' fact stipulation filings and briefs, if any.

2. If the matter is to proceed to a hearing before the Board, the parties' shall meet, or otherwise confer, on or before April 7, 2008 in order to compose a mutual statement of agreed facts. The parties shall file their fact stipulations at least 5 days prior to the date of the hearing.

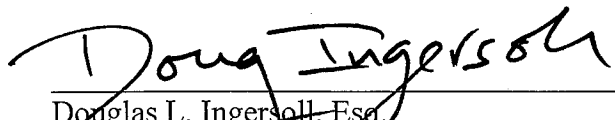
3. The parties shall file any amendments to, or deletions from, their Witness and Exhibit lists at least 5 days prior to the scheduled hearing date. The parties shall meet, or otherwise arrange, to pre-mark any exhibits for identification prior to the time of hearing and have sufficient copies available for distribution at the hearing as required by Pub 203.02.

4. The parties shall file any additional motions no later than 20 calendar days prior to the scheduled hearing date.

5. 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 **April 17, 2008 at 9:30 a.m.** at the offices of the Public Employee Labor Relations Board in Concord.

So ordered.

March 19, 2008.



Douglas L. Ingersoll, Esq.
Staff Counsel/Hearing Officer

Distribution:
Christopher Long, Field Representative
J. Joseph McKittrick, Esq.