



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

**Teamsters Local 633 of New Hampshire**

v.

**Town of Plaistow, Police Department**

**Case No. G-0131-5**  
**Decision No. 2013-208**

PRE-HEARING MEMORANDUM AND ORDER

Date of Conference: October 16, 2013

Appearances: Jeffrey Padellaro, Business Agent, for the Complainant  
Mark T. Broth, Esq., for the Respondent

On September 18, 2013 the Teamsters Local 633 of New Hampshire (Union) filed an unfair labor practice complaint claiming that the Town violated RSA 273-A:5, I (b), (c), (d), (g), (h), and (i) when, among other things, (1) the Police Chief questioned bargaining unit employees about their involvement in contract negotiations and told them to support the contract offer made by the Town; (2) the Town retaliated against Union officials by targeting them for discipline, applying different disciplinary standards, terminating the Union Steward's employment, and inappropriately notifying the health care provider to cancel health benefits of terminated employees; and (3) the Town failed to properly pay employees upon separation from employment, refused to provide a statement of earnings upon request, and failed to pay health care premiums for earned vacation time payments received upon separation from employment. The Union requests that the PELRB order the Town to cease and desist from its actions and to rescind unilateral changes.

The Town denies the charges and asserts, among other things, that the claims concerning discipline, termination, and post-termination compensation should be deferred to the grievance and arbitration process.

#### ISSUES FOR DETERMINATION BY THE BOARD

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

#### 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 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. During the pre-hearing conference, the Union also alleged that the Town committed and unfair labor practice when it awarded a School Officer position to an employee without following the bidding process and unilaterally changed the pay rate for the School Officer position. If the Union wishes to add this allegation to the issues to be adjudicated at the

hearing, the Union shall file a motion to amend the complaint in accordance with Pub 201.04.

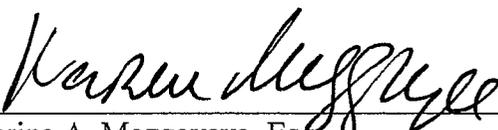
3. The parties shall file their final witness and exhibit lists and a statement of stipulated facts no later than **November 29, 2013**.

### HEARING

Unless otherwise ordered as a result of the filing of any subsequent motion, the adjudicatory hearing in this case will be held on **December 10, 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.

October 17, 2013

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

Distribution:  
Jeffrey Padellaro, Business Agent  
Mark T. Broth, Esq.