



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

**State Employees Association of NH, Inc., SEIU Local 1984/  
Chapter 57, Littleton Police Employees**

v.

**Town of Littleton**

**Case No. G-0171-1**

**Decision No. 2011-262**

PRE-HEARING MEMORANDUM AND ORDER

Date of Conference: October 20, 2011<sup>1</sup>

Appearances: Glenn R. Milner, Esq. for the State Employees Association of NH,  
Inc., SEIU Local 1984/Chapter 57, Littleton Police Employees

Maureen L. Pomeroy, Esq. for the Town of Littleton

Background:

This case involves the Union's plan to boycott certain businesses whose owners supported cutting the annual budget of the Police and other Town Departments. The Union claims that the Town committed an unfair labor practice when it conducted internal investigations of bargaining unit employees, questioning them about their union activity and communications, and disciplined the Union President following a complaint by a citizen whose business was among those the Union intended to boycott. The Union argues that the boycott constitutes a protected concerted activity and that the Town's actions violated RSA 273-A:5, I (a), (b), (c), (d), (g), and (h). The Union requests that the PELRB order the Town to make the Union and the bargaining unit employees whole, to destroy all records obtained from the internal

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<sup>1</sup> The parties filed a Joint Pre-Hearing Worksheet on October 17, 2011.

investigations and interrogations, to remove all discipline issued against all bargaining unit employees for participating in boycott, and to cease and desist from violating RSA 273-A.

The Town denies the charges and argues, among other things, that the boycott does not constitute protected Union activity and that it violates Police Department policies and procedure, disrupts Police Department operations, and undermines the public's trust in Police Department and its employees. The Town requests that the PELRB dismiss the complaint.

#### ISSUE FOR DETERMINATION BY THE BOARD

Whether the Town committed an unfair labor practice in violation of RSA 273-A:5, I (a), (b), (c), (d), (g), and (h) when it conducted internal investigations of bargaining unit employees based upon a citizen's complaint regarding a boycott of certain businesses planned by the Union and when it disciplined the Union President for engaging in conduct related to the planned boycott.

#### WITNESSES and EXHIBITS:

As outlined in the parties Joint Pre-Hearing Worksheet. Both parties reserve the right to amend their List of Witnesses and Exhibits in conformity with the schedule contained in the DECISION SECTION appearing at the conclusion of this order or, upon proper showing, later with reasonable notice to the other party. It is understood that each party may rely on the representations of the other party that witnesses appearing on their respective list will be available at the hearing. Copies of all exhibits are to be submitted to the presiding officer in accordance with Pub 203.02. It is understood that each party may rely on the representations of the other party that the exhibits listed above will be available at the hearing.


#### DECISION

1. "Parties" means the Union, 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 Union requested that the currently scheduled adjudicatory hearing be postponed until January, 2012 to allow the parties to resolve the dispute. The Town did not object to the request. The Union's request is granted. The adjudicatory hearing scheduled for November 1, 2011 is hereby cancelled. 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 **January 30, 2012** at which time the request and any responsive filings will be reviewed and a further order will be issued. In the absence of such filing or in the event the parties notify the board that this matter has otherwise resolved, this case shall be dismissed. The parties shall immediately notify the board of any settlement.

So ordered.

October 20, 2011

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

Distribution:  
Glenn R. Milner, Esq.  
Maureen L. Pomeroy, Esq.