



## State of New Hampshire

PUBLIC EMPLOYEE LABOR RELATIONS BOARD

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TEAMSTERS LOCAL 633 OF  
NEW HAMPSHIRE (ROCKINGHAM  
RACE TRACK EMPLOYEES)

Complainant

v.

NOVELTY AND PRODUCTION WORKERS,  
LOCAL 10

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CASE NO. M-0686:4

DECISION NO. 94-61

### APPEARANCES

#### Representing Teamsters Local 633:

Steven Lynch, Esq.

#### Representing Novelty and Production Workers:

None

#### Also appearing:

Clyde D. Miner - pro se  
Thomas Noonan, Teamsters Local 633

### BACKGROUND

Teamsters Local 633 of New Hampshire (Teamsters) filed unfair labor practice (ULP) charges alleging violations of RSA 273-C:6 II (a), (b) and (g) against the Novelty and Production Workers, Local 10 (Local 10) on March 21, 1994. Local 10 filed an answer on April 13, 1994 after which this matter was heard by the PELRB on May 31, 1994. Notwithstanding its filing of an answer, Local 10 did not appear at the May 31, 1994 hearing. C. D. Miner did appear at that hearing because he was a named respondent and was advised on the date of hearing that Local 10 would not be appearing through counsel or otherwise.

FINDINGS OF FACT

1. Teamsters Local 633 of New Hampshire is the duly certified bargaining agent for certain employees of Rockingham Race Track in Salem, New Hampshire, having been accorded that status as the result of a bargaining agent election held on November 3, 1993 in which they, Local 10 and the alternative of "No Representative" appeared on the ballot.
2. Local 10 had formerly acted as a representative of certain employees at the Rockingham Race Track; however, it had never been accorded certified bargaining agent status by the PELRB nor "grandfathered" under RSA 273-C:9. PELRB Decision No. 93-121 dated October 6, 1993.
3. In the course of the organizational campaign, certain unfair labor charges were filed by the Teamsters against Local 10 (Case Nos. M-0686, :1, :2 and :3). These cases were disposed of through agreement of the parties as evidenced by Decision No. 93-148 issued on November 16, 1993. Part of that agreement included Local 10's commitment that neither it nor any party acting on its behalf would challenge the PELRB's certification of the Teamsters as issued on November 3, 1993.
4. After being certified as bargaining agent, the Teamsters commenced negotiations for a collective bargaining agreement (CBA) with management at Rockingham Venture. On or about March 5, 1994, employees represented by the Teamsters rejected a contract package with Rockingham Venture. In April of 1994, those same employees accepted the latest offer and a CBA was finalized, a copy being filed with PELRB in accordance with RSA 273-C:14. That CBA is effective through January 31, 1998.
5. During the course of the foregoing negotiations and prior to contract ratification, one or more individuals who were agents for or acting on behalf of Local 10 circulated a petition or other document(s) seeking signatures of employees in the bargaining unit represented by the Teamsters for the purpose of decertifying the Teamsters as the certified bargaining agent.
6. RSA 273-C:11 I (h) confers on certified bargaining

representatives the right to represent the bargaining unit exclusively and without challenge during the term of the collective bargaining agreement. Notwithstanding this, an election may be held not more than 180 nor less than 120 days prior to the date on which the term of the collective bargaining agreement expires.

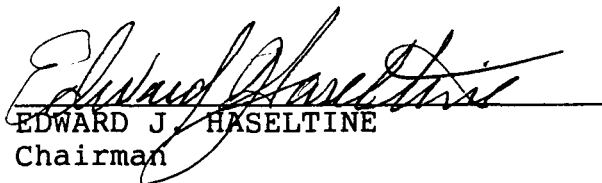
DECISION AND ORDER

Unrefuted testimony presented at hearing established by a preponderance of the evidence that attempts to decertify the Teamsters occurred during the spring of 1994. During or since that time, the Teamsters and management at Rockingham Venture concluded a CBA through January 31, 1998. Exclusivity rights under RSA 273-C:11 I (b) apply through that time with the exception that a certification or decertification campaign may commence up to six months prior to the 180 days before the CBA expiration date, six months being the life cycle of signatures obtained under Rule PUB 301.02 (g).

We are particularly mindful that the complained of conduct in this case occurred during the bargaining cycle for the first CBA negotiated by the Teamsters and appears to have disregarded the parties' resolution referenced in Decision No. 93-148. Accordingly, we direct that Local 10, its agents and others acting on its behalf, CEASE and DESIST from engaging in decertification attempts or campaigns against the Teamsters as the certified bargaining agent except as would otherwise be permitted by the time frames set forth herein.

So ordered.

Signed this 7th day of June, 1994.

  
EDWARD J. HASELTINE  
Chairman

By unanimous vote. Chairman Edward J. Haseltine presiding.  
Members Richard Roulx and Richard Molan, Esq. present and voting.