



STATE OF NEW HAMPSHIRE
PUBLIC EMPLOYEE LABOR RELATIONS BOARD

**State Employees' Association of New Hampshire, Inc.,
SEIU Local 1984**

v.

State of New Hampshire

Case No. G-0115-5

Decision No. 2013-097

PRE-HEARING MEMORANDUM AND ORDER

Date of Conference: June 25, 2013

Appearances: Robert F. Berry, Jr., Esq. for the Complainant

Michael K. Brown, Esq. and Lisa M. English, Esq. for the
Respondent

Background:

On May 24, 2013 the Association filed an unfair labor practice complaint claiming that the State violated RSA 273-A:3, RSA 273-A:4, and RSA 273-A:5, I (a), (b), (e), (g), and (i) when it unilaterally closed a grievance concerning "standby" payments for Public Health Nurses and refused to discuss the Association's request to arbitrate the grievance. The Association requests that the PELRB order the State to proceed to arbitration and to cease and desist from any further violations or, in the alternative, find that the PELRB has primary jurisdiction over the merits of the grievance.

The State denies the charges and asserts, among other things, that the Association abandoned the grievance and that, as the Association did not properly complete the Step 3 of the grievance procedure, there was no matter to bring forward to the Step 4.

ISSUES FOR DETERMINATION BY THE BOARD

Whether the State violated RSA 273-A:3, RSA 273-A:4, and/or RSA 273-A:5, I (a), (b), (e), (g), and (i) as charged by the Association.

WITNESSES and EXHIBITS:

As outlined in the parties' Joint Pre-Hearing Worksheet. Both parties reserve the right to amend their lists of witnesses and exhibits in conformity with Pub 203.01. 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. 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 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.

DECISION

1. "Parties" means the Association, the State 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 discussed at the pre-hearing conference, an amendment to the complaint, if any, shall be filed on or before July 9, 2013. An answer to the amended complaint, if any, shall be filed no later than July 24, 2013.

3. At the pre-hearing conference, the Association requested that the PELRB continue the adjudicatory hearing currently scheduled for July 10, 2013. The State does not object to this request. The Association's request is granted. Accordingly, the adjudicatory hearing is rescheduled for **August 27, 2013 at 8:30 a.m.** A rescheduling notice shall issue forthwith.
4. The parties shall file their final witness and exhibit lists and a statement of stipulated facts no later than 10 days prior to the date of hearing.

HEARING

Unless otherwise ordered as a result of the filing of any subsequent motion, the adjudicatory hearing in this case will be held on **August 27, 2013 at 8:30 a.m.** at the offices of the PELRB in Concord. The time set aside for this hearing is 4 hours. If either party believes that additional time is required, a written notice of the need for additional time shall be filed with the PELRB at least 10 days prior to the date of hearing.

So ordered.

June 25, 2013



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

Distribution:

Glenn R. Milner, Esq.
Robert F. Berry, Jr., Esq.
Michael K. Brown, Esq.
Lisa M. English, Esq.