



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

**Teamsters Local 633/Plaistow Town Employees**

v.

**Town of Plaistow**

**Case No. G-0061-6**  
**Decision No. 2014-254**

**PRE-HEARING MEMORANDUM AND ORDER**

Date of Conference: November 19, 2014

Appearances (telephonically): William R. Cahill, Jr., Esq. & Jeffrey Padellaro, Business Agent, for the Complainant

Mark T. Broth, Esq., for the Respondent

**Background:**

On October 14, 2014, the Teamsters Local 633/Plaistow Town Employees (Union) filed an unfair labor practice complaint alleging that the Town of Plaistow (Town) breached its obligation to bargain in good faith, thereby violating RSA 273-A:5, I (e), when it refused to meet with the Union for contract negotiations, failed to timely conduct a vote on ratification of a tentative agreement reached in July, 2014, and failed to respond to the Union's requests to meet to clear up outstanding issues. The Union requests that the PELRB order the Town to comply with its obligation to bargain in good faith, to vote on ratification of the tentative agreement, and to meet with the Union.

The Town denies the charges and asserts that the Town Manager presented the tentative agreement to the Board of Selectmen (BOS) for approval in August, 2014 and appeared before

the BOS in September and October, 2014 in an effort to secure approval of the agreement; and that on each occasion the BOS deferred action on the agreement. The Town claims that the BOS voted to reject the tentative agreement on November 3, 2014; and that the Union has been notified of the BOS' action. The Town also argues that further meetings with the Union prior to the BOS' rejection of the tentative agreement would have been premature.

#### ISSUES FOR DETERMINATION BY THE BOARD

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

#### 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 telephonic pre-hearing conference, the Town requested continuance of the adjudicatory hearing currently scheduled for December 2, 2014. The Union assented to this request. The Town's request is granted. Accordingly, the adjudicatory hearing is rescheduled for **January 5, 2015, at 8:30 a.m.** A rescheduling notice shall issue forthwith.
3. The parties shall file a joint statement of stipulated facts and their final witness and exhibit lists no later than **December 26, 2014**. 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.
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.

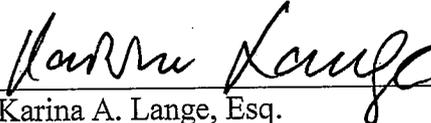
5. The parties shall pre-mark each exhibit by placing identifying markers in the upper right corner of each exhibit, if possible, and bring an original and five (5) copies of each exhibit to the hearing. To facilitate access to a particular exhibit, the parties shall use tabs to separate exhibits.

### HEARING

Unless otherwise ordered as a result of the filing of any subsequent motion, the adjudicatory hearing in this case will be held on **January 5, 2015, 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.

November 19, 2014

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

Distribution: Jeffrey Padellaro, Business Agent  
William R. Cahill, Jr., Esq.  
Mark T. Broth, Esq.