



STATE OF NEW HAMPSHIRE
PUBLIC EMPLOYEE LABOR RELATIONS BOARD

**STATE EMPLOYEES ASSOCIATION OF
NH, SEIU LOCAL 1984**

**CONSOLIDATED CASES
S-0438-3 and G-0108-2**

v.

DECISION NO. 2009-156

**STATE OF NEW HAMPSHIRE,
DEPARTMENT OF CORRECTIONS**

PRE-HEARING ORDER AND MEMORANDUM

Date of Conference: July 28, 2009 at the PELRB in Concord.

Appearances: John S. Krupski, Esq.,
State Employees Association of NH, SEIU Local 1984

Michael K. Brown, Esq. and Rosemary Wiant, Esq.,
State of New Hampshire, Department of Corrections

Background:

The State's Motion to Consolidate cases S-0438-3 and G-0108-2 is not opposed by the SEA and is granted. See PELRB Decision No. 2008-178 and 2009-140 (September 8, 2008 and July 10, 2009 pre-hearing orders) for background on case S-0438-3. As to case G-0108-2, the SEA filed its complaint on July 6, 2009. In general, the SEA complains that the State has unilaterally altered the terms and conditions of employment by eliminating pre-shift briefings,

which the SEA claims has directly impacted wages and also resulted in changes of start and stop time and hours of work. The SEA claims the State's actions violate RSA 273-A:5, I (e), (g), (h), and (i).

The SEA requests that the PELRB: 1) find that the State has committed an unfair labor practice by implementing a unilateral change in the terms and conditions of employment without having negotiated such changes; 2) order the State to reinstate the fifteen minute briefing period; and 3) order the State to negotiate any changes to the fifteen minute briefing period.

The State filed its answer in case G-0108-2 on July 21, 2009. In general, the State denies the charges, asserts that it is entitled to discontinue the disputed briefings, and that employees still receive briefing information "upon arrival at their respective duty post" in the form of paper or electronic messages.

ISSUE(S) FOR DETERMINATION

Whether the State was obligated to bargain the disputed changes to shift briefing.

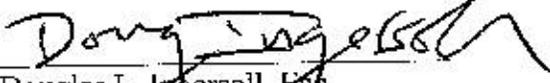
DECISION

1. Cases S-0438-3 and G-0108-2 are consolidated for hearing.
2. The parties' request at the pre-hearing to extend the deadline for the filing of their joint pre-hearing worksheet to August 7, 2009 is granted. The parties anticipate that this additional time will allow for a more detailed and comprehensive joint pre-hearing statement.
3. Final witness and exhibit lists shall be filed on or before August 14, 2009.
4. Stipulated facts and a list of agreed upon exhibits shall be filed on or before August 14, 2009.
5. The parties shall pre-mark and file all exhibits electronically as required by Pub 203.02 on or before August 28, 2009.

6. At the pre-hearing the parties expressed a preference for the scheduling of a hearing during the first half of September, 2009 and indicated they are available on September 2, 3, 10 or the week of September 14, 2009. Six hours will be set aside for hearing and the parties will be notified of the hearing date by a subsequent scheduling order.

So ordered.

July 28, 2009


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

Distribution:

John S. Krupski, Esq.

Glenn R. Milner, Esq.

Rosemary Wiant, Esq.

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