



STATE OF NEW HAMPSHIRE
PUBLIC EMPLOYEE LABOR RELATIONS BOARD

AFSCME Local 1801, Salem Public Works Employees

v.

Town of Salem

Case No. G-0027-6

Decision No. 2015-016

PRE-HEARING MEMORANDUM AND ORDER

Date of Conference: January 28, 2015

Appearances: Anna R. Shapell, Esq., for the Complainant
(telephonically)

Marie S. McKean, Esq., for the Respondent

Background:

On April 16, 2014, the AFSCME Local 1801, Salem Public Works Employees (Union) filed an unfair labor practice complaint alleging that the Town of Salem (Town) violated RSA 273-A:5, I (a), (b), (e), (g), and (h) when it unilaterally replaced the agreed upon emergency work-related Standard Operation Procedure (SOP) No. 8 with SOP No. 12 and terminated an employee for violating SOP No. 12. The Union requests that the PELRB find that the Town committed an unfair labor practice and order the Town to cease and desist from interfering with employees in the exercise of the rights under RSA 273-A, to bargain in good faith, to publicly post the PELRB findings for 30 days, to rescind all discipline issued as a result of alleged violations of SOP No. 12, and to make the Union whole for all costs and expenses incurred to pursue this charge.

The Town denies the charges and asserts that SOP No. 12 was properly adopted in 2008 and distributed to all bargaining unit employees; that the SOP change was prompted by changes in modern technology and was not substantive; that the Town was not obligated to bargain with the Union over this change; and that the subject employee was terminated for a series of violations of Department SOPs. The Town requests that the PELRB deny all relief sought by the Union and dismiss the complaint.

ISSUES FOR DETERMINATION BY THE BOARD

Whether the Town RSA 273-A:5, I (a), (b), (e), (g), and/or (h) 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 a joint statement of stipulated facts and their final witness and exhibit lists no later than **February 2, 2015**.
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 **February 10, 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.

January 28, 2015



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

Distribution: Anna R. Shapell, Esq.
Joseph DeLorey, Esq.
Marie S. McKean, Esq.