



State of New Hampshire
PUBLIC EMPLOYEE LABOR RELATIONS BOARD

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Teamsters Local 633 of New Hampshire, Seabrook		*
Police Association		*
	Complainant	*
v.		*
		*
Town of Seabrook		*
	Respondent	*
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Case No. P-0736-15

Decision No. 2006-180

PRE-HEARING MEMORANDUM AND ORDER

BACKGROUND

Teamsters Local Union 633 of New Hampshire, Seabrook Police Association (hereinafter "the Association") filed an improper practice charge against the Town of Seabrook (hereinafter "the Town") on July 26, 2006 alleging that the Respondent violated RSA 273-A:5 I (e) and RSA 273-A:3 I. The Association claims that Town Manager Fred Welch made a false declaration of impasse on July 18, 2006 and further bargained in bad faith and engaged in regressive bargaining by attempting to withdraw an offer that had already been approved by the Union negotiating committee.

The Town filed its answer on August 9, 2006 and denies that it has violated RSA 273-A. The Town contends that Mr. Welch merely clarified a previously made proposal in an effort to ensure that the Association clearly understood the Town's position and further the Town properly declared an impasse in the circumstances.

A pre-hearing conference was conducted at PELRB offices on October 11, 2006.

PARTICIPATING REPRESENTATIVES

For the Complainant: Jeffrey Padellaro, Business Agent

For the Respondent: J. Joseph McKittrick, Esq.

ISSUES FOR DETERMINATION BY THE BOARD

- (1) Did the Town commit an Unfair Labor Practice in violation of RSA 273-A:5 I (e) and RSA 273-A:3 I by virtue of Mr. Welch's conduct during negotiations and/or by declaring an impasse?
- (2) If so, what shall be the remedy?

WITNESSES

For the Association:

1. Fred Welch
2. David Currier
3. Cora Stockbridge
4. Richard McCann
5. Mark Preston

For the Town:

1. Fred Welch
2. David Currier
3. Cora Stockbridge
4. Richard McCann
5. Robert Moore

Both parties reserve the right to amend their List of Witnesses in conformity with the schedule contained in the DECISION SECTION appearing at the conclusion of this order or, upon proper showing, later with reasonable notice to the other party. It is understood that each party may rely on the representations of the other party that witnesses appearing on their respective list will be available at the hearing.

EXHIBITS

For the Association:

1. Town's Letter of Impasse
2. Correspondence between the Association and the Town
3. Town's Settlement Offer

For the Town:

1. Collective Bargaining Agreement
2. Correspondence between the Town and the Association
3. Proposals and Counter Proposals

Both parties reserve the right to amend their List of Exhibits in conformity with the schedule contained in the DECISION SECTION appearing at the conclusion of this order or,

upon proper showing, later with reasonable notice to the other party. Copies of all exhibits are to be submitted to the presiding officer in accordance with Pub 203.02. It is understood that each party may rely on the representations of the other party that the exhibits listed above will be available at the hearing.

LENGTH OF HEARING

The time set aside for this hearing will be one-half (1/2) day. If either party believes that additional time is required, written notice of the need for additional time shall be filed with the PELRB at least twenty (20) days prior to the date of the evidentiary hearing.

DECISION

1. The parties' representatives shall meet, or otherwise confer, on or before October 21, 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 at least five (5) days prior to the date of the hearing.
2. The party representatives shall forward any amendments to, or deletions from, their Witness and Exhibit lists, as detailed above, to the opposing representative, and to the PELRB, at least five (5) days prior to the scheduled hearing date. The party representatives shall meet, or otherwise arrange, to pre-mark any exhibits, for identification, prior to the time of hearing and have sufficient copies available for distribution at the hearing as required by Pub 203.02.
3. The parties shall file any additional preliminary, procedural or dispositive motions no later than twenty (20) calendar days prior to the scheduled hearing date.
4. 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 26, 2006 @ 9:30 a.m.

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

So ordered.
October 12, 2006.


Douglas L. Ingersoll, Esq.
Hearing Officer

Distribution:
Jeffrey Padellaro, Business Agent
J. Joseph McKittrick, Esq.