



**STATE OF NEW HAMPSHIRE**  
PUBLIC EMPLOYEE LABOR RELATIONS BOARD

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

**COMPLAINANT**

**CASE NO. G-0115-1**

**v.**

**DECISION NO. 2009-188**

**STATE OF NEW HAMPSHIRE,  
GOVERNOR JOHN LYNCH**

**RESPONDENT**

**PRE-HEARING MEMORANDUM AND ORDER**

Date of Conference: September 14, 2009

Appearances: Complainant: Dennis Kinnan  
Respondent: Rosemary Wiant, Esq.

**Background:**

State Employees' Association of New Hampshire, SEIU Local 1984 (Union) filed an unfair labor practice complaint against the State of New Hampshire, Governor John Lynch on July 23, 2009. The Union claims that the Governor refused to negotiate in good faith in violation of RSA 273-A:5, I (e) by making public statements to the media discussing the parties' positions at the bargaining table in violation of the mediators' order prohibiting either party to negotiations from making public statements with regard to the substantive matter of the negotiations.

The Union requests that the PELRB order the Respondent to cease and desist from further violating the ground rules of negotiations, order the Respondent to issue an apology to the Union which would be posted in all areas where the employees represented by the Union work, and order payment of the costs incurred by the Union.

On August 7, 2009 the Respondent filed its answer denying the Union's charge of unfair labor practice. The Respondent contends, inter alia, that the mediators' order did not apply to the Governor, and that the statements the Governor made to the press were consistent with, and in rebuttal to, the information already placed in the public domain by the Union.

On September 14, 2009 the parties' representatives attended a pre-hearing conference at the PELRB offices in Concord. At the conference, the parties indicated that they would prefer to submit the present case on stipulated facts and briefs and jointly requested the PELRB to cancel the adjudicatory hearing presently scheduled for September 29, 2009. In addition, the parties indicated that they would need additional time to come to an agreement as to whether they will proceed to submit the case on stipulated facts and briefs now or defer submission of the case and instead file a motion to stay to allow the parties to explore the possibility of a settlement.

#### DECISION

1. "Parties" means the named complainant and respondent or the counsel/representative appearing in the case.
2. The adjudicatory hearing currently scheduled for September 29, 2009 is hereby cancelled.
3. On or before **September 25, 2009** the parties shall file a request to submit this case on stipulated facts and briefs, a request for a hearing, or a motion to stay these proceedings pending settlement discussions. A request to submit the case on stipulated facts and briefs must include a

proposed schedule for the submission of stipulated facts, joint exhibits, opening briefs, and reply briefs, if any. This provision in no way binds the PELRB to grant this or any other request.

4. In the absence of communication from the parties, filed on or before September 25, 2009, the case will be dismissed.

5. The complaining party shall inform the PELRB of any settlement of the pending issues immediately.

So ordered.

September 14, 2009

  
Karina A. Mozgovaya, Esq.  
Staff Counsel/Hearing Officer

Distribution:

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