



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

**PROFESSIONAL FIRE FIGHTERS OF HANOVER  
LOCAL 3288, IAFF**

**COMPLAINANT**

**v.**

**TOWN OF HANOVER**

**RESPONDENT**

**CASE NO. G-0083-2**

**DECISION NO. 2009-243**

**PRE-HEARING MEMORANDUM AND ORDER**

Date of Conference: November 2, 2009  
Appearances: Complainant - John S. Krupski, Esq.  
Respondent - Mark T. Broth, Esq.  
Background:

Professional Fire Fighters of Hanover, Local 3288, IAFF (Union) filed an unfair labor practice complaint against the Town of Hanover on September 29, 2009. The Union claims that the Town violated RSA 273-A:3 and RSA 273-A:5, I (a), (b), (e), (f), (g), and (i) by, inter alia, striking the language regarding income protection from the draft of the agreement after the parties reached a tentative agreement and by refusing to submit to the voters the cost items without striking the income protection language.

The Union requests the PELRB to find that the Town has committed an unfair labor practice, to order the Town to submit to the voters the cost items without striking the income protection language, and to order the Town to cease and desist from bargaining in bad faith.

The Town filed an answer to the complaint on October 15, 2009. The Town denies the charge of unfair labor practice and claims that, although the tentative agreement was executed in outline form, the agreement has never been reached because there was no meeting of the minds between the parties with regard to a substantive provision of the agreement.

#### ISSUES FOR DETERMINATION BY THE BOARD

1. Whether the Union and the Town has reached a tentative agreement.
2. Whether the Town violated RSA 273-A:3 and RSA 273-A:5, I (a), (b), (e), (f), (g), and (i) by refusing to incorporate the language regarding income protection into the agreement.

#### WITNESSES

For the Union:

1. Christopher Doolan
2. Jeremy Thibeault

For the Town:

1. Roger Bradley
2. Myra Johnson
3. Christopher Doolan
4. Steve Jakubowski

Both parties reserve the right to amend their Lists of Witnesses in conformity with the schedule contained in the DECISION SECTION appearing at the conclusion of this order. It is understood that each party may rely on the representations of the other party that witnesses appearing on their respective lists will be available at the hearing.

## EXHIBITS

Joint and Agreed and for the Union:

1. Collective Bargaining Agreement
2. Executed Tentative Agreement
3. Town's written proposals
4. Ground Rules
5. Appointment of Mediator by the PELRB
6. Appointment of Fact-finder by the PELRB

For the Town:

1. Ground Rules, 10/5/2007
2. Town's proposals, 11/9/2007
3. Union's proposals, 11/9/2007
4. Negotiations Status 3/12/2008
5. Emails between the Town and the Mediator Cooper, 1/2/2009-1/15/2009
6. Union's mediation summary, 12/16/2008
7. Attorney Krupski's email to the Fact-finder Peace, 5/26/2009
8. Tentative Agreement, 6/29/2009

Both parties reserve the right to amend their Lists 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. 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.

## DECISION

1. "Parties" means the named complainant and respondent or the counsel/representative appearing in the case.
2. The parties shall file a Statement of Stipulated Facts no later than **December 1, 2009**.
3. The parties shall amend, exchange, and file their Witness and Exhibit lists no later than **December 1, 2009**.

4. The parties shall pre-mark any exhibits prior to the time of hearing and have sufficient copies available for distribution at the hearing as required by Pub 203.03.

#### HEARING

Unless otherwise ordered as a result of the filing of a motion to continue or other motion, the adjudicatory hearing between the parties will be held on **December 10, 2009 at 9:30 AM** at the offices of the Public Employee Labor Relations Board in Concord. The time set aside for this hearing is 6 hours. 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 **10 days** prior to the date of hearing.

So ordered.

November 2, 2009

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

Distribution:  
John S. Krupski, Esq.  
Mark T. Broth, Esq.