



STATE OF NEW HAMPSHIRE
PUBLIC EMPLOYEE LABOR RELATIONS BOARD

Concord Fire Fighters Association, IAFF Local 1045

v.

City of Concord

Case No. G-0164-3
Decision No. 2012-010

PRE-HEARING MEMORANDUM AND ORDER

Date of Conference: January 11, 2012¹
Appearances: John S. Krupski, Esq. for the Complainant
Danielle L. Pacik, Esq. for the Respondent
Background:

The Union filed an unfair labor practice complaint on November 23, 2011 claiming that the City violated RSA 273-A:5, I (a), (e), (g), (i) and RSA 273-A:3 when it required paramedics to obtain and maintain Rapid Sequence Intubation (RSI) certification without negotiating with the Union. The Union asserts that the new training/certification requirement is a mandatory subject of bargaining; that the City's actions constitute a unilateral change in terms and conditions of employment; and that the City's refusal to bargain the change and/or its impact constitutes bad faith bargaining. The Union requests that the PELRB find that the City committed an unfair labor practice and order the City to cease and desist from mandating RSI training.

The City denies the charges and claims that the decision to require paramedics to obtain RSI training is within the City's management rights. The City requests that the PELRB dismiss

¹ The parties submitted a Joint Pre-Hearing Worksheet on December 21, 2011.

the complaint.

ISSUES FOR DETERMINATION BY THE BOARD

Whether the City committed an unfair labor practice when it unilaterally changed professional training/qualification requirements for bargaining unit employees and refused to negotiate this change or its impact with the Union.

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 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. The City submitted an assented to motion to continue the adjudicatory hearing currently scheduled for February 9, 2012. The City's motion is granted. The adjudicatory hearing is rescheduled for **March 6, 2012**. A rescheduling notice shall issue forthwith.
3. The parties shall file their final witness and exhibit lists and a comprehensive statement of stipulated facts no later than **February 24, 2012**.

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 **March 6, 2012, at 9:00 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.

January 12, 2012


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

Distribution:

John S. Krupski, Esq.
Danielle L. Pacik, Esq.
James W. Kennedy, Esq.