



STATE OF NEW HAMPSHIRE
PUBLIC EMPLOYEE LABOR RELATIONS BOARD

Seabrook Police Association, NEPBA Local 36

v.

Town of Seabrook

Case No. G-0220-2
Decision No. 2015-076

PRE-HEARING MEMORANDUM AND ORDER

Date of Conference: April 29, 2015

Appearances: Peter J. Perroni, Esq., for the Complainant

J. Joseph McKittrick, Esq., for the Respondent

Background:

On March 30, 2015, the Seabrook Police Association, NEPBA Local 36 (Union) filed an unfair labor practice complaint claiming that the Town of Seabrook (Town) violated RSA 273-A:5, I (a), (b), (e) and (g) when it refused to produce certain documents the Union claims are necessary to prosecute a grievance on behalf of a terminated bargaining unit employee. The Union claims that the requested information is necessary for the Union "to fulfill its statutory obligation to represent bargaining-unit employees." The Union requests that the PELRB order the Town to provide requested information and to pay the Union "all costs associated with its failure to bargain in good faith."

The Town denies the charges and asserts, among other things, that the PELRB does not have jurisdiction over the Union's claims because the Union's request for documents is "discovery" to prepare for an arbitration of the terminated employee's grievance, for which the

hearing has already been scheduled, and, therefore, "any discovery is subject to the approval and order of the arbitrator not the PELRB." The Town requests that the PELRB dismiss the complaint; and it filed a motion to dismiss for lack of jurisdiction.

ISSUES FOR DETERMINATION BY THE BOARD


1. Whether the PELRB has jurisdiction over the Union's claims.
2. Whether the Town violated RSA 273-A:5, I (a), (b), (e) and/or (g) 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 requested leave to submit this case on stipulated facts, joint exhibits, and briefs. The parties' request is granted. Accordingly, the adjudicatory hearing currently scheduled for May 14, 2015 is cancelled. The parties shall file a proposed schedule for submission of stipulated facts, joint exhibits, and briefs no later than **May 6, 2015**.
3. At the pre-hearing conference, the Union orally objected to the Town's motion to dismiss and indicated that it will develop supporting arguments for its objection in its brief, to which the Town did not object.

So ordered.

April 29, 2015


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

Distribution: Peter J. Perroni, Esq.
J. Joseph McKittrick, Esq.