



STATE OF NEW HAMPSHIRE
Public Employee Labor Relations Board

SEA/SEIU Local 1984

v.

Community College System of New Hampshire (Adjunct Faculty)

Case No. G-0154-3
Decision No. 2016-202

Pre-Hearing Memorandum and Order

Date of Conference: September 19, 2016

Appearances: John S. Krupski, Esq., for the Complainant
Joseph P. McConnell, Esq., for the Respondent

Background:

On August 18, 2016, the SEA/SEIU Local 1984 (Union) filed an unfair labor practice complaint alleging that the Community College System of New Hampshire (CCSNH) violated RSA 273-A:3, RSA 273-A:5, I (a), (e), (f), and (g), and RSA 273-A:11, (II) when it refused to negotiate with the Union over terms and conditions of employment for the summer semester and over compensation for tutoring work; and when it refused a Union negotiating team member's request to be relieved from tutoring duties without loss of compensation to attend a contract mediation session. The Union also claims that the CCSNH, in response to the Union's request to allow the negotiating team member to attend the contract mediation without loss of pay, shut down/ "locked out" the tutoring center, thereby depriving bargaining unit members of their rights under the statute. The Union requests, among other things, that the PELRB order the CCSNH to

cease and desist from refusing to negotiate in good faith; order the CCSNH to negotiate with the Union over summer semester terms and conditions of employment and over “wages for tutoring, training, and any forms of work outside of classroom lecturing”; and order the CCSNH to compensate the bargaining unit member for four hours of tutoring missed as a result of attendance at the mediation.

The CCSNH denies the charges and asserts, among other things, that (1) it acted within its managerial rights; (2) the tutoring work and summer semester work are outside the scope of bargaining unit work; (3) the Union “waived its right to bargain by inaction”; (4) the CCSNH satisfied its obligations by bargaining with the Union to resolution or impasse of the underlying matters; (5) “the collective bargaining agreement between the parties does not restrict the actions taken by the CCSNH”; and (6) the Union failed to state a claim upon which relief can be granted.

Issues for Determination by the Board

Whether the CCSNH violated RSA 273-A:3, RSA 273-A:5, I (a), (e), (f), and (g), and/or RSA 273-A:11, (II) 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 CCSNH or their counsel/representative appearing in the case. The parties shall simultaneously copy each other electronically on all filings submitted in these proceedings.

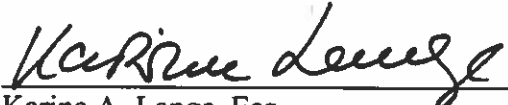
2. The parties shall file a joint statement of stipulated facts and their final witness and exhibit lists no later than **September 26, 2016**.
3. The requirement that the parties file copies of proposed exhibits prior to the date of adjudicatory hearing is suspended. The parties shall not file, either 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 **October 3, 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: 9/19/16



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

Distribution: John S. Krupski, Esq.
Joseph P. McConnell, Esq.