



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

**Concord Police Patrolmen's Association**

v.

**City of Concord**

**Case No. G-0127-2**  
**Decision No. 2013-052**

**PRE-HEARING MEMORANDUM AND ORDER**

Date of Conference: April 10, 2013

Appearances: John S. Krupski, Esq. for the Complainant

Danielle L. Pacik, Esq. for the Respondent

**Background:**

On March 13, 2013 the Union filed an unfair labor practice complaint claiming that the City violated RSA 273-A:5, I (a), (b), (g), and (i). The Union alleges that, in a course of an investigation of an incident involving Officer Levasseur, the City interviewed Officer Haglund as a witness to the incident; and that the City informed Officer Haglund that he was not entitled to Union representation at the interview and ordered him not to speak to anyone about the incident or the investigation. The Union claims that the City's actions precluded Officer Haglund from speaking with the Union representative, who was investigating allegations against Officer Levasseur, thereby violating Officer Haglund's and Officer Lavasseur's rights to Union representation and interfering with the administration of the Union. The Union requests, among other things, that the PELRB order the City to cease and desist from violating RSA 273-A.

The City denies the charges and requests that the PELRB dismiss the complaint.

#### ISSUES FOR DETERMINATION BY THE BOARD

Whether the City violated RSA 273-A:5, I (a), (b), (g), and (i) as charged by the Union.

#### 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. 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.

#### DECISION

1. "Parties" means the Union, the City 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 moved to continue the adjudicatory hearing currently scheduled for April 30, 2013. The City assented to this motion. Accordingly, the Union's motion to continue is granted and the hearing is cancelled. A date for the adjudicatory hearing shall be established by a subsequent order/notice. The parties shall

provide at least two alternative hearing dates on or before **April 24, 2013**. See Pub 201.08 (a) (5).

3. The parties shall file their final witness and exhibit lists and a statement of stipulated facts no later than 10 days prior to the date of hearing.

So ordered.

April 10, 2013



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

Distribution:

John S. Krupski, Esq.  
Danielle L. Pacik, Esq.  
James Kennedy, Esq.