



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

**State Employees' Association of New Hampshire, Inc.,  
SEIU Local 1984**

**v.**

**State of New Hampshire, Liquor Commission**

**Case No. G-0202-1  
Decision No. 2013-005**

**PRE-HEARING MEMORANDUM AND ORDER**

Date of Conference: January 3, 2013

Appearances: Richard E. Molan, Esq. for the Complainant

Rosemary Wiant, Esq. for the Respondent

**Background:**

On December 6, 2012 the Association filed an unfair labor practice complaint claiming that the State violated RSA 273-A:5, I when it refused to recognize the Association as the exclusive representative of part time employees of the Liquor Commission. The Association requests that the PELRB find that the State committed an unfair labor practice and order the state to cease and desist from engaging in unfair labor practice and to recognize the Association as the exclusive representative of part time employees of the Liquor Commission.

The State denies the charge and asserts that part time employees working at the Liquor Commission's stores are irregularly scheduled employees and, therefore, are not public

employees within the meaning of RSA 273-A:1, IX and are not covered by the collective bargaining agreement between the State and the Association.

#### ISSUES FOR DETERMINATION BY THE BOARD

Whether part time employees of the Liquor Commission are public employees within the meaning of RSA 273-A:1, IX and are represented by the Association.

#### WITNESSES and EXHIBITS:

As outlined in the parties' Joint Pre-Hearing Worksheet. Both parties reserve the right to amend their lists 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 and exhibits appearing on their respective lists will be available at the hearing.

#### DECISION

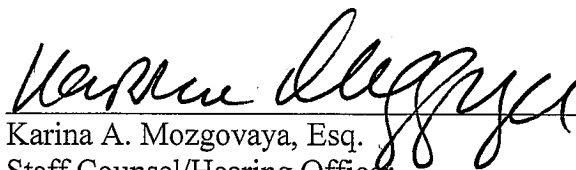
1. "Parties" means the Association, the State or their counsel/representative appearing in the case. The parties shall simultaneously copy each other electronically on all filings submitted in these proceedings.
2. The parties shall file their final witness and exhibit lists and a statement of stipulated facts no later than **January 10, 2013**.
3. The parties shall pre-mark exhibits by placing identifying markers in the upper right corner of each exhibit, if possible. To facilitate access to a particular exhibit, the parties shall use tabs to separate exhibits.

**HEARING**

Unless otherwise ordered as a result of the filing of any subsequent motion, the adjudicatory hearing in this case will be held on **January 16, 2013 at 9:00 a.m.** at the offices of the PELRB in Concord. The time set aside for this hearing is 3 hours.

So ordered.

January 3, 2013

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

Distribution:

Richard E. Molan, Esq.  
Rosemary Wiant, Esq.  
Robert F. Berry, Jr., Esq.