



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

**North Hampton Professional Fire Fighters, Local 3211, IAFF**

v.

**Town of North Hampton**

**Case No. G-0176-1**  
**Decision No. 2011-236**

PRE-HEARING MEMORANDUM AND ORDER

Date of Conference: August 31, 2011<sup>1</sup>

Appearances: John S. Krupski, Esq. for the North Hampton Professional Fire Fighters,  
Local 3211, IAFF

J. Joseph McKittrick, Esq. for the Town of North Hampton

Background:

The Union filed an unfair labor practice complaint on July 28, 2011 claiming that the Town engaged in direct dealing and bad faith bargaining in violation of RSA 273-A:5, I (a), (b), (g), and (h) when it sent a memorandum to the Town employees, including bargaining unit members, offering an optional health insurance after rejecting Union's proposals during negotiations.

The Town denies the charges and claims, among other things, that neither the parties' collective bargaining agreement nor RSA 273-A prohibits the Town from providing additional benefits to members of the bargaining unit.

---

<sup>1</sup> The parties filed a Joint Pre-Hearing Worksheet on August 22, 2011.

## ISSUES FOR DETERMINATION BY THE BOARD

Whether the Town engaged in direct dealing and bad faith bargaining in violation of RSA 273-A:5, I (a), (b), (g), and (h) when it offered additional benefits to the Town employees, including bargaining unit members after rejecting Union's negotiations proposals.

### WITNESSES and EXHIBITS:

As outlined in the parties Joint Pre-Hearing Worksheet. Both parties reserve the right to amend their List of Witnesses and 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 witnesses appearing on their respective list will be available at the hearing. Copies of all exhibits are to be submitted to the presiding officer in accordance with Pub 203.02. 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 Union, the Town, 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 Town shall file an objection, if any, to the Union's motion to amend the complaint no later than September 20, 2011. See PELRB Decision No. 2011-235.
3. The parties shall file their final witness and exhibit lists and a statement of stipulated facts no later than September 26, 2011.
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

Unless otherwise ordered as a result of the filing of any subsequent motion or for other good cause shown, the adjudicatory hearing between the parties will be held on **August 27, 2011 at 9 a.m.** at the offices of the Public Employee Labor Relations Board in Concord. The time set aside for this hearing is 4 hours.

So ordered.

September 14, 2011

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

**Distribution:**

John S. Krupski, Esq.

J. Joseph McKittrick, Esq.