



**State of New Hampshire**  
Public Employee Labor Relations Board

**Teamsters Local 633 of New Hampshire**

v.

**Town of Rye Police Department**

**Case No. G-0259-2**  
**Decision No. 2018-207**

Pre-Hearing Memorandum and Order

Date of Conference:

November 27, 2018

Appearances:

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

Thomas M. Closson, Esq., for the Respondent

Background:

On October 16, 2018, the Teamsters Local 633 of New Hampshire (Union) filed an unfair labor practice complaint under the Public Employee Labor Relations Act alleging that the Town of Rye Police Department (Town) had violated RSA 273-A:5, I (a), (b), and (c) when it attempted to interfere, coerce, dominate, and discriminate against certain bargaining unit employees in retaliation for filing a grievance. The Union claims that, after it filed a grievance under the collective bargaining agreement in May, 2017, the Police Chief continuously made derogatory comments and threats of retribution against certain bargaining unit employees. The Union requests that the PELRB order the Town to cease and desist from all actions taken against the bargaining unit employees and to "rectify the hostile work environment at the Police Department."

The Town denies the charge and asserts, among other things, that the complaint is untimely under RSA 273-A:6, VII and “facially inadequate” under Admin. Rule Pub 201.02 (b)(4). The Town requests that the PELRB dismiss the complaint.

Issues for Determination by the Board

1. Whether the complaint is timely under RSA 273-A:6, VII.
2. Whether the Town violated 273-A:5, I (a), (b), and/or (c) as charged by the Union.

Witnesses and Exhibits

As outlined in the Joint Pre-Hearing Worksheet. Both parties reserve the right to amend their lists of witnesses and exhibits in conformity with Pub 203.01 and this order.

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 pre-hearing conference, the Union requested a continuance of the hearing scheduled for December 4, 2018 on the ground that the counsel for the Union has a scheduling conflict. The Town assents to this motion. The Union’s motion to continue the hearing is granted. The hearing is rescheduled for **January 4, 2019, at 8:30 a.m.** A notice of rescheduled hearing shall be issue forthwith.
3. The Town claims that the Union’s complaint fails to satisfy the requirements of Admin. Rule Pub 201.02 (b)(4). The Town argues that the Union’s allegations lack specificity, particularly, regarding “date, time or place” of any alleged occurrence and “persons involved in or witnessing” it. At the pre-hearing, the Town requested that the Union file specifications concerning its allegation of derogatory and threatening comments made by

the Police Chief. Admin. Rule Pub 201.02 (b)(4) provides that the complaint shall set out “[a] clear and concise statement of the facts giving rise to the complaint, including the date, time and place of the occurrence, and the names of all persons involved in or witnessing the occurrence, characterizing each particular act in terms of the specific provisions of RSA 273-A:5 or RSA 273-A:6 alleged to have been violated.” The Town’s request for specifications is granted. As discussed at the pre-hearing, no later than **December 11, 2018**, the Union shall submit a filing specifying the date, time, and place of each alleged violation/threat, as well as the names of all persons involved.

4. The parties shall exchange final lists of witnesses and exhibits no later than 15 days prior to the date of hearing. 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.
5. The parties shall file with the PELRB final lists of witnesses and exhibits no later than 10 days prior to the date of hearing. All non-joint exhibits on the lists shall be pre-marked as either ID (if objected to) or Full by Agreement.
6. The parties shall file a final statement of stipulated facts no later than 10 days prior to the date of hearing.
7. The requirement that the parties file copies of proposed hearing 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.

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 4, 2019, 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.

Date: 11/27/2018

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

Distribution: William R. Cahill, Jr., Esq.  
Thomas M. Closson, Esq.