



STATE OF NEW HAMPSHIRE
PUBLIC EMPLOYEE LABOR RELATIONS BOARD

Teamsters Local Union 633

v.

Rockingham County Department of Corrections

Case No. G-0140-3

Decision No. 2012-229

PRE-HEARING MEMORANDUM AND ORDER

Date of Conference: October 5, 2012

Appearances:

Jeffrey Padellaro for the Complainant
Thomas M. Closson, Esq. for the Respondent

Background:

The Union filed an unfair labor practice complaint on September 6, 2012 claiming that the County violated RSA 273-A:5, I (a), (b), and (e) when it made an additional healthcare premium deduction to which the Union did not agree and when it dealt directly with bargaining unit employees regarding the requirement to make such a deduction. The Union also alleged that the County disciplined the Union President in retaliation for his union activity. The Union requests that the PELRB order the County to cease and desist from violating RSA 273-A and to make all affected employees whole.

The County denies the charges and claims that all affected employees provided their written approval of the deduction and that the deducted amount was passed in its entirety to the health insurer. The County also asserts that the Union filed to state a claim upon which relief can be granted and that the claims are barred by the statute of limitations and by the doctrines of estoppels, waiver, and/or laches. The County requests that the PELRB dismiss the complaint and

award the County its costs and attorneys' fees.

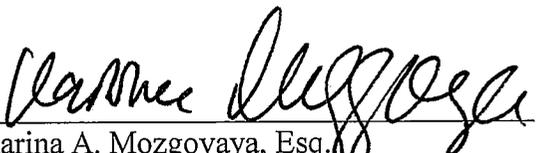
A telephonic pre-hearing conference has been conducted in the above captioned case on October 5, 2012. At the conference, the parties informed the PELRB that they resolved retaliation/discrimination claims.

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. As agreed at the pre-hearing conference, the only unresolved issue in this case is whether the County violated RSA 273-A:5, I (a), (b), and/or (e) when it made an additional healthcare premium deduction without the Union's agreement and when it dealt directly with bargaining unit employees regarding the requirement to make such a deduction.
3. At the pre-hearing conference, the Union requested that the PELRB continue the proceedings in this case pending resolution of a related matter by the Department of Labor. The County assented to this request. The Union's request is granted. Accordingly, the adjudicatory hearing currently scheduled for October 18, 2012 is cancelled. There shall be no further proceedings in this case until **January 7, 2013** at which time this case shall be dismissed unless a party files a request for a hearing or other appropriate relief on or before that date. The parties shall promptly inform the PELRB of any resolution of this case in the interim.

So ordered.

October 5, 2012


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

Distribution:
Jeffrey Padellaro, Business Agent
Thomas M. Closson, Esq.