



STATE OF NEW HAMPSHIRE
PUBLIC EMPLOYEE LABOR RELATIONS BOARD

AFSCME Local 3657 Hillsborough County Sheriff's Office

v.

Hillsborough County Sheriff's Office

Case No. G-0012-17

Decision No. 2012-042

PRE-HEARING MEMORANDUM AND ORDER

Date of Conference: February 24, 2012¹

Appearances: Karen E. Clemens, Esq. for the Complainant

Carolyn M. Kirby, Esq. for the Respondent

Background:

The Union filed a complaint on January 24, 2012 claiming that the County committed an unfair labor practice in violation of RSA 273-A:5, I (b), (e), (g), (h), and (i) when it unilaterally reduced working hours of a bargaining unit employee from 40 to 35 hours per week. The Union requests that the PELRB find that the County failed to bargain in good faith, and order the County to cease and desist from dominating and interfering with the employee organization, to return all affected employees to a 40-hour week, to bargain in good faith, and to make the Union whole for all costs and expenses incurred to pursue this charge.

The County denies the charges and claims, among other things, that, following the reduction in the Sheriff's Department salary budget, the employer negotiated with the Union

¹ The parties filed a Joint Pre-Hearing Worksheet on February 21, 2012.

regarding the reduction of working hours in an attempt to avoid permanent layoffs but the parties failed to reach an agreement. The employer then reorganized the Department to accommodate the reduction in the budget by laying-off one of the employees in a 40-hour position and creating a new 35-hour position. The County requests that the PELRB dismiss the complaint.

ISSUE FOR DETERMINATION BY THE BOARD

Whether the County committed an unfair labor practice in violation of RSA 273-A:5, I (b), (e), (g), (h), and/or (i) as charged by 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 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 parties agreed to discuss the submission of this case on stipulated facts, joint exhibits, and briefs. Per the parties' agreement, the parties shall file a request to submit this case on stipulated facts, joint exhibits, and briefs, if any, no later than **March 2, 2012**. Such request shall contain a proposed schedule for submission of

stipulated facts, joint exhibits, and briefs. If no such request is submitted, the parties shall file their final witness and exhibit lists and a comprehensive statement of stipulated facts no later than **March 12, 2012**.

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 15, 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.

February 24, 2012


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

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