



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

**AFSCME Local 3657, Hillsborough County Sheriff's Office**

v.

**Hillsborough County**

**Case No. G-0012-15**

**Decision No. 2011-294**

PRE-HEARING MEMORANDUM AND ORDER

Date of Conference: November 23, 2011<sup>1</sup>

Appearances:

Karen E. Clemens, Esq. for the Complainant

Carolyn M. Kirby, Esq. for the Respondent

Background:

The Union filed an unfair labor practice complaint on October 19, 2011 claiming that the County violated RSA 273-A:5, I (a), (e), and (g) when it unilaterally changed a past practice of issuing payment for compensatory time earned by bargaining unit employees. Union requests that the PELRB find that the County violated RSA 273-A:5, I (a), (e), and (g) and order the County to return to the status quo ante regarding the payment of compensatory time, to process employees' requests to be paid for earned compensatory time, to cease and desist from violating RSA 271-A:5, I, to post the findings of the PELRB for 30 days, and to make the Union whole for any and all costs and expenses incurred to pursue the unfair labor practice charge.

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<sup>1</sup> The parties filed a Joint Pre-Hearing Worksheet on November 16, 2011.

The County denies the charges and requests that the PELRB dismiss the Union's complaint.

#### ISSUES FOR DETERMINATION BY THE BOARD

Whether the County violated RSA 273-A:5, I (a), (e), and (g) when it refused to pay a bargaining unit employee for earned compensatory time.

#### 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 203.03. 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 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. At the pre-hearing conference the Union requested to reschedule the adjudicatory hearing for December 12, 2011. The County assented to this request. Accordingly, the Union's assented to request to reschedule the adjudicatory hearing is granted. The adjudicatory hearing currently scheduled for December 8, 2011 is rescheduled for **December 12, 2011** at 9:00 a.m. A rescheduling notice shall issue forthwith.
3. The parties shall file their final witness and exhibit lists and a statement of stipulated facts no later than November 28, 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 **December 12, 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.

November 23, 2011



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

**Distribution:**

Carolyn M. Kirby, Esq.  
Karen E. Clemens, Esq.