



STATE OF NEW HAMPSHIRE
PUBLIC EMPLOYEE LABOR RELATIONS BOARD

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

v.

State of New Hampshire

**Case No. G-0115-7
Decision No. 2013-231**

Order

In this case the SEA complains, in substance, about an overtime provision in the recently negotiated collective bargaining agreement between the State and the Teamsters Local 633 which allegedly interferes with or invalidates the overtime provision in the SEA's collective bargaining agreement with the State.¹ The SEA claims that in negotiating and including the disputed provision in the Teamsters Local 633 contract the State has committed an unfair labor practice. The SEA requests that the PELRB issue a cease and desist order. A pre-hearing conference has been held, and on November 4, 2013 the parties filed a proposed schedule for submitting the case on briefs. That proposed schedule is currently under review.

The Teamsters' Local 633 is not a named party in these proceedings and has not been formally notified by the PELRB of the pendency of this complaint. The undersigned is not satisfied that the Teamsters Local 633 has otherwise received sufficient notice of the pendency of these proceedings. Because the validity and enforceability of at least a portion of the Teamsters

¹ Both the SEA and the Teamsters represent Department of Corrections' bargaining units. The SEA is the exclusive representative of Corrections Officer Captains, Correction Officer Lieutenants, and Corrections Officer Sergeants (per PELRB Certification Decision 2010-004). The Teamsters Local 633 is the exclusive representative of Corrections Officers and Corrections Officer Corporals (per PELRB Certification Decision 2012-226).

Local 633 contract may be at issue in these proceedings, because at the very least this case may require an interpretation of the overtime provision in the Teamsters Local 633 contract and consideration of the interrelationship between the Teamsters Local 633 Department of Correction collective bargaining agreement and the SEA's Department of Corrections collective bargaining agreement, and because a proper adjudication of this dispute may require the inclusion of the Teamsters Local 633 in these proceedings, this case shall proceed as follows:

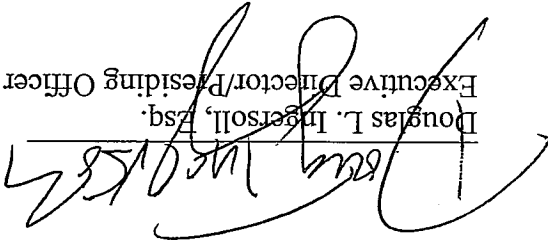
1. The PELRB will formally notify the Teamsters Local 633 of the pendency of this case by forwarding a copy of this order by electronic mail to the Teamsters' Local 633 business agent assigned to the Department of Corrections Unit per the PERLB certification and by providing a copy of this order by electronic mail to the Teamsters Local 633 office in Manchester and to counsel for Teamsters Local 633.

2. The Teamsters Local 633 shall have ten days from receipt of such notice to file a request to intervene. Both the State and the SEA shall have ten days from the filing of any such request to intervene to file a reply or objection, if any. A further order will then issue as appropriate and necessary.

3. Formal action on the State and SEA's proposed briefing schedule is deferred at this time.

So ordered.

November 5, 2013



Douglas L. Ingersoll, Esq.
Executive Director/Presiding Officer

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