



State of New Hampshire  
PUBLIC EMPLOYEE LABOR RELATIONS BOARD

NEPBA, Inc. Local 40	*	
(NH Fish & Game Conservation Officers)	*	
	*	
and	*	Case No: S-0431
	*	
SEA/SEIU Local 1984	*	
	*	
	*	Decision No. 2006-167
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NEPBA, Inc. Local 45	*	
(NH Fish & Game Supervisory Officers)	*	
	*	
and	*	Case No: S-0432
	*	
SEA/SEIU Local 1984	*	
	*	
	*	

**PRE-HEARING CONFERENCE MEMORANDUM AND ORDER**

BACKGROUND:

The New England Police Benevolent Association, Inc. ("NEPBA") filed two petitions seeking certification and/or modification on September 12, 2006. Case No. P-0431 seeks to certify a unit composed of 24 Conservation Officers (the "Conservation Officers' Unit"). Case No. S-0432 seeks to certify a unit composed of 1 Conservation Officer Colonel, 1 Conservation Officer Major, 1 Conservation Officer Captain, 6 Conservation Officer Lieutenants, 1 Conservation Officer Administrative Lieutenant, and 5 Conservation Officer Sergeants (the "Supervisors' Unit")(containing 15 employees). Both certification petitions identify the Public Employer as the State of New Hampshire, Fish and Game Department. The employer did not agree to the proposed units and was provided with copies of the petitions pursuant to the certificate of service.

On September 27, 2006 the State Employees' Association, SEIU Local 1984 (the "SEA"), filed exceptions to the two petitions. The SEA contends that: 1) the petitions do not set forth the requisite 30% showing of interest; 2) the PELRB does not have authority or jurisdiction to conduct an election or pre-election conference in regard to the two petitions pursuant to the provisions of RSA 273-A:10; 3) the petitions fail to recognize that the involved employees are part of an existing

unit represented by the SEA; 4) the PELRB should investigate the petitions and hold hearings; 5) the petitions fail to identify the exclusive representative presently representing the bargaining unit contrary to applicable rules; 6) the SEA has not been treated as a party to the two cases and has not received proper notice; 7) the petitions fail to assert reasonable efforts to reach an agreement on the proposed modification with the employer or the SEA; 8) the proposed change in circumstances (an alleged growth in numbers and rank structure) is insufficient; and 9) the proposed Supervisory Unit has less than the required 10 employees.

The undersigned hearing officer conducted an informal pre-hearing conference on October 2, 2006 at the PELRB offices in Concord, New Hampshire.

PARTICIPATING REPRESENTATIVES

For NEPBA: Peter Perroni, Esq.

For the SEA: John Krupski, Esq.

DECISION:

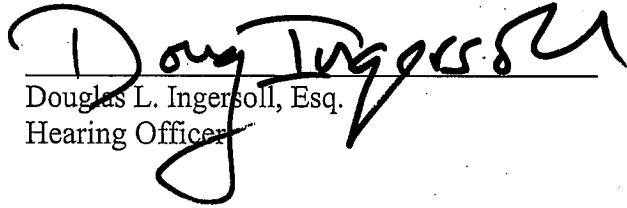
1. At the pre-hearing conference the parties' witnesses and exhibits were reviewed, and the general issues in the case were discussed. NEPBA added Sergeant Eskeland as a witness and the SEA added Steve McCormick, Kathy Desjardin, and Thomas Manning as additional witnesses.
2. The above captioned matters are consolidated for hearing.
3. The principal issues to be heard in this case are: 1) whether via the certification and modification pleadings it has filed, NEPBA is entitled to have its application for the creation of two new units considered on the merits and elections scheduled; 2) whether Pub 302.05 (b)(2) specifically precludes NEPBA's modification request; and 3) the composition of the proposed units, the SEA's objections to the proposed compositions and the significance and/or impact of SEA objections.
4. 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.
5. The parties' representatives shall meet, or otherwise confer, on or before October 6, 2006 in order to compose a mutual statement of agreed facts and stipulate to joint exhibits. The parties' representatives shall memorialize those facts and exhibits upon which they can so stipulate and file that document with the PELRB on or before 9:00 a.m. on October 9, 2006.

6. 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:

**October 9, 2006 @ 9:00 AM**

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

So Ordered.

  
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Douglas L. Ingersoll, Esq.  
Hearing Officer

Date Issued: October 2, 2006

Distribution:

Peter Perroni, Esq., NEPBA

John Krupski, Esq.

Lee E. Perry, Executive Director, Fish and Game Department