



STATE OF NEW HAMPSHIRE
PUBLIC EMPLOYEE LABOR RELATIONS BOARD

**Teamsters Local 633 of New Hampshire,
Manchester Police Department Support Staff**

v.

City of Manchester

**Case No. G-0187-3
Decision No. 2012-184**

PRE-HEARING MEMORANDUM AND ORDER

Date of Conference: July 30, 2012

Appearances:

William R. Cahill, Jr., Esq. for the Complainant

Thomas I. Arnold, III, Esq. for the Respondent

Background:

The Union filed an unfair labor practice complaint on June 27, 2012 alleging that the City violated RSA 273-A:5, I (c), (e), (h), and (i) when, among other things, it unilaterally removed bargaining unit employees from the unit and changed the terms and conditions of their employment and when it allowed other non-bargaining unit employees to do work formerly done exclusively by the bargaining unit employees. The Union requests that the PELRB order the City to make affected employees whole and to abide by the parties' collective bargaining agreement.

The City denies the charges and asserts, among other things, that its actions were "managerial policy within the exclusive prerogative of the public employer pursuant to RSA 273-A:1, XI" and that the PELRB lacks jurisdiction because the Union's claim arises out of the application of the CBA which contains a grievance procedure culminating in arbitration.

ISSUES FOR DETERMINATION BY THE BOARD

1. Whether the PELRB has jurisdiction over the Union's claims.
2. 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,¹ 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. The parties shall file their final witness and exhibit lists and a comprehensive statement of stipulated facts no later than **August 13, 2012**.
3. 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.
4. 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 exhibit to the hearing. To facilitate access to a particular exhibit, the parties shall use tabs to separate exhibits.

¹ The parties submitted a Joint Pre-Hearing Worksheet on July 25, 2012.

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 **August 21, 2012, at 8:30 a.m.** at the offices of the Public Employee Labor Relations Board in Concord. The time set aside for this hearing is 3 hours.

So ordered.

July 31, 2012


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

Distribution:

William R. Cahill, Jr., Esq.
Thomas I. Arnold, III, Esq.