



STATE OF NEW HAMPSHIRE
PUBLIC EMPLOYEE LABOR RELATIONS BOARD

Town of Merrimack

v.

Professional Firefighters of Merrimack, IAFF, Local 2904

Case No. G-0190-1
Decision No. 2012-061

PRE-HEARING MEMORANDUM AND ORDER

Date of Conference: March 16, 2012¹
Appearances: Matthew H. Upton, Esq. for the Complainant
John S. Krupski, Esq. for the Respondent
Background:

The Town filed an unfair labor practice complaint on January 26, 2012 claiming that the Union violated RSA 273-A:5, II (f) when it sought to arbitrate an issue concerning the change in number and classification of personnel assigned to each shift. The Town requests that the PELRB find that the Union committed an unfair labor practice and issue a cease and desist order preventing the Union from continuing to seek arbitration. The Union denies the charges.

ISSUE FOR DETERMINATION BY THE BOARD

Whether the Union made a wrongful demand for arbitration in violation of RSA 273-A:5, II (f).

WITNESSES and EXHIBITS:

As outlined in the parties Joint Pre-Hearing Worksheet. It is understood that each party

¹ The parties filed a Joint Pre-Hearing Worksheet on March 16, 2012.

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 Town, the Union, 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 Town moved to cancel the adjudicatory hearing currently scheduled for March 28, 2012 and continue the proceedings in this matter to allow the parties time to resolve the dispute. The Union assented to this motion. The Town's motion is granted. The adjudicatory hearing scheduled for March 28, 2012 is hereby cancelled. There shall be no further activity in this matter unless one of the parties files a status report or a request for a hearing on or before **April 30, 2012** at which time the filing will be reviewed and a further order will be issued. In the absence of such filing or in the event the parties notify the PELRB that this matter has otherwise resolved, this case shall be dismissed after April 30, 2012. The parties shall immediately notify the PELRB of any resolution of this matter in the interim.

So ordered.

March 16, 2012


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

Distribution:
Matthew H. Upton, Esq.
John S. Krupski, Esq.