



STATE OF NEW HAMPSHIRE
Public Employee Labor Relations Board

Concord Police Patrolmen's Association

v.

City of Concord

Case No. G-0127-4
Decision No. 2016-112

Pre-Hearing Memorandum and Order

Date of Conference: May 31, 2016

Appearances: John S. Krupski, Esq., for the Complainant

James W. Kennedy, Esq. and Thomas M. Closson, Esq. for the Respondent

Background:

On April 4, 2016, the Concord Police Patrolmen's Association (Union) filed an unfair labor practice complaint alleging that City of Concord (City) violated RSA 273-A:5, I (b) and (c) when it interfered with the administration of the Union and discriminated against a Union steward by giving him a substandard performance evaluation in retaliation for his criticism of some of the Police Department policies. The Union requests that the PELRB order the City to cease and desist from any further violations and to make the affected employee whole.

The City denies the charges and asserts, among other things, that the performance evaluation in question was justified and was issued without regard to the employee's status as a Union steward; that the subject employee had been issued substandard evaluations in the past,

before he became a Union steward; and that the Union does not have any evidence that the City discriminated against the employee in retaliation for his Union activity. The City also filed a motion to dismiss arguing that the Union's complaint is without merit. The City requests that the PELRB dismiss the complaint and grant the City Attorney's fees and costs.

Issues for Determination by the Board

Whether the City violated RSA 273-A:5, I (b) and/or (c) 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 objection to the City's motion to dismiss shall be filed no later than **June 13, 2016**. See Pub 203.04 (d).
3. The parties shall file a joint statement of stipulated facts and their final witness and exhibit lists no later than **June 6, 2016**. 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. 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 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 **June 14, 2016, at 8:30 a.m.**, at the offices of the PELRB in Concord. The time set aside for this hearing is five 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 ten days prior to the date of hearing.

So ordered.

Date: 5/31/16



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

Distribution: John S. Krupski, Esq.
James W. Kennedy, Esq., City Solicitor
Thomas M. Closson, Esq.