



STATE OF NEW HAMPSHIRE
PUBLIC EMPLOYEE LABOR RELATIONS BOARD

Teamsters Local 633/Plaistow Town Employees

v.

Town of Plaistow

Case No. G-0061-5
Decision No. 2014-140

PRE-HEARING MEMORANDUM AND ORDER

Date of Conference: May 30, 2014

Appearances: Jeffrey Padellaro, Business Agent, for the Complainant

Mark T. Broth, Esq., for the Respondent

Background:

On April 17, 2014 the Teamsters Local 633/Plaistow Town Employees (Union) filed an unfair labor practice complaint claiming that the Town violated RSA 273-A:5, I (a) when the Town Manager "informed the spouse of a member that it would be better for the employee if he/she did not belong to the Union from an economic standpoint." The Union also claims that the Town violated RSA 273-A:5, I (e) when it refused to meet and negotiate on a regular basis and failed to respond in a constructive way to the Union's proposals, to provide any counterproposals and to respond to Union's requests for responses and the continuation of negotiations. The Union requests that the PELRB order the Town to bargain in good faith and to cease and desist from violating the statute.

The Town denies the charges and asserts that, since the Union's certification as the exclusive representative of the Town employees bargaining unit in 2010, the parties have been unable to reach a tentative agreement on their first contract; that the Union has abandoned the negotiation process for long periods of time; that the Town has significantly modified its

proposals in the interest of achieving a collective bargaining agreement; and that the Union has failed to avail itself of the dispute resolution procedures under RSA 273-A:12.

ISSUES FOR DETERMINATION BY THE BOARD

Whether the Town violated RSA 273-A:5, I (a) and (e) 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.

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 parties requested that the adjudicatory hearing currently scheduled for June 17, 2014 be rescheduled for June 19, 2014. The parties' request is granted. The adjudicatory hearing in this case is rescheduled for **June 19, 2014 at 8:30 a.m.**
3. The parties shall file their final witness and exhibit lists and a joint statement of stipulated facts no later than June 9, 2014.
4. 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.
5. 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 **June 19, 2014, 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 3, 2014



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

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