

**STATE OF NEW HAMPSHIRE**  
**DEPARTMENT OF LABOR**  
**CONCORD, NEW HAMPSHIRE**

**V**

**ROCKINGHAM COUNTY**

**PRE-HEARING CONFERENCE**

**DECISION OF THE HEARING OFFICER**

**Appearances:** Leslie Nixon Esq., Attorney for the Claimant  
Elizabeth A. Bailey Esq., Attorney for the Employer

**Nature of Dispute:** Jurisdictional Claim

**Employer:** Rockingham County, 119 North Road, Brentwood, NH 03833

**Date of Hearing:** July 8, 2014

**Case No.** 47978

**BACKGROUND AND STATEMENT OF THE ISSUES**

A Wage Claim was filed with the Department of Labor on April 23, 2014. The claimant made five separate Wage Claims dealing with the timeliness of wages being paid and the longevity payments. The claimant is seeking liquidated damages in all of the Wage Claims.

Based on the questions raised by the filings, the parties agreed to a Pre-hearing Conference to straighten out the Wage Claims and the requests made in the claims.

The claimant provided testimony that he retired from the County on April 1, 2014. The bargaining unit was certified by the Public Employees' Labor Relations Board on August 11, 2013. The negotiations commenced and the Contract was funded on March 24, 2014.

The County maintains that the issues contained in the Wage Claim predate the bargaining unit. The claimant should have appealed them under the old rules. Once there was a certification of the Unit, the employer was obligated to continue all conditions of employment until the successor agreement was in place.

**FINDINGS OF FACT**

A review of the positions of the parties, leads this Hearing Officer to find that the Wage Claim is not in the proper forum. The issue of longevity is a subject of bargaining and the rules should be part of the new contract if none of the language has changed.

The claimant must exhaust his appeal process under the Collective Bargaining Agreement. The Wage Claim forum cannot interpret the meaning of the language in the Collective Bargaining Agreement. That Agreement was reached by the parties and was signed as both sides agreed to the intent of the language.

The Wage Claim process is not the proper forum for this claim.

**DECISION AND ORDER**

The claimant is in the wrong forum and must exhaust his remedies under the negotiated provisions of the Collective Bargaining Agreement.

/s/

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Thomas F. Hardiman  
Hearing Officer

Date of Decision: July 28, 2014

Original: Claimant  
cc: Employer  
Claimant Attorney  
Employer Attorney

TFH/cag