



STATE OF NEW HAMPSHIRE
PUBLIC EMPLOYEE LABOR RELATIONS BOARD

State Employees Association of New Hampshire, SEIU Local 1984

v.

**State of New Hampshire
(Insurance Department)**

**Case No. G-0185-1
Decision No. 2012-028**

PRE-HEARING MEMORANDUM AND ORDER

Date of Conference: January 30, 2012¹

Appearances: John S. Krupski, Esq. for the Complainant

Rosemary Wiant, Esq. and James Spencer Culp, Esq. for the Respondent

Background:

The Union filed an unfair labor practice complaint on December 28, 2011 claiming that the State violated RSA 273-A:5, I (a), (b), (c), (e), (g), (h), and (i) when it required an employee who was a member of the Union bargaining team to provide a 24-hour notice prior to any bargaining-related meetings and when it issued an addendum to the employee's evaluation criticizing her attendance in part due to her participation as the Union representative in Health Benefits Advisory Committee meetings. The Union requests that the PELRB (1) find that the State committed an unfair labor practice in violation of RSA 273-A:5, I (a), (b), (c), (e), (g), (h), and (i); (2) order the State to cease and desist from any further interference with the employee's rights or coercion; (3) order the State to alter the employee's notification instructions to comport

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

with the policies of the State Negotiations Committee; and (4) order the State to adjust the employee's evaluation by deleting any reference to her activities relative to the Health Benefits Advisory Committee.

The State claims that issues raised by the Union have been resolved and requests that this case be dismissed as moot.

ISSUES FOR DETERMINATION BY THE BOARD

Whether the State committed an unfair labor practice in violation of RSA 273-A:5, I (a), (b), (c), (e), (g), (h), and/or (i).

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 parties shall file their final witness and exhibit lists and a comprehensive statement of stipulated facts no later than **March 12, 2012**. The parties shall promptly inform the PELRB of any resolution of this matter in the interim.

3. 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 22, 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 3 hours.

So ordered.

January 31, 2012


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

Distribution:

Richard E. Molan, Esq.
Rosemary Wiant, Esq.
James Spencer Culp, Esq.
John S. Krupski, Esq.