



STATE OF NEW HAMPSHIRE
PUBLIC EMPLOYEE LABOR RELATIONS BOARD

New England Police Benevolent Association

v.

Strafford County Sheriff's Office

Case No. G-0196-2
Decision No. 2013-021

PRE-HEARING MEMORANDUM AND ORDER

Date of Conference: January 23, 2013

Appearances: Kevin E. Buck, Esq., for the Complainant

Gary Wulf, Labor Relations Consultant, for the Respondent

Background:

On November 19, 2012 the Association filed an unfair labor practice complaint claiming that the County violated RSA 273-A:5, I (a), (b), (c), & (g) when it changed terms and conditions of Deputies' employment during the pendency of the Association's July 13, 2012 petition for certification. The Association alleges, among other things, that after it petitioned to be certified as an exclusive representative of certain employees of the County Sheriff's Office, including Deputies, the County unilaterally changed the manner in which it compensated its Deputies for overtime and details and changed the work schedule of two Deputies. The Association requests that the PELRB order the County to cease and desist from violating RSA 273-A:5, I, to return to the status quo that existed prior to July 13, 2012, and to pay costs and attorney's fees incurred by the Association.

The County denies the charges and asserts that it was ordered to change the manner in which it compensated employees for overtime by the U.S. Department of Labor and that the County has a managerial prerogative to unilaterally change employees' work schedule.

ISSUES FOR DETERMINATION BY THE BOARD

Whether the County violated RSA 273-A:5, I (a), (b), (c), and/or (g) as charged 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 County 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 Association withdrew a portion of its complaint related to the claim that the County unilaterally changed the manner in which it implemented the "call schedule." See paragraph 9 of the Association's Complaint/Details of the Charges.
3. The parties shall file their final witness and exhibit lists and a statement of stipulated facts no later than **January 28, 2013**.

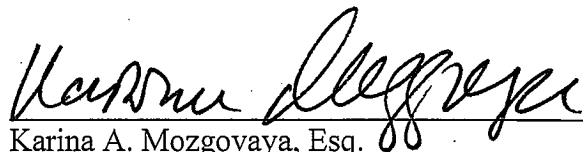
4. The requirement that the parties file copies of proposed exhibits prior to the date of adjudicatory hearing is suspended. The parties shall not file, either electronically or via mail, proposed exhibits prior to the day of hearing. The parties shall pre-mark each exhibit by placing identifying markers in the upper right corner of each exhibit, if possible, and bring an original and five (5) copies of each exhibit to the hearing. 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 31, 2013 at 9:00 a.m.** at the offices of the PELRB in Concord. The time set aside for this hearing is 4 hours.

So ordered.

January 23, 2013


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

Distribution:
Kevin E. Buck, Esq.
Gary Wulf, Labor Relations Consultant