



STATE OF NEW HAMPSHIRE
Public Employee Labor Relations Board

Portsmouth Police Patrolmen's Union, NEPBA Local 11

v.

City of Portsmouth

Case No. G-0147-2

Decision No. 2017-092

Pre-Hearing Memorandum and Order

Date of Conference: May 22, 2017

Appearances: Peter J. Perroni, Esq., for the Complainant

Thomas M. Closson, Esq., for the Respondent

Background:

On April 21, 2017, the Portsmouth Police Patrolmen's Union, NEPBA Local 11 (Union) filed an unfair labor practice complaint alleging that the City of Portsmouth (City) violated RSA 273-A:5, I (a), (g), (h), and (i) when it unilaterally established a quota system for summons and other performance benchmarks to be used within the newly adopted contractual evaluation procedure. The Union asserts, among other things, that the establishment of a quota system is a mandatory subject of bargaining. The Union requests that the PELRB order the City "to cease and desist from its conduct and to bargain with the Union regarding the substance and impacts of any policy requiring that productivity be measured by established quotas or benchmarks."

The City denies the charges and asserts, among other things, that it has the exclusive management right to measure and evaluate the productivity of its employees.

Issues for Determination by the Board

Whether the City violated RSA 273-A:5, I (a), (g), (h), and/or (i) 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 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. At the pre-hearing conference, the parties jointly requested the continuance of proceedings in this case to allow the parties additional time to resolve the dispute. The parties request is granted. Accordingly, the adjudicatory hearing scheduled for June 5, 2017 is cancelled. There shall be no further proceedings in this case until July 5, 2017 at which time this case shall be dismissed unless one of the parties files a request for a hearing or other appropriate relief on or before July 5, 2017. The parties shall promptly inform the PELRB of any resolution of this case in the interim.

So ordered.

Date: 5/22/2017


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

Distribution: Peter J. Perroni, Esq.
Thomas M. Closson, Esq.