



**State of New Hampshire**

PUBLIC EMPLOYEE LABOR RELATIONS BOARD

State Employees Association of New Hampshire  
Local 1984 SEIU

Petitioner

v.

State of New Hampshire

Respondent

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Case No. S-0315-2

Decision No. 2002-011

PRE-HEARING DECISION and ORDER

BACKGROUND

The State Employees Association of New Hampshire, Local 1984, SEIU, (hereinafter referred to as the "Union") filed a Modification Petition on December 10, 2001 by which it sought to exclude seven positions from the existing bargaining unit which had previously been certified through a "grandfathering" process. The basis for the claimed exclusions was that the employees holding these positions performed duties that would characterize them as confidential employees pursuant to RSA 273-A:I(c). The State of New Hampshire responded by filing its exceptions to the Union's petition on December 26, 2001 in which it denied that all employee positions listed by the Union were confidential and therefore should not be excluded through modification proceedings. It did indicate that three of the listed positions were confidential employees. Thereafter, the matter was scheduled for a Pre-Hearing Conference that was conducted on January 18, 2001.

PARTICIPATING REPRESENTATIVES

For the Petitioner: Dennis Martino, Executive Assistant SEIU, SEA-NH

For the Respondent: Thomas F. Manning, Director, Division of Personnel  
Sarah J. Willingham, Manager of Employee Relations

STIPULATION OF THE PARTIES

1. The parties agree that three of the seven employees are confidential employees and thereby shall, following the evidentiary hearing, be excluded from the existing unit.

ISSUE FOR DETERMINATION AT HEARING

1. Whether or not the remaining employee positions, listed in the Union's Modification Petition, are to be excluded from the existing bargaining as "confidential" employees pursuant to RSA 372-A:1(c)?

WITNESSES

For the Petitioner:

1. Pamela Blake, SEA Bargaining Team Member
2. Claude Ouellette, Administrator III, Department of Safety
3. Sheri Kelloway-Martin, Hearings Examiner, Department of Safety

For the Respondent:

1. John Ratoff, Commissioner of Employment Security
2. Claude Ouellette, Administrator III, Department of Safety

Both parties reserve the right to amend their List of Witnesses in conformity with administrative Rule Pub 203.01 (b). Each shall also forward a copy of any modified Witness List to the PELRB at the same time. It is understood that each party may rely on the representations of the other party that witnesses appearing on their respective list will be available at the hearing.

EXHIBITS

For the Petitioner:

1. General Job Descriptions
2. Supplemental Job Descriptions for the following positions:
  - EEO Coordinator
  - Hearings Examiner
  - Executive Secretary
  - Administrator III
  - Information Technology Manager V
  - Human Resources Coordinator

For the Respondent:

1. None identified

Both parties reserve the right to amend their List of Exhibits in conformity with the date stated above or, upon proper showing, later reasonable notice to the other party. Copies of all exhibits are to be submitted to the presiding officer in accordance with Administrative Rule Pub 203.02. It is to be understood by the parties that each party may rely on the representations of the other that the exhibits listed above will be available at hearing.

#### LENGTH OF HEARING

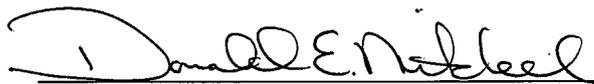
The time being set aside for a hearing of this matter is one half day. If either party believes additional time is required, written notice of the need for additional time shall be filed with the PELRB no later than ten (10) days from the date of this Order.

#### DECISION AND PRE-HEARING ORDER

1. The party representatives shall meet, or otherwise arrange, to pre-mark exhibits for identification purposes and exchange copies of their respective proposed exhibits, excepting those singularly required for impeachment purposes, prior to the evidentiary hearing. Such exhibits shall be produced in sufficient number at the hearing as required by Pub 203.02.
2. Any preliminary, procedural or dispositive motions shall be filed by the parties no later than ten (10) days prior to the scheduled hearing date.

Unless otherwise ordered as a result of the filing of any subsequent motion, an evidentiary hearing between the parties is scheduled to be conducted at the Office of the Public Employee Labor Relations Board on March 1, 2002 beginning at 9:00 AM.

Signed this 23<sup>rd</sup> day of January, 2002.



Donald E. Mitchell, Esq.  
Hearing Officer