



STATE OF NEW HAMPSHIRE
Public Employee Labor Relations Board

United Steelworkers of America

v.

City of Manchester Department of Water Works

Case No. G-0058-30
Decision No. 2017-023

Pre-Hearing Memorandum and Order

Date of Conference: February 14, 2017

Appearances: Vincent A. Wenners, Jr., Esq., for the Complainant
Thomas Arnold, III, Esq., for the Respondent

Background:

On January 17, 2017, the United Steelworkers of America (Union) filed an unfair labor practice complaint alleging that the City of Manchester Department of Water Works (City) violated RSA 273-A:5, I when it refused to provide a weekly report concerning employees' hours worked and leave usage requested by the Union. The Union asserts that the City's refusal constitutes a "domination of or interference in the administration of the Union's proper business." The Union requests that the PELRB order the City to provide the Union with a copy of or access to the requested reports.

The City denies the charge and asserts, among other things, that it is prohibited from providing sick leave usage information under the Health Insurance Portability and

Accountability Act (HIPAA) and that the PELRB is “without jurisdiction to interpret and apply the provisions of HIPAA.” The City requests that the PELRB dismiss the complaint.

Issues for Determination by the Board

Whether the City violated RSA 273-A:5, I 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 appeared for a pre-hearing conference on February 14, 2017 and jointly informed the PELRB that they are in the process of settling the dispute in this case but need additional time to finalize the settlement agreement. The parties did not request cancellation of the adjudicatory hearing scheduled for February 28, 2017, however, the Union indicated that it intends to withdraw the complaint within next three days. Accordingly, the adjudicatory hearing shall be held as previously scheduled unless a party submits a withdrawal of complaint or other appropriate filing prior to the date of hearing. The parties shall promptly inform the PELRB of any resolution of this matter.
3. The parties shall file a joint statement of stipulated facts and their witness and exhibit lists no later than **February 21, 2017**.
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 **February 28, 2017, at 8:30 a.m.**, at the offices of the PELRB in Concord. The time set aside for this hearing is 2 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: 2/14/2017


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

Distribution: Vincent A. Widders, Jr., Esq.
Thomas Arnold, III, Esq.