



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

**Exeter Police Association, NEPBA**

v.

**Town of Exeter**

**Case No. G-0087-8**

**Decision No. 2014-192**

PRE-HEARING MEMORANDUM AND ORDER

Date of Telephonic Conference: August 8, 2014

Appearances: Meghan C. Cooper, Labor Rep., for the Complainant

Thomas M. Closson, Esq., for the Respondent

Background:

On June 19, 2014 the Exeter Police Association, NEPBA (Union) filed an unfair labor practice complaint alleging that the Town of Exeter violated RSA 273-A:5, I (e), (g), (h), and (i) by improperly calculating the accrual of vacation time under the parties' collective bargaining agreement (CBA) and past practices. Prior to filing the complaint, the Union utilized the contractual grievance process, including advisory arbitration, to resolve the issue. The arbitrator denied the Union's grievance and the Town accepted the arbitrator's decision. The Union requests that the PELRB find that the Town violated RSA 273-A:5, I (e), (g), (h), and (i) and order the Town to cease and desist from improperly calculating the accrual of vacation time and to make all bargaining unit employees whole.

The Town denies the charges and asserts that the Union's claims are barred by the doctrine of collateral estoppel.

## ISSUES FOR DETERMINATION BY THE BOARD

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

### 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. The parties shall file their final witness and exhibit lists and a joint statement of stipulated facts no later than September 8, 2014.
3. 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.
4. 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 **September 18, 2014, at 8:30 a.m.** at the offices of the PELRB in Concord. The time set aside for this hearing is 3 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.

August 8, 2014

A handwritten signature in cursive script, reading "Karina A. Lange". The signature is written in black ink and is positioned above a horizontal line.

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

Distribution: Meghan C. Cooper, Labor Rep.  
Thomas M. Closson, Esq.