



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

**Pittsfield Town Employees, AFT Local #6214, AFT-NH, AFL-CIO**

**v.**

**Town of Pittsfield, Board of Selectmen**

**Case No. G-0060-8**  
**Decision No. 2012-131**

**PRE-HEARING MEMORANDUM AND ORDER**

Date of Conference: June 11, 2012

Appearances: Terri D. Donovan, Esq., for the Complainant  
Paul T. Fitzgerald, Esq., for the Respondent

Background:

The Union filed an unfair labor practice complaint on May 9, 2012 claiming that the Town violated RSA 273-A:5, I (e), (g), (h), and (i) when it unilaterally issued a Directive prohibiting, among other things, "scheduled" overtime and private detail and changing the manner in which the overtime is assigned. The Union also alleges that the Town violated RSA 273-A:5, I (a) when it issued a policy restraining speech and communication by bargaining unit employees. The Union requests that the PELRB find that the Town committed an unfair labor practice and order the Town to compensate all employees for wages lost due to the improper assignment of shifts and work details, to rescind Directive provisions at issue, to comply with the collective bargaining agreement, and to cease and desist from interfering with the employees' free speech rights and from making unilateral changes to working conditions without negotiating with the Union.

The Town denies the charges and asserts that its actions were a proper exercise of management rights and that the issue involving employees' free speech rights is moot because the Town rescinded its "communication policy." The Town requests that the PELRB dismiss the complaint and/or deny all relief sought by the Union.

#### ISSUE FOR DETERMINATION BY THE BOARD

Whether the Town violated RSA 273-A:5, I (a), (e), (g), (h), and (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 Lists of Witnesses and Exhibits in conformity with Pub 203.01 (a). It is understood that each party may rely on the representations of the other party that witnesses and exhibits appearing on their respective lists will be available at the hearing. Copies of all exhibits must be submitted to the presiding officer in accordance with Pub 203.03.

#### DECISION

1. "Parties" means the Union, the Town, or their counsel/representative appearing in the case. The parties shall simultaneously copy each other electronically on all filings submitted in these proceedings.
2. On June 7, 2012 the Union filed a motion to amend the complaint. The Union's motion is granted. As discussed at the pre-hearing conference, the Town shall file an answer to the amended complaint on or before **June 15, 2012**.
3. At the pre-hearing conference, the Town indicated that it intends to file a motion to dismiss. As discussed at the conference, the Town shall file a motion to dismiss, if any, on or before **June 15, 2012**. An objection to the motion to dismiss, if any, shall be filed no later than **June 25, 2012**.


4. The parties shall file their final witness and exhibit lists and a comprehensive statement of stipulated facts no later than **July 2, 2012**.
5. 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 **July 10, 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 5 hours.

So ordered.

June 11, 2012

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

Distribution:  
Terri D. Donovan, Esq.  
Paul T. Fitzgerald, Esq.  
Paul Skowron, Town Administrator