



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-0115-7

Decision No. 2013-222

PRE-HEARING MEMORANDUM AND ORDER

Date of Conference: October 25, 2013

Appearances: Glenn R. Milner, Esq., and Lauren Snow Chadwick, Esq., for the
Complainant

Michael K. Brown, Esq., and Rosemary Wiant, Esq., for the
Respondent

Background:

On September 26, 2013, the State Employees' Association of New Hampshire, Inc., SEIU Local 1984 (SEA) filed an unfair labor practice complaint claiming that the State violated RSA 273-A:5, I (e), (h), and (i) when it proposed to change the language in the overtime assignment article of its collective bargaining agreement (CBA) with the Teamsters, who represent Corrections Officers and Corporals, from "employees" to "Corrections Corporals and Corrections Officers."¹ The SEA, who represents Corrections Sergeants, Lieutenants, and Captains, claims that the proposed change to the Teamsters CBA invalidates the established

¹ The SEA alleges that the proposed language is as follows: "overtime assignments, to the extent possible, shall be distributed equally among qualified **Corrections Corporals and Corrections Officers** who customarily perform the kind of work required with preference given to those **Corrections Corporals and Corrections Officers** currently assigned to the work section in which the overtime is to be worked." See Unfair Labor Practice Complaint.

practice for the employees represented by the SEA and negates the overtime assignment article of the SEA's CBA. The SEA requests that the PELRB order the State to cease and desist from engaging in unfair labor practice.

The State denies the charges and asserts that the CBA between the State and the Teamsters was negotiated in good faith and is unrelated to the CBA between the State and the SEA.

ISSUES FOR DETERMINATION BY THE BOARD

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

DECISION

1. "Parties" means the SEA, 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, the parties may file a joint request to submit this matter for decision on stipulated facts, exhibits, and briefs. Any such request shall be submitted no later than **November 4, 2013** and shall contain a proposed schedule for submission of stipulated facts, exhibits, and briefs.
3. 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.
4. 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.

HEARING

Unless otherwise ordered as a result of the filing of any subsequent motion, the adjudicatory hearing in this case will be held on **November 19, 2013, at 8:30 a.m.** at the offices of the PELRB in Concord. The time set aside for this hearing is 3 hours.

So ordered.

October 25, 2013



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

Distribution:

Glenn R. Milner, Esq.
Michael K. Brown, Esq.
Lauren Snow Chadwick, Esq.
Rosemary Wiant, Esq.