



State of New Hampshire
Public Employee Labor Relations Board

United Steelworkers of America

v.

Manchester Water Works

Case No. G-0058-27

Decision No. 2015-253

Pre-Hearing Memorandum and Order

Date of Conference: December 4, 2015

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

Thomas Arnold, III, Esq., for the Respondent

Background:

On November 3, 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), (b), (c), (e), (g), and (h) when it refused to provide the information the Union requested in connection with a prosecution of a grievance. The Union alleges that it filed a grievance concerning the City's denial of a promotion on the basis of a bargaining unit employee's absentee record; that it requested, among other things, the attendance records for every employee who was promoted or denied promotion within the last five years; that it needs this information in order to complete its investigation of the matter prior to requesting a grievance arbitration; and that the City refused to provide the requested information. The Union requests that the PELRB order the City to provide the Union with the information it requested.

The City denies the charges and asserts, among other things, that the Union's request for information is overly broad and burdensome; and that the PELRB lacks jurisdiction over the complaint because the dispute in the case is subject to the contractual grievance procedure culminating in final and binding arbitration. The City requests that the PELRB deny and dismiss the complaint.

ISSUES FOR DETERMINATION BY THE BOARD

1. Whether the PELRB has jurisdiction over the Union's claims.
2. Whether the City violated RSA 273-A:5, I (a), (b), (c), (e), (g), and/or (h) 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 **December 7, 2015**. The Worksheet shall contain all information required under Pub 202.01 (c), including lists of witnesses and exhibits and a statement of uncontested facts.
3. As discussed at the pre-hearing conference, the parties shall file a request, if any, to submit this case on stipulated facts, exhibits, and brief no later than **December 10, 2015**. Such request shall contain a proposed schedule for submission of stipulated facts, exhibits, opening briefs, and reply briefs, if any.
4. The parties shall file a joint statement of stipulated facts and their final witness and exhibit lists, if any, no later than **December 14, 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.

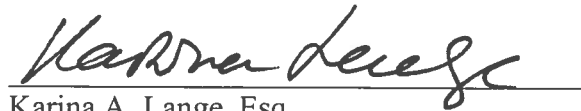
5. The requirement that the parties file copies of proposed exhibits prior to the date of adjudicatory hearing is suspended. The parties shall not file, either electronically or via mail, proposed exhibits prior to the day of hearing.
6. The parties shall pre-mark each exhibit by placing identifying 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 **December 17, 2015, at 8:30 a.m.** at the offices of the PELRB in Concord. The time set aside for this hearing is two 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: 12/4/15


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

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