



STATE OF NEW HAMPSHIRE
PUBLIC EMPLOYEE LABOR RELATIONS BOARD

State Employees' Association of NH, SEIU Local 1984

v.

State of New Hampshire, Department of Health & Human Services

Case No. G-0148-3
Decision No. 2014-241

PRE-HEARING MEMORANDUM AND ORDER

Date of Conference: October 21, 2014

Appearances: Lauren Snow Chadwick, Esq., for the Complainant
Robert F. Berry, Jr., Esq., for the Respondent

Background:

On August 20, 2014, the State Employees' Association of NH, SEIU Local 1984 (Association) filed an unfair labor practice complaint alleging that the State of New Hampshire, Department of Health & Human Services (State) violated RSA 273-A:5, I (a), (b), (c), (d), (g), and (h) "by taking certain discriminatory actions against bargaining unit employees in retaliation for their union activity and for the purpose of discouraging such activity." The Association requests that the PELRB find that the State violated RSA 273-A:5, I (a), (b), (c), (d), (g), and (h) and order the State to cease and desist from engaging in these unfair labor practices.

The State denies the charges and asserts, among other things, that the Association's claims are untimely and moot; and that the Association failed to state a claim upon which relief may be granted.

ISSUES FOR DETERMINATION BY THE BOARD

Whether the State violated RSA 273-A:5, I (a), (b), (c), (d), (g), and/or (h) as charged by the Association.

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 Association, 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. On October 17, 2014, the Association filed a Motion to Amend Complaint under Pub 201.04 (b). As discussed at the pre-hearing conference, the State shall file its objection, if any, to the Association's Motion to Amend no later than October 23, 2014.
3. At the pre-hearing conference, the State indicated that it intends to file a motion to dismiss the complaint; and the Association moved to continue the adjudicatory hearing currently scheduled for November 6, 2014. As discussed at the pre-hearing conference, the State shall inform the PELRB on or before October 23, 2014 whether it assents to the Association's motion to continue, in which case the parties shall provide to the PELRB at least 2 alternative hearing dates that are acceptable to both parties in accordance with Pub 201.08.
4. The parties shall file a joint statement of stipulated facts and their final witness and exhibit lists no later than 10 days prior to the date of hearing.

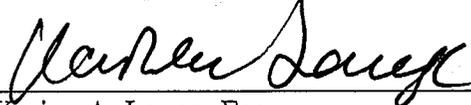
5. The requirement that the parties file copies of proposed exhibits prior to the date of adjudicatory hearing is suspended. The parties shall not file, either electronically or via mail, proposed exhibits prior to the day of hearing.
6. The parties shall pre-mark each exhibit by placing identifying 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 6, 2014, at 8:30 a.m.** at the offices of the PELRB in Concord. The time set aside for this hearing is 6 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 21, 2014



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

Distribution: Lauren Snow Chadwick, Esq.
Robert F. Berry, Jr., Esq.