



STATE OF NEW HAMPSHIRE
PUBLIC EMPLOYEE LABOR RELATIONS BOARD

City of Concord

v.

Concord Police Supervisors Association

Case No. G-0205-3
Decision No. 2014-127

PRE-HEARING MEMORANDUM AND ORDER

Date of Conference: May 15, 2014

Appearances: James Kennedy, Esq. for the Complainant

John Krupski, Esq., for the Respondent

Background:

On April 11, 2014 the City of Concord (City) filed an unfair labor practice complaint claiming that the Concord Police Supervisors Association (Association) violated RSA 273-A:5, II (f) and (g) when it demanded arbitration of a grievance involving a former employee. The City argues that the Association is not permitted to demand arbitration under the parties' collective bargaining agreement (CBA) because the subject employee retired on January 31, 2013, eleven months prior to the signing of that agreement. The City requests that the PELRB enjoin the Association from proceeding with its demand for arbitration.

The Association denies the charges and asserts that, under the case law, the Association represents retired employees; that although the parties signed the CBA in December of 2013, the effective date of the CBA was January 1, 2013, i.e., prior to the subject employee's retirement

date; and that the City's refusal to withdraw the charges in this case constitutes "dilatory tactics." The Association requests that the PELRB dismiss the charges and award fees incurred by the Association.

ISSUES FOR DETERMINATION BY THE BOARD


Whether the Association violated RSA 273-A:5, II (f) and (g) as charged by the City.

DECISION

1. "Parties" means the City, the Association 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 parties jointly requested leave to submit this case on stipulated facts, joint exhibits, and briefs and provided a proposed filing schedule. The parties' request is granted and their filing schedule is approved. Accordingly, the adjudicatory hearing currently scheduled for June 4, 2014 is cancelled. The parties shall file stipulated facts, joint exhibits, and opening briefs no later than June 18, 2014 and reply briefs, if any, no later than July 3, 2014.

So ordered.

May 15, 2014


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

Distribution: John Krupski, Esq.
James Kennedy, Esq.