



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

**New England Police Benevolent Association, Local 250**

v.

**State of New Hampshire, Department of Corrections**

**Case No. G-0109-5**  
**Decision No. 2011-220**

PRE-HEARING MEMORANDUM AND ORDER

Date of Conference: August 24, 2011

Appearances: Kevin E. Buck, Esq. for the New England Police Benevolent Association Local 250

Lynmarie C. Cusack, Esq. for the State of New Hampshire, Department of Corrections

Background:

The Union filed an unfair labor practice complaint on July 20, 2011 claiming that the State violated RSA 273-A:5, I (b) and (c) when it issued a new Policy and Procedure Directive concerning the appointment of employees to the Safety Committee. The Union claims that the directive interferes with the administration of the Union and discourages membership in the Union. The Union requests that the PELRB find that the State violated RSA-273-A:5, I (b) and (c), order the State to rescind the directive and return to status quo, and order the State to pay costs, including attorney's fees, incurred by the Union.

The State denies the charges and claims that the disputed directive represents a proper exercise of the State's management prerogative. The State also claims that the Union's action is

untimely; that the Union failed to comply with the grievance procedure; and that the Union committed an unfair labor practice by attempting to discriminate against non-union employees.

#### ISSUES FOR DETERMINATION BY THE BOARD

Whether the State violated RSA 273-A:5, I (b) and (c) when it issued a directive concerning appointment of employees to the Safety and Uniform Committees.

#### DECISION


1. "Parties" means the Union, the State, 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 jointly requested the submission of this case on stipulated facts, joint exhibits, and briefs and the cancellation of the adjudicatory hearing currently scheduled for September 8, 2011. The parties' request is granted.

#### HEARING

The adjudicatory hearing currently scheduled for September 8, 2011 is cancelled. The parties shall file stipulated facts, joint exhibits, and opening briefs on or before **October 15, 2011**. The parties shall file reply briefs, if any, on or before **November 1, 2011**.

So ordered.

August 24, 2011

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

Distribution:  
Kevin E. Buck, Esq.  
Lynmarie C. Cusack, Esq.