



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

**Teamsters Local 633 of New Hampshire**

**v.**

**Rockingham County**

**Case No. G-0162-3**  
**Decision No. 2012-084**

**PRE-HEARING MEMORANDUM AND ORDER**

Date of Conference: April 25, 2012

Appearances: Kevin P. Foley, Business Agent, for the Complainant  
Thomas M. Closson, Esq., for the Respondent

**Background:**

The Union filed an unfair labor practice complaint on March 26, 2012 claiming that the County violated RSA 273-A:5, I (c), (e), and (h) when, during the parties' contract negotiations, it unilaterally changed the terms of the employees' healthcare coverage, reneged on negotiated settlements, and attempted to discourage membership in the union by offering certain programs to non-union employees only. The Union requests that the PELRB cease and desist from violating RSA 273-A:5, I (c), (e), and (h).

The County denies the charges and asserts that the Union's complaint does not satisfy the requirements of Pub 201.02 (b) (4) and (b); that the claims are barred by the res judicata doctrine; that the Union failed to state a claim upon which relief may be granted; and that some claims are moot because they have been resolved in negotiations. The County requests that the

PELRB dismiss the complaint, dismiss claims that have been resolved, and order the Union to state the allegations with greater particularity and to reimburse the County for its fees, expenses and lost time in responding to the complaint.

ISSUE FOR DETERMINATION BY THE BOARD

Whether the District violated RSA 273-A:5, I (c), (e), and (h) as charged by the Union.

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 jointly moved to continue proceedings in this case to allow them time to settle the dispute. The parties' motion is granted. The adjudicatory hearing currently scheduled for May 10, 2012 is cancelled. There shall be no further activity in this matter unless one of the parties submits a filing seeking a hearing or other appropriate relief on or before **June 25, 2012**. In the absence of such filing this matter shall be dismissed after June 25, 2012. On or before **June 25, 2012**, the parties shall inform the PELRB whether they prefer to submit this case on stipulated facts, joint exhibits, and briefs. The parties shall promptly inform the PELRB of any resolution of this matter in the interim.

So ordered.

April 25, 2012

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

Distribution:

Kevin P. Foley, Business Agent  
Thomas M. Closson, Esq.,