



STATE OF NEW HAMPSHIRE
PUBLIC EMPLOYEE LABOR RELATIONS BOARD

Laconia Professional Fire Fighters Association, IAFF, Local 1153

v.

City of Laconia

Case No. G-0094-3
Decision No. 2010-215

PRE-HEARING MEMORANDUM AND ORDER

Date of Conference: November 22, 2010

Appearances: ~~Richard E. Molan, Esq. for the Laconia Professional Fire Fighters Association, IAFF, Local 1153~~

Mark T. Broth, Esq. for the City of Laconia

Background:

The Laconia Professional Fire Fighters Association, IAFF, Local 1153 (Association) filed an unfair labor practice complaint against the City of Laconia (City) on September 21, 2010. The Association claims that, after it made concessions demanded by the City during contract negotiations, the City Council rejected the proposed tentative agreement further demanding that the Association forgo step increases for the fiscal year 2011. The Association argues that because the City Council is both the board of the public employer and the legislative body of the City, the City Council's actions in rejecting the tentative agreement and demanding further concessions constitute regressive bargaining and violate RSA 273-A:5, I (e)(to refuse to negotiate in good faith. . .). The Association requests that the PELRB find that the City has committed an unfair labor practice in violation of RSA 273-A:5 I (e), order the City to honor its original proposal to settle the collective bargaining agreement, and order the City to take such votes as is necessary to ratify the contract in public.

The City denies the charge and asserts that the City Manager, as the City's representative, bargained in good faith and that the City Council, as the legislative body of the City, has a right to reject the Association's proposals.

ISSUES FOR DETERMINATION BY THE BOARD

Whether the City Council committed an unfair labor practice in violation of RSA 273-A:5, I (e) when it rejected a tentative agreement and demanded that the Association forgo step increases for the fiscal year 2011.

DECISION

1. "Parties" means the Association, the City, or their counsel/representative appearing in the case. The parties shall simultaneously copy each other electronically on all filings submitted in these proceedings.
2. At the pre-hearing conference, the parties agreed to submit this matter on stipulated facts, joint exhibits, and briefs. The parties agreed to the following schedule: (1) a statement of stipulated facts and joint exhibits shall be filed no later than **December 3, 2010**; (2) opening briefs shall be filed no later than **December 21, 2010**; and (3) reply briefs, if any, shall be filed no later than **January 3, 2011**.
3. Accordingly, the adjudicatory hearing currently scheduled for December 2, 2010 is cancelled.
4. Based on the foregoing, the Association's motion to continue the adjudicatory hearing filed on November 22, 2010 is denied as moot.

So ordered.

November 22, 2010


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

Distribution:
Richard E. Molan, Esq.
Mark T. Broth, Esq.