



**State of New Hampshire**

**PUBLIC EMPLOYEE LABOR RELATIONS BOARD**

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UNITED AUTO WORKERS, LOCAL 2232	:	
	:	
Petitioner	:	
	:	
v.	:	CASE NO. M-0639:5
	:	
CITY OF NASHUA	:	DECISION NO. 1999-048
	:	
Respondent	:	
	:	

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PRE-HEARING CONFERENCE  
MEMORANDUM AND ORDER

BACKGROUND

On March 4, 1999, United Auto Workers Local 2232 (Union) filed a modification petition requesting the addition of certain positions to the bargaining unit for professional employees. On March 19, 1999, the City of Nashua (City) filed its response which included a request for modification. The undersigned Hearing Officer conducted a pre-hearing conference on May 18, 1999. Tedd Evans, President, appeared for UAW Local 2232 and James McNamee, Corporation Counsel, appeared for the City of Nashua. The following matters were decided at the conference.

STIPULATED ISSUES

Whether the newly created positions of Enforcement Prosecutor, Network Administrator, Downtown Specialist, Support Specialist, Technical Specialist, Deputy Treasurer, Systems Specialist and Systems Administrator should be included in the bargaining unit. The latter two positions were added to the petition at the conference.

The City was granted leave to submit a cross petition, to be consolidated for hearing with the existing pleadings, requesting the exclusion of certain current bargaining unit positions. The City wishes the following question addressed: Whether there should be greater specificity in designating members of the bargaining unit. Regarding the positions for which the Union has petitioned, the City objects to the inclusion of Enforcement Prosecutor, Downtown Specialist, Deputy Treasurer and Systems Administrator because of the supervisory nature of these positions and the City objects to the inclusion of Network Administrator, Support Specialist, Technical Specialist, Systems Specialist and Systems Administrator because of the confidential nature of these positions.

WITNESSES

The Union's possible witnesses are Doreen Beaulieu, Management Information Systems, Kerri Lunn, Management Information Systems, Marilyn Baron, former Human Resources Manager, Laura Games, Enforcement Prosecutor, Alan Manoian, Downtown Specialist, Susan Martinelli, Deputy Treasurer. The City intends to present one witness, Jane Joyce, Human Resources Manager.

EXHIBITS

The Union will provide a list of bargaining unit positions at least ten days before the hearing date and the City will provide job descriptions at least five days before the hearing. It is the parties' intention that these be marked as joint exhibits. Minutes taken at negotiation sessions for the CBA signed December 23, 1998 will be entered as City exhibits. The parties were unable to identify other exhibits. No exhibits were presented for marking.

TIME REQUIRED AND METHOD OF CLOSING

The City suggested that it will require 1/2 day to one full day to present its case depending on whether the Union chooses to obtain counsel. The Union did not estimate the time it would require to put on its case. Both parties wished to reserve the decision on whether to submit written briefs or verbal closings.

INTERIM SUBMISSIONS

On May 25, 1999, the City's Modification Petition was received and a letter regarding consolidation was sent on June 2, 1999. On May 27, 1999, a list of bargaining unit positions was received from UAW Local 2232 and on June 1, 1999 a revised witness list was received from the Union.

DECISION AND ORDER

A hearing of this matter is in order and has been scheduled for June 15, 1999. The agreements of the parties addressed herein are adopted as they pertain to the hearing.

So ordered.

Signed this 2nd day of June, 1999.

  
GAIL C. MORRISON  
Hearing Officer