



STATE OF NEW HAMPSHIRE
PUBLIC EMPLOYEE LABOR RELATIONS BOARD

United Steelworkers of America

v.

Manchester Water Works

Case No. G-0058-25
Decision No. 2015-130

Pre-Hearing Memorandum and Order

Date of Conference: June 16, 2015

Appearances: Vincent A. Wenners, Esq., for the Complainant

Thomas Arnold, III, Esq., for the Respondent

Background:

On April 8, 2015, the United Steelworkers of America (Union) filed an unfair labor practice complaint alleging that the City of Manchester Water Works (City) violated RSA 273-A:5, I (a), (c), (g), (h), and (i) when it refused to "effect the remedy ordered by the arbitrator." The Union alleges that it filed a grievance under the collective bargaining agreement on the ground that the City overpaid certain bargaining unit employees. According to the Union, the arbitrator ordered the City to "make a good faith effort to secure reimbursement from ... three employees for the overpayments in the amounts that have been determined by David Paris, Director of the Manchester Water Works." The Union claims that, although the City collected the owed amounts from two employees, it failed to determine the correct amount to be reimbursed and to make a good faith effort to secure reimbursement from the third employee.

The Union requests that the PELRB order the City to carry out the order of the arbitrator and to pay the Union's costs and attorney's fees for this action.

The City denies the charges and asserts, among other things, that it made a good faith effort to collect the amount owed to the City from the third employee who is no longer employed by the City. The City requests that the PELRB deny and dismiss the complaint with prejudice.

ISSUES FOR DETERMINATION BY THE BOARD

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

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. The parties shall file a Joint Pre-Hearing Worksheet no later than **June 23, 2015**. The Worksheet shall contain all information required under Pub 202.01 (c).
3. The parties shall file a joint statement of stipulated facts and their final witness and exhibit lists no later than **July 20, 2015**. 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.
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.
5. 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

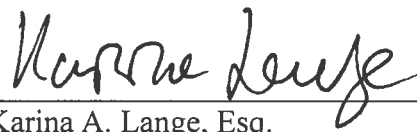
exhibit to the hearing. To facilitate access to a particular exhibit, the parties shall use tabs to separate exhibits.

HEARING

Unless otherwise ordered as a result of the filing of any subsequent motion, the adjudicatory hearing in this case will be held on **July 29, 2015, at 8:30 a.m.** at the offices of the PELRB in Concord. The time set aside for this hearing is one hour. If either party believes that additional time is required, a written notice of the need for additional time shall be filed with the PELRB at least 10 days prior to the date of hearing.

So ordered.

June 17, 2015



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

Distribution: Vincent A. Widders, Esq.
Thomas Arnold, III, Esq.