



State of New Hampshire
PUBLIC EMPLOYEE LABOR RELATIONS BOARD

Rockingham County Corrections Officers Association	*	
	*	
Complainant	*	
	*	Case No: S-0386-14
v.	*	
	*	Decision No. 2006-123
SEA of NH, Inc., Local 1984 SEIU	*	
	*	
Respondent	*	
	*	

PRE-HEARING MEMORANDUM AND ORDER

BACKGROUND

The Rockingham County Corrections Officers Association (the "Association") filed a Petition for Disaffiliation From State/National Organization on June 29, 2006. The Association seeks Disaffiliation from SEA of NH, Inc., Local 1984, SEIU (the "Union") pursuant to the provisions of Pub 301.04 and requests that the PELRB continue to recognize the Association as the Exclusive Representative for all full and part-time regular Correctional I and II Officers employed by the County. At the pre-hearing conference the Association agreed that it was not trying to alter the Unit described in the PELRB's July 29, 1992 Certification and to the extent that its pleadings vary from the Unit described in the July 29, 1992 Certification the 1992 Certification is controlling.

Rockingham County (the "County") filed its Objections to the Association's petition on July 12, 2006. Among other things, the County contends that Pub 301.04 does not apply in this case and that if the petition had been filed under Pub 301.01 it would have been untimely. At the pre-hearing conference the County also noted that negotiations are currently underway with the Union, and the present petition creates uncertainty and confusion over the status of those negotiations and with whom the County is supposed to negotiate.

The Union filed its Reply to the Association's petition on July 14, 2006. Among other things, the Union asserts that it was affiliated with SEIU at the time of the PELRB's July 29, 1992 Certification and no changes have occurred to that affiliation agreement since that time. Accordingly, the Union asserts that the premise of Pub 301.04 has not been satisfied. The Union does not recognize the Association and it asserts that it was unaware of the Association's existence and that the Association has no rights to negotiate on behalf of the unit members.

PARTICIPATING REPRESENTATIVES

For the Association: J. Joseph McKittrick, Esq.

For the Union: Lorri Hayes, Esq.

For the County: Thomas J. Flygare, Esq.

ISSUE PRESENTED FOR BOARD REVIEW

- (1) Whether the Association is entitled to Disaffiliation from the Union and recognition as the exclusive representative of the Unit described in the PELRB's 1992 Certification?

WITNESSES

Parties will file their witness list on or before August 23, 2006.

EXHIBITS

Parties will file their exhibit list and exhibits on or before August 23, 2006.

LENGTH OF HEARING

The time set aside for this hearing will be one-half (½) day.

DECISION

1. The parties' representatives shall meet, or otherwise confer, on or before 9:30 a.m. August 25, 2006 and attempt to reach a stipulation on presenting the instant case by written submission, or, in the alternative, without the need for formal testimony. In the event that agreement is reached to submit the case by written submission, the parties shall forthwith file a joint statement indicating such agreement and include a proposed schedule for the parties' filings.
2. If the matter is to proceed to a hearing before the Board, the parties' representatives shall meet, or otherwise confer, on or before August 24, 2006 in order to compose a mutual statement of agreed facts. The parties' representatives

shall memorialize those facts upon which they can so stipulate and file that document with the PELRB on or before 9:30 a.m. on August 25, 2006.

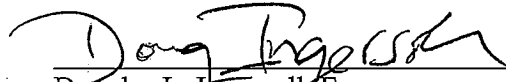
3. Unless otherwise ordered as a result of the filing of any subsequent motion or for other good cause shown, an evidentiary hearing between the parties will be held on:

August 25, 2006 @ 9:30 AM

at the offices of the Public Employee Labor Relations Board, Concord, New Hampshire.

So ordered.

Signed this 17th day of August, 2006.



Douglas L. Ingersoll, Esq.
Hearing Officer

Distribution:

J. Joseph McKittrick, Esq.

Lorri Hayes, Esq.

Thomas J. Flygare, Esq.