



STATE OF NEW HAMPSHIRE
PUBLIC EMPLOYEE LABOR RELATIONS BOARD

**INTERNATIONAL BROTHERHOOD OF TEAMSTERS,
LOCAL 633 OF N.H.**

Petitioner

CASE NO. S-0407-1

v.

DECISION NO. 2008-181

**STATE OF NEW HAMPSHIRE,
ADMINISTRATIVE OFFICE OF THE COURTS**

Respondent

PRE-HEARING MEMORANDUM AND ORDER

Date of Conference: September 12, 2008 at the PELRB in Concord.

Appearances: John D. Burke, Esq., Petitioner
Howard J. Zibel, Esq., Respondent

Background:

The petitioner filed a Written Majority Authorization Petition on July 18, 2008 seeking to be certified as the exclusive representative of a bargaining unit comprised of Court Security Officers ("CSO"). The respondent filed exceptions and objections on August 4, 2008, claiming that the proposed bargaining unit is improper because it includes RSA 273-A:8, II supervisory employees and RSA 273-A:1, IX (d) on call or irregular employees, and because there is no community of interest among some of the members of the proposed bargaining unit.

DECISION

At the pre-hearing the subject of exhibits was reviewed in detail, including when the respondent could produce certain documents to the petitioner and the respondent's objections to some of the requested documentation. September 15, 2008 was established as the deadline for petitioner's subpoena requests. The parties also discussed the petitioner's document requests and September 17, 2008 was established as the date for the exchange of most of the requested documentation, including the following:

1. Weekly Master CSO Schedules and Weekly AOC Per Diem CSO Timesheets, January 1, 2008 to present. The respondent indicated that the actual schedules are not retained and the respondent is in the process of recreating such schedules through July 31, 2008. Schedules after July 31, 2008 shall be provided by the date of hearing;

2. CSO, CSO I & II Position Descriptions;

3. Documents re: position openings such as position descriptions and advertisements from January 1, 2008 to present;

4. Current Security Officer Floater's Manual;

5. Court System Benefit Package documentation provided to new full and part time employees;

6. Training material provided to CSO, CSO I, and CSO II employees;

7. Judicial Branch Personnel Rules;

8. Documents re: the number of hours worked by CSOs with permanent assignment from January 1, 2008 to present; and

9. Documents re: the number of hours worked by CSOs with non-permanent assignment from January 1, 2008 to present.

The parties are to confer regarding the respondent's production of the New Hampshire Court Security Procedure Manual and in the absence of agreement the respondent shall bring a copy of the Manual to the hearing at which time any issues concerning the submission of the Manual, in whole or in part, into the record will be addressed.

The petitioner shall provide a proposed stipulation of facts to the respondent on or before September 23, 2008 and the parties' final stipulation of facts shall be filed at the hearing on September 26, 2008.

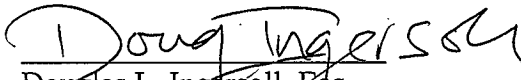
The parties shall file their final Witness and Exhibit lists on or before September 19, 2008. The parties shall pre-mark any exhibits for identification prior to the time of hearing and have sufficient copies available for distribution at the hearing as required by Pub 203.02.

HEARING

Unless otherwise ordered as a result of the filing of any subsequent motion or for other good cause shown, the evidentiary hearing between the parties will be held on **September 26, 2008 at 9:00 a.m.** at the offices of the Public Employee Labor Relations Board in Concord.

So ordered.

September 16, 2008.


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

Distribution:
John D. Burke, Esq.
Howard J. Zibel, Esq.