



State of New Hampshire
Public Employee Labor Relations Board

**AFSCME Council 93, Local 298,
Manchester Central Fleet Management**

v.

City of Manchester

**Case No. G-0216-6
Decision No. 2018-051**

Pre-Hearing Memorandum and Order

Date of Conference:

May 2, 2018

Appearances:

Richard E. Molan, Esq., for the Complainant

Matthew H. Upton, Esq., for the Respondent

Background:

On April 2, 2018, the AFSCME Council 93, Local 298, Manchester Central Fleet Management (Union) filed an unfair labor practice complaint under the Public Employee Labor Relations Act asserting that the City of Manchester (City) has violated RSA 273-A:5, I (a), (b), (c), and (g) when it retaliated against bargaining unit employees for engaging in union activity. The Association alleges, among other things, that the department supervisors regularly disparage the Union in order to discourage the exercise of employees' rights, wrongly discipline bargaining unit employees in an effort to deter the union participation, and discourage employees from seeking an interpretation of the collective bargaining agreement from the Union. The Union also claims that the City denied a union steward a Union representative of his choice during the

course of a disciplinary/criminal investigation. The Union requests that the PELRB find that the City committed an unfair labor practice and order the City to cease and desist from further violations and to display the decision in this matter in all places where employees of the unit work.

The City denies the charges and asserts that even though supervisory employees of the department made statements against the Union to the employees, they did not make these statements with intent to discourage union membership or activity. The City further claims that, during the police interview of the employee, a Union representative was present and the employee was instructed that he could terminate the interview at any time. The City requests that the PELRB deny the remedies requested by the Union.

Issues for Determination by the Board.

Whether the District violated RSA 273-A:5, I (a), (b), (c), and/or (g).

Witnesses and Exhibits

As outlined in the parties' Pre-Hearing Worksheets. 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

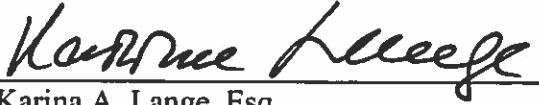
1. "Parties" means the Union, the City or their counsel/representative appearing in the case. The parties shall simultaneously copy each other electronically on all filings submitted in these proceedings.
2. At the pre-hearing conference, the City moved to continue the hearing on the ground that the necessary witnesses will not be available on the date of the hearing. The Union did

not object to this motion. The City's motion to continue the hearing is granted. Accordingly, the hearing scheduled for May 15, 2018 is cancelled. On or before **May 4, 2018**, the parties shall submit to the PELRB at least 4 alternative hearing dates that are acceptable to both parties. A new hearing date shall be established in a subsequent notice of rescheduled hearing.

3. 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 ten days prior to the date of hearing.
4. The parties shall exchange and 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 hearing is suspended. The parties shall not file, either electronically or via mail, proposed exhibits prior to the day of hearing. 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 copies of each exhibit to the hearing. To facilitate access to a particular exhibit, the parties shall use tabs to separate exhibits.

So ordered.

Date: 5/2/2018


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

Distribution: Richard E. Molan, Esq.
Matthew H. Upton, Esq.
Jane Gile, Human Resources Director