



STATE OF NEW HAMPSHIRE
PUBLIC EMPLOYEE LABOR RELATIONS BOARD

International Union of Operating Engineers, Local 98

v.

Town of Pembroke

Case No. G-0039-1

Decision No. 2010-098

PRE-HEARING MEMORANDUM AND ORDER

Date of Conference: May 20, 2010

Appearances: Glenn R. Milner, Esq. for the Complainant
Thomas J. Flygare, Esq. for the Respondent

Background:

The International Union of Operating Engineers, Local 98 (Union) filed an unfair labor practice complaint against the Town of Pembroke (Town) on April 13, 2010 alleging the violations of RSA 273-A:5, I (e), (g), and (h). The Union claims that the Town has breached the parties' Collective Bargaining Agreement (CBA) by unilaterally reducing the maximum merit increase for which an employee is eligible and by failing to fund merit increases. The Union asserts that the parties' CBA does not contain any grievance procedure.

The Union requests that the PELRB find that the Town has committed an unfair labor practice, order the Town to cease and desist its violations of the contracts, and require the parties to negotiate a workable grievance procedure.

The Town filed an answer to the complaint on April 14, 2010. The Town denies the charge of unfair labor practice.

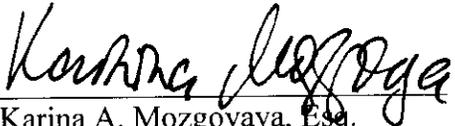
At the pre-hearing conference the parties jointly requested that the case be held in abeyance for 90 days to allow the parties to resolve the dispute through upcoming contractual negotiations.

DECISION

1. "Parties" means the named complainant and respondent or the counsel/representative appearing in the case.
2. The parties' joint motion to hold the case in abeyance is granted.
3. The adjudicatory hearing currently scheduled for May 27, 2010 is hereby cancelled.
4. There shall be no further activity in this matter unless one of the parties submits a filing seeking a hearing or other appropriate relief on or before **August 18, 2010** at which time the request and any responsive filings will be reviewed and a further order will be issued. In the absence of such filings or in the event the parties notify the board that this matter has otherwise resolved, it shall be dismissed.
5. The parties shall immediately notify the board of any settlement.

So ordered.

May 20, 2010


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

Distribution:
Thomas J. Flygare, Esq.
Glenn R. Milner, Esq.