



STATE OF NEW HAMPSHIRE
Public Employee Labor Relations Board

**Teamsters Local 633 of New Hampshire,
Manchester Police Department Support Staff**

v.

City of Manchester

**Case No. G-0187-9
Decision No. 2015-194**

Pre-Hearing Memorandum and Order

Date of Conference: August 19, 2015

Appearances: William R. Cahill, Jr., Esq. and Kevin P. Foley, Business Agent
for the Complainant

Thomas I. Arnold, III, Esq., for the Respondent

Background:

On July 22, 2015, the Teamsters Local 633 of New Hampshire, Manchester Police Department Support Staff (Union) filed an unfair labor practice complaint alleging that the City of Manchester (City) violated RSA 273-A:5, I (e) when it failed to submit cost items contained in the parties' June 22, 2015 Tentative Agreement to the legislative body as required under RSA 273-A:3. The Union also asserts that the City failed to bargain in good faith when it asked the Union to restart contact negotiations prior to taking a vote on an existing Tentative Agreement. The Union requests that the PELRB order the City to "follow the law and negotiate in good faith."

The City denies the charges and asserts that it did not violate RSA 273-A:3 because the City negotiating team presented the Tentative Agreement with all associated cost items to the Board of Mayor and Aldermen (Board) on July 7, 2015 and, on August 4, 2015, the Board voted to reject the Tentative Agreement. 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 (e) 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 Pub 203.01. 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.

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 City moved to continue the adjudicatory hearing currently scheduled for September 2, 2015 to allow the parties additional time to resolve the dispute in this case. The Union assented to this motion. The parties proposed the following alternative hearing dates: October 13, 2015 and October 20, 2015. The City's assented to motion to continue the adjudicatory hearing is granted. Accordingly, the hearing scheduled for September 2, 2015 is cancelled. A new hearing date will be set forth in a subsequent rescheduling notice.

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

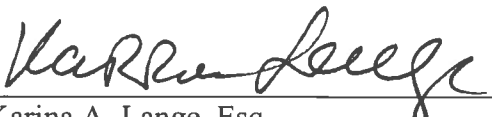
HEARING

The hearing date shall be established in a subsequent notice of rescheduled hearing. The time set aside for this hearing is 3 hours. 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.

Date:

8-13-2015



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

Distribution: Kevin P. Foley, Business Agent
Thomas I. Arnold, III, Esq.
William R. Cahill, Jr., Esq.