



STATE OF NEW HAMPSHIRE
PUBLIC EMPLOYEE LABOR RELATIONS BOARD

AFSCME Council 93, Local 3657/Milford Police Employees

v.

Town of Milford

Case No. G-0089-3

Decision No. 2010-196

PRE-HEARING MEMORANDUM AND ORDER
(CORRECTED DUE DATE. See paragraph 3 of Decision section)

Date of Conference: October 22, 2010

Appearances: Karen E. Clemens, Esq. for the AFSCME Council 93, Local 3657/Milford Police Employees

Guy Scaife, Town Administrator, for the Town of Milford

Background:

The AFSCME Council 93, Local 3657/Milford Police Employees (AFSCME) filed an unfair labor practice complaint against the Town of Milford (Town) on September 14, 2010. This case arises from the statements made by the Town Administrator regarding an AFSCME's leaflet during a mandatory training meeting at the Milford Police Department attended by union members, bargaining unit members, and other employees of the Department. The AFSCME claims that the Town Administrator's actions were intended to coerce and interfere with the employees' and the union's rights and constitute an unfair labor practice in violation of 273-A:5, I (a), (b), (e), (g), and (i). The AFSCME requests that the PELRB order the Town to cease and desist from such actions, to recognize the AFSCME as the exclusive representative of the bargaining unit members, to post the PELRB's findings for 30 business days, and to reimburse the AFSCME for all costs and expenses incurred to pursue this charge.

The Town denies that it committed an unfair labor practice and claims that the subject statements were made not to interfere with the AFSCME's protected, concerted activity but to defend the Town Administrator's reputation against the allegations contained in the leaflet. The Town requests that the PELRB dismiss the complaint on the grounds that the AFSCME's allegations are unfounded and lack merit.

ISSUES FOR DETERMINATION BY THE BOARD

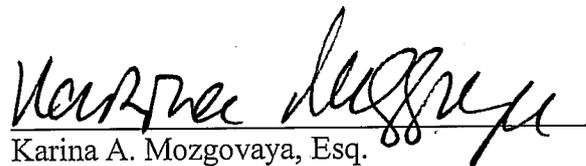
Whether the Town Administrator's statements during the mandatory training meeting at the Milford Police Department constitute an unfair labor practice in violation of RSA 273-A:5, I (a), (b), (e), (g), and (i).

DECISION

1. "Parties" means the AFSCME, the Town, or their counsel/representative appearing in the case. The parties shall simultaneously copy each other electronically on all filings submitted in these proceedings.
2. At the pre-hearing conference, the parties agreed to submit this case on stipulated facts, joint exhibits, and briefs. Accordingly, the adjudicatory hearing currently scheduled for November 3, 2010 is cancelled.
3. The parties shall prepare and file a statement of stipulated facts, joint exhibits, and briefs on or before **November 15, 2010**.

So ordered.

October 22, 2010


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

Distribution:
Guy Scaife, Town Administrator
Karen Clemens, Esq.
Steven Lyons, Staff Representative