



STATE OF NEW HAMPSHIRE
PUBLIC EMPLOYEE LABOR RELATIONS BOARD

State Employees Association of New Hampshire, SEIU Local 1984

and

New Hampshire Judicial Branch

Case No. G-0102-1

Decision No. 2011-057

PRE-HEARING MEMORANDUM AND ORDER

Date of Conference: February 22, 2011

Appearances: John S. Krupski, Esq. for the State Employees Association of New Hampshire, SEIU Local 1984

Background: Howard J. Zibel, Esq. for the New Hampshire Judicial Branch

On January 14, 2011 the State Employees Association of New Hampshire, SEIU Local 1984 (SEA) filed a petition to modify an existing bargaining unit comprised of certain New Hampshire Judicial Branch employees. The SEA seeks to add part-time positions as well as certain additional full time positions to the bargaining unit. The SEA supports its petition in part by claiming there is a sufficient community of interest for the positions to negotiate jointly and pursuant to a Judicial Branch reorganization plan part timers will be utilized on a regular basis.

The Judicial Branch objects to the modification petition, contending that:

- 1) The PELRB lacks authority to modify bargaining units;
- 2) The modification petition should be dismissed pursuant to Pub 302.05 (b);

3) Election or written majority authorization proceedings are required before the SEA can serve as the exclusive representative of the involved positions and employees;

4) The Judicial Branch reorganization plan, cited by the SEA as a change in circumstances, only applies to the part time positions referenced in the modification petition and not the rest of the positions the SEA seeks to add to the existing bargaining unit;

5) The modification petition is not supported by a sufficient community of interest;

6) The Child Impact Specialist is covered by an existing bargaining unit;

7) One of the Court Assistant I's is a temporary employee pursuant to RSA 273-A:1, IX (d);

8) One of the Court Service Representative IV is a confidential employee pursuant to RSA 273-A:1, IX (c);

9) The Family Record Support Specialist position does not exist; and

10) One of the Secretary III's works for a different public employer (Judicial Conduct Committee).

Decision:

The SEA's request at pre-hearing to reschedule the March 16, 2011 adjudicatory hearing is granted and the hearing is rescheduled to March 23, 2011. Final witness and exhibit lists shall be filed at least five days before hearing. The parties' final stipulations of fact shall be filed on or before March 21, 2011.

HEARING

The adjudicatory hearing shall be held on March 23, 2011 beginning at 9:00 a.m.

So ordered.

February 22, 2011



Douglas L. Ingersoll, Esq.
Presiding Officer/Executive Director

Distribution:

John S. Krupski, Esq.

Howard J. Zibel, Esq.