



employees, and that the SEA has information that Ms. Beecher in fact did not reach agreement with the bargaining unit in question.

On August 9, 2006 the SEA filed a Supplemental Objection and Exceptions. In this filing, among other things, the SEA challenges the PELRB's authority to conduct an election or pre-election conference in regard to the two petitions pursuant to the provisions of RSA 273-A:10. The SEA also claims that the petitions fail to recognize that the involved employees are part of an existing unit represented by the SEA. The SEA asks the PELRB to investigate the petitions and hold hearings. The SEA also claims the petitions fail to identify the exclusive representative presently representing the bargaining unit contrary to applicable rules, the SEA has not been treated as a party to the two cases and has not received proper notice, the petitions are misleading as to whether the employer has agreed to the proposed unit and proposed exclusive representative, and the employer in this case is the Governor. Finally, the SEA claims the PELRB is acting with unusual and undue speed. The SEA seeks a dismissal of the petitions or a hearing prior to the conduct of any election or pre-election conference.

On August 9, 2006 the PELRB cancelled the pre-election conference and issued a notice scheduling a pre-hearing conference for August 24, 2006 and a hearing for September 14, 2006.

On August 18, 2006 NEPBA filed motions to amend the petition in both cases. NEPBA seeks, among other things, to amend each original petition by adding a petition to modify pursuant to PUB 302.05. NEPBA proposes to modify the existing bargaining unit described in PELRB decision 2002-058 by creating two new bargaining units, one consisting of the positions in the proposed Patrol Officers' Unit and the other consisting of the positions in the proposed Supervisory Officers' Unit.

On August 22, 2006 the SEA filed a motion to continue the pre-hearing conference because the SEA's objection to NEPBA's motion to amend is not due until September 1, 2006 pursuant to the standard time period stated in the PELRB's Notice of Filing issued in response to NEPBA's Motion to Amend. The SEA's motion to continue the pre-hearing conference was denied and the pre-hearing conference was held on August 24, 2006.

Subsequent to the August 24, 2006 pre-hearing conference the SEA filed an Appeal of Decision of Hearing Officer Denying Motion to Continue (filed August 25, 2006). On August 29, 2006 the SEA filed a Motion to Add State of New Hampshire By the Governor's Office As A Necessary and Indispensable Party. On August 29, 2006 the PELRB issued an order setting September 6, 2006 as the deadline for objections to the SEA's most recent motion.

During the pre-hearing conference, September 20 and 21, 2006 were identified as additional dates when all parties and counsel are available for proceedings in this matter. Parties and counsel were ordered to keep the dates of September 20 and 21, 2006 reserved for proceedings in this matter, as well as the date of September 14, 2006 (the current hearing date).

#### PARTICIPATING REPRESENTATIVES

For NEPBA:	Peter Perroni, Esq.
For the SEA:	Glenn Milner, Esq.
For the State of NH, Dept of Transportation, DMV:	Sheri J. Kelloway, Esq.


DECISION:

1. A second pre-hearing conference will be conducted on September 14, 2006 at 9:00 a.m. The parties shall prepare and file an updated pre-hearing conference worksheet on or before September 14, 2006.
2. The parties shall submit and exchange a list of all witnesses and the purpose of their testimony and a list of exhibits per Pub 203.
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:

**September 20, 2006 @ 9:00 AM and continuing on September 21, 2006 if necessary**

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

So Ordered.

  
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Douglas L. Ingersoll, Esq.  
Staff Counsel/Hearing Officer

Date Issued: August 30, 2006

Distribution:

Peter Perroni, Esq., NEPBA  
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Sheri J. Kelloway, Esq., State of NH, Dept. of Safety, DMV