



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

**Rochester Middle Management Group**

v.

**City of Rochester**

**Case No. G-0067-3**  
**Decision No. 2012-035**

PRE-HEARING MEMORANDUM AND ORDER

Date of Conference: February 6, 2012

Appearances: John Krupski, Esq. for the Rochester Middle Management Group  
Matthew Upton, Esq. for the City of Rochester

Background<sup>1</sup>:

The parties are in the process of bargaining their first contract. According to the Rochester Middle Management Group (Union), the City committed an unfair labor practice in violation of RSA 273-A:5, I (a), (b), (e), (f), (g) and RSA 273-A:3 when the City: 1) failed to provide bargaining unit employees with a wage increase following the completion of formal merit evaluations in 2011; and 2) issued a memo stating it was unilaterally changing health insurance for all bargaining unit employees. As relief, the Union requests the PELRB order the City to compensate affected employees and order the City to refrain from making any unilateral change to health insurance.

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<sup>1</sup> The parties filed a Joint Pre-Hearing Worksheet on February 3, 2012.

The District denies the charges, disputing whether bargaining unit employees are entitled to the requested wage increase and explaining that the change to employee health insurance is necessitated by the decision of the City's current health insurance broker to leave the health insurance business.

#### Issues for Determination

Whether the City improperly withheld a wage increase and has or is about to unilaterally and improperly change a term and condition of employment (health insurance) in violation of RSA 273-A:5, I (a), (b), (e), (f), (g) and RSA 273-A:3.

#### 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 parties shall exchange and file their final witness and exhibit lists no later than 10 days prior to the date of hearing.

3. The parties shall prepare and file a final statement of stipulated facts no later than 10 days prior to the date of hearing.

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.

5. The parties' joint request at the pre-hearing conference to continue the adjudicatory hearing currently scheduled for February 28, 2012 is granted.

6. As discussed at the pre-hearing conference, it appears this case is appropriate for consolidation with Case No. G-0068-4. The City will be allowed until February 17, 2012 to file a motion seeking consolidation, and the Union shall file any responsive pleading on or before

February 24, 2012 (this extends by approximately one week the dates for such filings reviewed with counsel at the pre-hearing conference.) A further order concerning consolidation shall issue thereafter.

**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 **April 10, 2012 at 9 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.

February 14, 2012

  
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Douglas L. Ingersoll, Esq.  
Executive Director/Presiding Officer

Distribution:

John Krupski, Esq.  
Matthew Upton, Esq.