



STATE OF NEW HAMPSHIRE
Public Employee Labor Relations Board

AFSCME Local 3657, Hillsborough County Sheriff's Office

v.

Hillsborough County

Case No. G-0012-20
Decision No. 2016-181

Pre-Hearing Memorandum and Order

Date of Conference: August 5, 2016

Appearances: Meghan Ventrella, Esq., for the Complainant
Carolyn Kirby, Esq., for the Respondent

Background:

On July 14, 2016, the AFSCME Local 3657, Hillsborough County Sheriff's Office (Union) filed an unfair labor practice complaint alleging that the Hillsborough County (County) violated RSA 273-A:5, I (a), (b), (e), (g), and (h) when it unilaterally implemented the fact-finder' report after the Union had rejected it. The Union requests, among other things, that the PELRB order the County to cease and desist from interfering with the employees in the exercise of their rights under RSA 273-A, to bargain in good faith, to publicly post the findings of the PELRB for 30 business days, and to make the Union whole for all costs and expenses incurred to pursue the unfair labor practice charge.

The County denies the charges and asserts, among other things, that the County's legislative body voted to accept the fact-finder's recommendations as to the cost items only and

that the County acted in accordance with RSA 273-A:12, III (a). The County requests that the PELRB dismiss the charges or, in the event the PELRB “orders the County to cease implementation of cost items approved by the legislative body pursuant to RSA 273-A:12, require the bargaining union members to repay any and all increases associated with the fact-finder’s report.”

Issues for Determination by the Board

Whether the County violated RSA 273-A:5, I (a), (b), (e), (g), and/or (h) 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 County 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 statement of stipulated facts and their final witness and exhibit lists no later than **August 26, 2016**.
3. 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 **August 29, 2016, at 8:30 a.m.**, at the offices of the PELRB in Concord. The time set aside for this hearing is four 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: 8/5/2016


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

Distribution: Meghan Ventrella, Esq.
Carolyn Kirby, Esq.