

STATE OF NEW HAMPSHIRE
PUBLIC EMPLOYEE LABOR RELATIONS BOARD

**State Employees Association of NH, Inc., SEIU Local 1984/
Chapter 12, Seabrook Employees Association**

v.

Town of Seabrook

Case No. G-0021-14

Case No. G-0021-15

(Consolidated Cases)

Decision No. 2012-132

PRE-HEARING MEMORANDUM AND ORDER

Date of Conference: June 12, 2012

Appearances: Christopher Long, Field Representative, for the Complainant
J. Joseph McKittrick, Esq., for the Respondent

Case No. G-0021-14 and Case No. G-0021-15 are consolidated and this order applies to both cases. See Decision section below.

Background:

In Case No. G-0021-14, the Union claims that the Town violated RSA 273-A:5, I (a), (b), (c), (d), (g), and (h) when it failed to implement an arbitrator's award in a grievance case involving the Water Department temporary promotion issues. In Case No. G-0021-15, the Union asserts the same claims on behalf of the employees of the Wastewater Department. In both cases, the Union requests, among other things, that the PELRB order the Town to make bargaining unit members whole, to comply with the parties' CBA, RSA 273-A, and the arbitrator's award concerning temporary promotions, and to provide a complete accounting of the back pay due pursuant to the arbitrator's award and to make such payments.

The Town denies the charges in both cases and claims that it complied with the arbitrator's award; that the Union misinterprets the award; and that the award is unenforceable under New Hampshire law. The Town requests, among other things, that the PELRB dismiss the Union's complaint.

ISSUES FOR DETERMINATION BY THE BOARD

Whether the Town violated RSA 273-A:5, I (a), (b), (c), (d), (g), and (h) as charged by the Union.

WITNESSES FOR THE UNION

1. William Knowles
2. Asa Knowles
3. Ben Merrill
4. Mike Pike

WITNESSES FOR THE TOWN

1. Barry Brenner
2. Philip Maltais

JOINT AND AGREED EXHIBITS

1. Collective Bargaining Agreement
2. Arbitrator's Award dated December 8, 2011
3. Town Manager's letter dated March 8, 2012 regarding Water Department
4. Town Manager's letter dated March 8, 2012 regarding Wastewater Department.

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 the witnesses and exhibits listed above will be available at the hearing. The original and 5 copies of each exhibit must be submitted to the board or presiding officer on the day of the adjudicatory hearing. Do not file, either electronically or via mail, proposed exhibits prior to the day of hearing.

DECISION

1. "Parties" means the Union, the Town, or their counsel/representative appearing in these

cases. The parties shall simultaneously copy each other electronically on all filings submitted in these proceedings.


2. As agreed at the pre-hearing conference, Case No. G-0021-14 and Case No. G-0021-15 are consolidated and this pre-hearing order applies to both cases.
3. The Town filed motions for an "Order of Specificity" in both cases. At the pre-hearing conference, the Union clarified its allegations in the consolidated cases with sufficient specificity to render the Town's motions moot. Accordingly, Town's motions for an order of specificity are denied as moot in both cases.
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. The original and 5 copies of each exhibit must be submitted to the board or presiding officer on the day of adjudicatory hearing. Do not file, either electronically or via mail, proposed exhibits prior to the day of hearing.

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 11, 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 6 hours.

So ordered.

June 13, 2012



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

Distribution:
Christopher Long, Field Representative
J. Joseph McKittrick, Esq.,