



**STATE OF NEW HAMPSHIRE**  
PUBLIC EMPLOYEE LABOR RELATIONS BOARD

**AFSCME COUNCIL 93, LOCAL 1386  
PORTSMOUTH CITY EMPLOYEES**

**v.**

**CASE NO. G-0030-17  
DECISION NO. 2009-110**

**CITY OF PORTSMOUTH**

**PRE-HEARING MEMORANDUM AND ORDER**

Date of Conference: June 4, 2009 at the PELRB in Concord.

Appearances: Karen E. Clemens, Esq., Portsmouth City Employees Local 1386  
Thomas J. Flygare, Esq., City of Portsmouth (By Telephone)

Background:

This case involves a dispute arising from the City's December 10, 2008 Memorandum concerning overtime and an employee's response to a call to work overtime on a weekend later in that same month. The Portsmouth City Employees Local 1386 ("Union") may also be filing an amendment to their complaint to clarify whether the Union also complains about the content of City statements to prospective employees concerning overtime during the interview process.

**DECISION**

1. On or before June 30, 2009 the Union shall file an amended complaint in order to state its claim, if any, based upon City references to overtime during the interview process.
2. In the event the Union files an amended complaint the City shall file its response on or before July 15, 2009.

3. The parties have agreed to meet on June 18, 2009 to discuss all issues in this case, and on or before July 18, 2009 the City has agreed to issue a revised document which will supercede the December 10, 2008 Memorandum.

4. In order to facilitate the parties' efforts to resolve this case, the hearing scheduled for June 18, 2009 is cancelled.

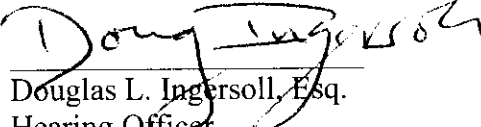
5. The parties shall promptly notify the PELRB in the event all issues in this case are resolved as a result of the anticipated meeting and the City's issuance of a document superceding the December 10, 2009 Memorandum.

6. In the absence of a resolution the Union may, upon a proper filing with the PELRB, proceed with its original complaint, with any amendments, or file a further amendment in order to proceed on the basis of the superceding document scheduled to be issued by the City in July.

7. This case shall be dismissed on September 4, 2009 unless a party files a request for further proceedings before that date.

So ordered.

June 4, 2009.

  
Douglas L. Ingersoll, Esq.  
Hearing Officer

Distribution:  
Karen E. Clemens, Esq.  
Thomas J. Flygare, Esq.