



State of New Hampshire
PUBLIC EMPLOYEE LABOR RELATIONS BOARD

**ROCHESTER COMMUNICATIONS
UNION, NEPBA, LOCAL 123**

CASE NO. G-0123-2

COMPLAINANT

DECISION NO. 2010-033

v.

CITY OF ROCHESTER

RESPONDENT

PRE-HEARING MEMORANDUM AND ORDER

Date of Conference: February 12, 2010

Appearances: Complainant – Peter Perroni, Esq.
Respondent – Daniel P. Schwarz, Esq.

Background:

Rochester Communications Union, NEPBA, Local 123 (Union) filed an unfair labor practice complaint against the City of Rochester (City) on December 1, 2009. The Union claims that Rochester Police Chief sent a written communication to all members of the bargaining unit in an attempt to influence the outcome of the decertification election conducted by the PELRB pursuant to the petition to decertify the Union in the Case No. G-0123-1; that such communication constitutes improper direct dealing; and that the content of the communication indicates that the City continues to negotiate in bad faith. The Union asserts that the Chief's actions violate RSA 273-A:5, I (a), (b), (c), (e), and (g).

The Union requests that the PELRB order the City to cease and desist, order the payment of costs associated with the period in which the City did not negotiate in good faith, and nullify the results of the decertification election in Case No. G-0123-1.

On December 16, 2009 the City filed an answer denying the charges and requesting the PELRB to dismiss the complaint.

On February 12, 2010 the parties' representatives attended a pre-hearing conference at the PELRB offices in Concord. At the pre-hearing conference, the counsel for the Union withdrew the objection to the certification of election results. The City did not object.

DECISION

1. "Parties" means the named complainant and respondent or the counsel/representative appearing in the case.
2. The pending Union's objection to the certification of election results in the Case No. G-0123-1 is resolved as the Union withdrew its objection. It is noted that, by withdrawing the objection, the Union does not waive any request for relief in the Case No. G-0123-2.
3. The Union's assented to motion to continue the adjudicatory hearing is hereby granted. The adjudicatory hearing is rescheduled for **April 1, 2010**. A rescheduling notice will be issued.
4. Any preliminary motions or amendments to the pleadings shall be filed no later than **March 15, 2010**.
5. The parties shall prepare and file a Statement of Stipulated Facts no later than **March 22, 2010**.
6. The parties shall exchange and file their Witness and Exhibit Lists no later than **March 22, 2010**.
7. 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

The adjudicatory hearing between the parties will be held on **April 1, 2010 at 9:00 AM** at the offices of the Public Employee Labor Relations Board in Concord. The time set aside for this hearing is 4 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 7 days prior** to the date of hearing.

So ordered.

February 12, 2010



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

Distribution:
James Reinert
Peter Perroni, Esq.
Daniel P. Schwarz, Esq.
John F. Scruton, City Mgr.

