



STATE OF NEW HAMPSHIRE
PUBLIC EMPLOYEE LABOR RELATIONS BOARD

RAYMOND PORELLE, JR.

COMPLAINANT

CASE NO. P-0749-34

v.

DECISION NO. 2008-190

NEPBA, INC.

RESPONDENT

PRE-HEARING MEMORANDUM AND ORDER

Date of Conference: September 17, 2008 at the PELRB in Concord.

Appearances: Raymond Porelle, Jr.
Diane Byrnes, Esq., NEPBA

Background:

Raymond Porelle, Jr. filed an unfair labor practice complaint on May 29, 2008 alleging that the NEPBA, Inc. has breached its duty of fair representation. Mr. Porelle's complaint is based primarily on the NEPBA's alleged failure to comply with its obligations under a written agreement dating to 2007. Mr. Porelle is currently prosecuting a benefits claim before the New Hampshire Retirement System. He is represented by counsel at his own expense, but contends that the NEPBA is obligated to represent him in accordance with the provisions of the written agreement. At the pre-hearing Mr. Porelle also raised concerns about an older claim for back

pay that was the subject of incomplete arbitration proceedings. Those incomplete arbitration proceedings pre-dated NEPBA's certification.

The NEPBA filed its answer on June 13, 2008 denying Mr. Porelle's claim and raising a number of affirmative defenses, such as the statute of limitations and failure to exhaust administrative remedies.

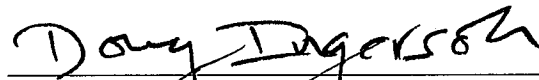
The parties agree that a further pre-hearing with attorney Peter Perroni, counsel for NEPBA in the underlying matter which resulted in the written agreement, in attendance is appropriate to review the underlying written agreement and subsequent events and thereby define the issues for hearing.

DECISION

~~A further pre-hearing conference will be held on November 6, 2008 at 10:00 a.m. at the~~
offices of the Public Employee Labor Relations Board in Concord.

So ordered.

September 22, 2008



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

Distribution:
Mr. Raymond Porelle, Jr.
Diane Byrnes, Esq.
Peter Perroni, Esq.