



STATE OF NEW HAMPSHIRE
PUBLIC EMPLOYEE LABOR RELATIONS BOARD

**TEAMSTERS LOCAL 633 OF
NEW HAMPSHIRE**

COMPLAINANT

CASE NO. G-0093-2
DECISION NO. 2009-255

v.

TOWN OF FREMONT

RESPONDENT

PRE-HEARING MEMORANDUM AND ORDER

Date of Conference: November 19, 2009

Appearances: Complainant - Jeff Padellaro, Business Agent
Respondent - John J. Ryan, Esq.

Background:

International Brotherhood of Teamsters, Local 633 of New Hampshire (Union) filed an unfair labor practice complaint against the Town of Fremont (Town) on October 30, 2009. The Union claims that the Town failed to bargain in good faith in violation of RSA 273-A by refusing to respond to the Union's negotiation proposals and by attempting to withdraw recognition of the certified bargaining unit. The Union requests the PELRB to enforce the PELRB's order to negotiate issued on April 17, 2009.

On November 2, 2009 the Town filed an answer denying the charge. The Town asserts that because the number of the employees in the bargaining unit was reduced from 10 to 9, the Town has chosen not to recognize the bargaining unit of 9 employees pursuant to RSA 273-A:8 (d). The Town requests the PELRB to find that the Town has not engaged in an unfair labor practice and to issue a

ruling as to whether the Town has the right not to recognize a bargaining unit of less than 10 employees under RSA 273-A:8 (d).

With the parties' agreement, the pre-hearing conference was conducted over the telephone on November 19, 2009.

DECISION


1. "Parties" means the named complainant and respondent or the counsel/representative appearing in the case.
2. The parties shall prepare and file a statement of stipulated facts no later than **December 7, 2009**.
3. The parties shall amend, exchange, and file their witness and exhibit lists no later than **December 7, 2009**.
4. The parties shall pre-mark any exhibits prior to the time of hearing and have sufficient copies available for distribution at the hearing as required by Pub 203.03.

HEARING

Unless otherwise ordered as a result of the filing of a motion to continue or other motion, the adjudicatory hearing between the parties will be held on **December 15, 2009 at 9:30 AM** at the offices of the Public Employee Labor Relations Board in Concord. The time set aside for this hearing is 2 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 5 days prior** to the date of hearing.

So ordered.

November 20, 2009


Karina A. Mozgovaya, Esq.
Staff Counsel/Hearing Officer

Distribution:
Jeff Padellaro, Business Agent
John J. Ryan, Esq.