



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

**Rochester Municipal Managers Group**

v.

**City of Rochester**

**Case No. G-0068-5**  
**Decision No. 2012-169**

PRE-HEARING MEMORANDUM AND ORDER

Date of Conference: July 19, 2012

Appearances: John S. Krupski, Esq. for the Complainant  
Matthew H. Upton, Esq. for the Respondent

Background:

The Union filed an unfair labor practice complaint on June 20, 2012 alleging that the City violated RSA 273-A:5, I and RSA 273-A:3 when it terminated a bargaining unit employee without a "just cause" during the "status quo" period. The Union requests that the PELRB find that the City committed an unfair labor practice and order the City to cease and desist, to reinstate the employee with full back pay and benefits, and to make the employee whole.

The City denies the charges and requests that the PELRB deny the relief sought by the Union.

ISSUES FOR DETERMINATION BY THE BOARD

Whether the City committed an unfair labor practice as charged by the Union.

## WITNESSES and EXHIBITS:

As outlined in the parties' Joint Pre-Hearing Worksheet<sup>1</sup>. Both parties reserve the right to amend their Lists 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 and exhibits appearing on their respective lists will be available at the hearing.

## DECISION

1. "Parties" means the Union, the City, 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 the adjudicatory hearing currently scheduled for August 13, 2012. The parties' motion is granted. The adjudicatory hearing is rescheduled for **September 27, 2012 at 9:00 a.m.** A rescheduling notice shall issue forthwith.
3. The parties shall file their final witness and exhibit lists and a comprehensive statement of stipulated facts no later than **September 17, 2012.**
4. The requirement that the parties file copies of proposed exhibits prior to the date of adjudicatory hearing is suspended. The parties shall not file, either electronically or via mail, proposed exhibits prior to the day of hearing.
5. The parties shall pre-mark exhibits by placing identifying markers in the upper right corner of each exhibit, if possible, and bring an original and five (5) copies of each

---

<sup>1</sup> The parties submitted a Joint Pre-Hearing Worksheet on July 17, 2012.

exhibit to the hearing. 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 **September 27, 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.

July 19, 2012

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

Distribution:

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