



STATE OF NEW HAMPSHIRE
PUBLIC EMPLOYEE LABOR RELATIONS BOARD

AFSCME, Council 93

v.

Town of Hollis

Case No. G-0183-2
Decision No. 2013-069

PRE-HEARING MEMORANDUM AND ORDER

Date of Conference: May 15, 2013

Appearances: Karen E. Clemens, Esq. for the Complainant
Thomas M. Closson, Esq. for the Respondent

Background:

On April 17, 2013 the Union filed an unfair labor practice complaint claiming that the Town violated RSA 273-A:5, I (b), (e), (g), and (i) when it unilaterally changed wages and hours for certain bargaining unit positions while the parties negotiated their first collective bargaining agreement. The Union asserts that the Town failed to maintain "status quo" and dealt directly with bargaining unit employees, thereby breaching its duty to negotiate in good faith, among other things. The Union request that the PELRB order the Town (1) to cease and desist from violating RSA 273-A, (2) to recognize the Union as the exclusive representative of the affected employees, (3) to bargain in good faith with the Union over terms and conditions of employment for all bargaining unit positions, (4) to publicly post the PELRB decision for 30 days, and (5) to make the Union whole for all costs and expenses incurred to pursue the charge.

The Town denies the charges and asserts that its actions were consistent with “managerial policy within the exclusive prerogative of the public employer” under RSA 273-A:1, XI and with the Town’s existing “Personnel Policy.”

ISSUES FOR DETERMINATION BY THE BOARD

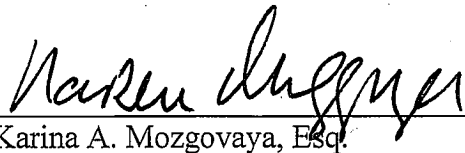
Whether the Town violated RSA 273-A:5, I (b), (e), (g), and/or (i) as charged by the Union.

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 parties jointly moved to submit this case on stipulated facts, joint exhibits, and briefs on the ground that there are no material and relevant facts in dispute. The parties’ motion is granted. See Pub 201.06 (a) and Pub 203.05 (b). Accordingly, the adjudicatory hearing currently scheduled for May 30, 2013 is cancelled. The parties shall file a statement of stipulated facts, joint exhibits, and opening briefs no later than June 20, 2013. Reply briefs, if any, shall be filed no later than June 30, 2013.

So ordered.

May 15, 2013



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

Distribution:
Karen E. Clemens, Esq.
Thomas M. Closson, Esq.