



**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-0060-10**  
**Decision No. 2012-249**

PRE-HEARING MEMORANDUM AND ORDER

Date of Conference: November 6, 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 October 9, 2012 claiming that the Town violated RSA 273-A:5, I (e), (g), (h), and (i) when it unilaterally prohibited shift swaps that would result in 24-hour shifts. The Union requests that the PELRB find that the Town committed an unfair labor practice and order the Town to cease and desist from making unilateral changes to working conditions and from dealing directly with the bargaining unit employees over mandatory subjects of bargaining, to rescind the directive regarding shift swaps, to honor the provisions of the collective bargaining agreement (CBA) and past practice, to restore vacation leave utilized by bargaining unit employees who requested to swap shifts but were denied, and to pay attorneys' fees and all costs associated with the processing of the complaint.

The Town denies the charges and asserts that it acted in accordance with the parties' CBA and its managerial prerogative. The Town requests that the PELRB deny all requested relief.

#### ISSUE FOR DETERMINATION BY THE BOARD

Whether the Town violated RSA 273-A:5, I (e), (g), (h), and (i) as charged by the Union.

#### WITNESSES and EXHIBITS:

As outlined in the parties' joint pre-hearing worksheet and at the pre-hearing conference. 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 upon the representations of the other party that witnesses and exhibits appearing on their respective lists will be available at the hearing. 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. The parties shall pre-mark each exhibit and bring an original and five (5) copies of each exhibit to the hearing.

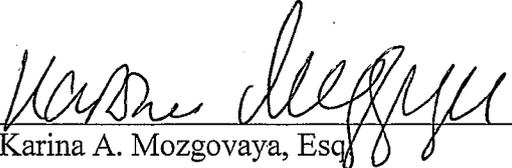
#### DECISION

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. At the pre-hearing conference, the Union requested that the PELRB continue the proceedings in this case to allow the parties additional time to resolve the dispute. The Town assented to this request. The Union's request is granted. Accordingly, the adjudicatory hearing currently scheduled for November 19, 2012 is cancelled. The parties shall file a Joint Status Report on or before **November 16, 2012**. The parties shall promptly inform the PELRB of any resolution of this case in the interim.

3. As agreed at the pre-hearing conference, in the event an adjudicatory hearing is requested in this case, it shall be scheduled for the same date as an adjudicatory hearing in Case No. G-0060-11, *Pittsfield Town Employees, AFT Local #6214, AFT-NH, AFL-CIO v. Town of Pittsfield, Board of Selectmen*, if any. These cases are not consolidated.

So ordered.

November 7, 2012

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

Distribution:

Terri D. Donovan, Esq.

Paul T. Fitzgerald, Esq.

Paul Skowron, Town Administrator