



State of New Hampshire
PUBLIC EMPLOYEE LABOR RELATIONS BOARD

Classified Employee Petitioners of the	*	
New Hampshire Department of Labor	*	
	*	
	*	
Petitioner	*	Case No. S-0310-1
v.	*	
	*	
SEA/SEIU Local 1984	*	Decision No. 2006-172
	*	
Respondent	*	
	*	

PRE-HEARING MEMORANDUM AND ORDER

BACKGROUND

The Classified Employee Petitioners of the New Hampshire Department of Labor ("Petitioners") filed a petition for decertification on September 15, 2006. On September 29, 2006 the petitioners filed "Pleadings to a Petition for Decertification by the Classified Employee Petitioners of the New Hampshire Department of Labor" setting forth amendments and supplements to the Petition for Decertification.

The SEA/SEIU Local 1984 ("SEA") filed an Objection and Exception in response on September 30, 2006. The SEA claims 1) that the petitioners lack standing; 2) that the petitioners fail to present the requisite 30% showing of interest; 3) that upon information and belief decertification cards have been withdrawn by members coerced to execute the document; 4) that the SEA requests an informal pre-hearing conference to be conducted prior to an adjudicatory hearing to address the SEA's exceptions and objections to the petition; and 5) that a full Board of the PELRB must deem the statutory prerequisites satisfied before any pre-election hearing may be held.

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

PARTICIPATING REPRESENTATIVES AT PRE-HEARING CONFERENCE

For the Petitioner: A. Joseph Dion

For the SEA: John Krupski, Esq.

ISSUE PRESENTED

Whether the decertification petition should proceed to election.

DECISION

- 1) To the extent they have not already done so, and it has not been covered through the pre-hearing, 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. If the SEA intends to call witnesses to testify regarding alleged coercion the SEA shall disclose the names of those witnesses to petitioners and the PELRB on or before October 11, 2006. Failure to disclose those witnesses shall result in the exclusion of testimony concerning alleged coercion – as noted at the pre-hearing conference, it appears that the decertification cards for the involved individuals have already been withdrawn as claimed by the SEA, so their testimony is not needed to eliminate their decertification cards.
- 2) To the extent they have not already done so, the parties' representatives shall meet, or otherwise confer, on or before October 13, 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 16, 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:

October 16, 2006 @ 9:00 AM

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

So Ordered.

Date Issued: October 9, 2006

Distribution:

A. Joseph Dion
John Krupski, Esq.
George Copadis


Douglas L. Ingersoll, Esq.
Hearing Officer