



STATE OF NEW HAMPSHIRE
PUBLIC EMPLOYEE LABOR RELATIONS BOARD

State Employees' Association of New Hampshire, SEIU Local 1984

v.

State of New Hampshire, Department of Corrections

Case No. G-0108-3
Decision No. 2012-021

PRE-HEARING MEMORANDUM AND ORDER

Date of Conference: January 23, 2012¹
Appearances: John S. Krupski, Esq. for the Complainant
Rosemary Wiant, Esq. for the Respondent
Background:

The Union filed an unfair labor practice complaint on December 23, 2011 claiming that the State violated RSA 273-A:5, I (a), (b), (e), (f), (g), and (i), RSA 273-A:3, and RSA 273-A:4 when it refused to participate in arbitration of a grievance involving shift briefing pay. The Union requests that the PELRB find that the State committed an unfair labor practice in violation of RSA 273-A:5, I (a), (b), (e), (f), (g), and (i), RSA 273-A:3, and RSA 273-A:4, order the State to proceed to arbitration with the previously selected arbitrator, and enjoin the State from any further violations.

The State denies the charges and claims that the subject grievance is not arbitrable.

ISSUES FOR DETERMINATION BY THE BOARD

Whether the State committed an unfair labor practice when it refused to participate in arbitration.

¹ The parties submitted a Joint Pre-Hearing Worksheet on January 23, 2012.

WITNESSES and EXHIBITS:

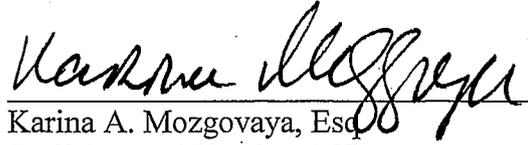
As outlined in the parties Joint Pre-Hearing Worksheet. Both parties reserve the right to amend their List of Witnesses and Exhibits in conformity with the schedule contained in the DECISION SECTION appearing at the conclusion of this order or, upon proper showing, later with reasonable notice to the 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 State, 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 State moved to consolidate this case with Case No. G-0109-6, *New England Police Benevolent Association, Local 250 v. State of New Hampshire, Department of Correction*. The State's motion to consolidate is granted. See Order re Motion to Consolidate, PELRB Decision No. 2012-022. The PELRB shall schedule a telephonic conference with the parties to discuss further proceedings in consolidated cases. A date for the adjudicatory hearing shall be established by a subsequent notice.

So ordered.

January 24, 2012


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

Distribution:

John S. Krupski, Esq.
Mary Ann Dempsey, Esq.
Rosemary Wiant, Esq.