



STATE OF NEW HAMPSHIRE
PUBLIC EMPLOYEE LABOR RELATIONS BOARD

AFSCME Local 2715, Hillsborough County Nursing Home Employees

v.

Hillsborough County Nursing Home

Case No. G-0049-23
Decision No. 2011-213

PRE-HEARING MEMORANDUM AND ORDER

Date of Conference: August 12, 2011
Appearances: Karen Clemens, Esq. for the Complainant
Carolyn Kirby, Esq. for the Respondent

Background¹:

This case involves a dispute over the implementation of a pay plan negotiated in recently concluded collective bargaining negotiations. According to the Union, the County has failed to provide certain bargaining unit employees with wages as agreed upon in negotiations and has failed to bargain in good faith, all in violation of RSA 273-A:5, I (e),(g), and (h).² As a remedy the Union requests, among other things, that the PELRB find the County has failed to bargain in

¹ The parties filed a Joint Pre-Hearing Worksheet on August 5, 2011.

² At the pre-hearing conferences the Union withdrew all claims under RSA 273-A:5, I (b),(c), and (i).

good faith and has committed unfair labor practices and order the County to pay affected employees the wages per the Union's demands retroactive to July 1, 2010.

The County denies the charges and disagrees with the Union's understanding of the recently negotiated pay plan. The County also asserts that the Union's complaint is untimely under RSA 273-A:6, VI and that the Union failed to comply with the contractual grievance procedure and thus failed to exhaust its remedies on a matter involving the interpretation and application of the terms of the collective bargaining agreement.

ISSUES FOR DETERMINATION

Whether the County has complied with its good faith bargaining obligations and whether the Union's complaint is subject to dismissal as untimely or because the Union has not utilized the grievance procedure to address this dispute.

DECISION

1. "Parties" means the Union, the County, or their counsel/representative appearing in the case. The parties shall simultaneously copy each other electronically on all filings submitted in these proceedings.
2. The parties shall exchange and file their final witness and exhibit lists no later than 10 days prior to the date of hearing. At pre-hearing, the County added Donna Dempsey as an additional witness.
3. The parties shall prepare and file a final statement of stipulated facts no later than 10 days prior to the date of hearing and cooperate in the exchange of information necessary to complete these stipulations.
4. The parties shall pre-mark exhibits by placing identifying markers in the upper right corner of each exhibit, if possible. To facilitate access to a particular exhibit, the parties

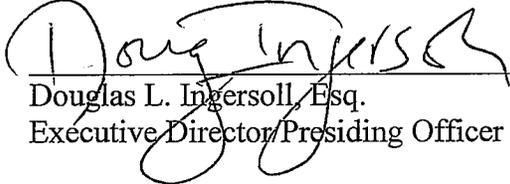
shall use tabs to separate exhibits.

HEARING

At the pre-hearing conference the Union requested a continuance and rescheduling of the currently scheduled September 15, 2011 adjudicatory hearing. The County has no objection, and accordingly the adjudicatory hearing scheduled for September 15, 2011 is cancelled and will be rescheduled by subsequent notice. Within ten days the parties will inform the PELRB of their availability for a rescheduled hearing on the dates discussed at the conference.

So ordered.

August 12, 2011



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

Distribution:
Steven Lyons, Staff Representative
Carolyn Kirby, Esq.
Karen E. Clemens, Esq.