

State of New Hampshire

PUBLIC EMPLOYEE LABOR RELATIONS BOARD

Edward A. Laniyan, et al	*	
	*	
	*	
Petitioner	*	
	*	
and	*	
	*	
AFSCME Council 93, Local 3657	*	
	*	Case No: A-0428-214
Respondent	*	
	*	Decision No. 2004-027
and	*	
	*	
Hillsborough County Nursing Home	*	
	*	
Respondent	*	

PRE-HEARING MEMORANDUM AND ORDER

BACKGROUND

Edward A. Laniyan (hereinafter "the Petitioner") filed a Petition for Decertification with the Public Employee Labor Relations Board (PELRB) on January 20, 2004. The Petitioner seeks to decertify AFSCME Council 93, Local 3657 ("the Union") as the exclusive representative for certain employees employed by the Hillsborough County Department of Corrections (hereinafter "the Employer"). The Petitioner describes the current bargaining unit as consisting of all full time and regular permanent part-time employees in the following job classifications: Clerk Typist II, Secretary II, Account Clerk I, Account Clerk II, Clerk Typist I, Secretary I, Correctional Officer I, Correctional Officer II, Cook I, Cook II, Nurse I, Nurse II, Maintenance Worker I, Maintenance Worker II, Switchboard Operator/Receptionist, Food Service Supervisor, and Co/Housekeeping Supervisor. The Petitioner states that there are ninety-nine (99) employees in the current bargaining unit.

The Union filed an answer on February 3, 2004, wherein it indicated its interest in the matter. On February 20, 2004, the Union filed a pre-hearing worksheet with the PELRB in which it raised two issues presented by the instant petition. Specifically, the Union questions whether the Petitioner has satisfied the requisite 30% showing of interest, based upon its contention that the certified unit includes the position of deputy sheriffs. In addition, as the

Union has filed a related improper practice charge against the Employer, it asks whether or not the charge should be heard by the PELRB prior to the decertification election being conducted.

A pre-hearing conference was conducted at the PELRB on **February 27, 2004** at which the Petitioner, counsel for the Union and counsel for the Employer were in attendance.

PARTICIPATING REPRESENTATIVES

For the Petitioner: Edward A. Laniyan, *pro se*

For the Union: Katherine M. McClure, Esq.

For the Employer: Carolyn M. Kirby, Esq.

ISSUES FOR DETERMINATION

During the course of the pre-hearing conference, little information was offered by the Union and the Employer to assist the PELRB in its consideration of the instant petition. In noting the various job classifications referenced within the recognition clause of the parties' current collective bargaining agreement (CBA), it would appear that the Union and the County have not maintained up to date records with the PELRB as to modifications of the bargaining unit. In any event, based upon the information gathered and/or discussed at the pre-hearing conference, the following issues are presented by the instant decertification petition:

- (1) What is the composition of the current certified bargaining unit in which the Petitioner is a member?
- (2) How many employees are comprised in the certified bargaining unit?
- (3) Has the Petitioner satisfied the requisite 30% showing of interest in consideration of the size of the unit and the number of signatures obtained?

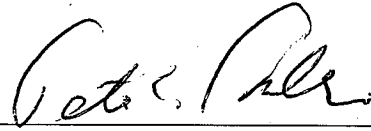
DECISION AND ORDER

1. The parties shall utilize good faith efforts to find and gather any and all information relative to the composition and/or certification of the instant bargaining unit, and any other relevant information to assist the PELRB in its consideration of the instant petition, and shall exchange such information between each other and the PELRB, on or before **March 12, 2004**.
2. The Union shall file a motion, supporting memorandum of law, or other written submission with the PELRB, relative to its position(s) on any and all issues raised by the instant petition, on or before **March 12, 2004**.
3. The Petitioner and the Employer shall file their written response, if any, to the Union's submission on or before **March 26, 2004**.

4. Following receipt and review of the parties' submissions, it shall be determined whether to request further information from the parties, schedule an evidentiary hearing, schedule a pre-election conference, or dismiss the instant petition.

So ordered.

Signed this 9th day of March, 2004.



Peter C. Phillips, Esq.
Hearings Officer

Distribution:

Edward A. Laniyan,
Katherine M. McClure, Esq.
Carolyn M. Kirby, Esq.