



STATE OF NEW HAMPSHIRE
PUBLIC EMPLOYEE LABOR RELATIONS BOARD

**Teamsters Local 633 of New Hampshire,
Manchester Police Department Support Staff**

v.

City of Manchester

**Case No. G-0187-6
Decision No. 2014-242**

PRE-HEARING MEMORANDUM AND ORDER

Date of Conference: October 22, 2014

Appearances: William R. Cahill, Jr., Esq., for the Complainant

Thomas I. Arnold, III, Esq., for the Respondent

Background:

On September 25, 2014, the Teamsters Local 633 of New Hampshire, Manchester Police Department Support Staff (Union) filed an unfair labor practice complaint alleging, that the City of Manchester (City) violated RSA 273-A:5, I when it unilaterally outsourced custodial duties previously performed by bargaining unit employees to an outside company and laid off the remaining members of the custodial staff. The Union requests that the PELRB order the City to reinstate laid-off bargaining unit employees and direct that all future custodial functions be performed by bargaining unit employees and that the custodial staff work under the terms and conditions of the current collective bargaining agreement (CBA).

The City denies the charges and asserts, among other things, that the City's actions were within its exclusive managerial prerogative; that the Union's claims are untimely under RSA 273-A:1, XI; and that the PELRB has no jurisdiction over the claims because the parties' CBA

provides for arbitration and the claims arise out of the interpretation of the CBA. The City requests that the PELRB deny and dismiss the complaint with prejudice.

ISSUES FOR DETERMINATION BY THE BOARD

Whether the City violated RSA 273-A:5, I (h) and (i) as charged by the Union.¹

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 City 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 a joint statement of stipulated facts and their final witness and exhibit lists no later than November 3, 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.

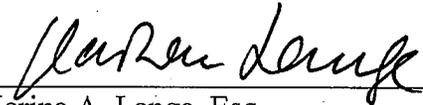
¹ See Joint Pre-Hearing Worksheet filed on October 21, 2014.

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 13, 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.

October 22, 2014



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

Distribution: Kevin P. Foley, Business Agent
William R. Cahill, Jr., Esq.
Thomas I. Arnold, III, Esq.

