



State of New Hampshire
Public Employee Labor Relations Board

Concord Fire Fighters Assoc. IAFF Local 1045

v.

City of Concord

Case No. G-0164-8
Decision No. 2019-248

Pre-Hearing Memorandum and Order

Date of Conference: October 18, 2019

Appearances: John S. Krupski, Esq., for the Complainant
Danielle L. Pacik, Esq., for the Respondent

Background:

On September 12, 2019, the Union filed an unfair labor practice complaint under the Public Employee Labor Relations Act asserting that the District had violated RSA 273-A:5, I (a), (b), (g), and (h) and RSA 273-A:3 when it unilaterally implemented changes to mandatory subjects of bargaining by requiring Firefighters to take over responsibilities previously done exclusively by Firefighter/Paramedics, the emergency service providers with the highest level of certification and two labor grades above the classification of Firefighters. According to the Union, the change, among other things, impacted the Firefighter/Paramedics' access to overtime. The Union also claims that the City (1) retaliated against a bargaining unit member who informed the City that it was required to negotiate the changes, (2) consistently engages in impermissible direct dealing with bargaining unit employees on terms and conditions of employment, and (3) attempts to "sow seeds of dissension by interfering with the administration

of the internal processes of the union.” The Union requests that the PELRB (1) find that the City has engaged in direct dealing; (2) find that the City has committed an unfair labor practice; and (3) order the City to cease and desist from further transfer of responsibilities from Firefighter/Paramedics to Firefighters until this matter is negotiated.

The City denies the charges and claims, among other things, that it acted within its management rights and that the City sent new and updated policies and procedures to the Union for feedback and that the Union did provide the feedback. The City also argues that the complaint fails to comply with Admin. R. Pub 201.02 (b)(4) because it fails to identify the date, time, and place of the alleged occurrences, the names of the persons involved, and the specific terms and conditions the Union seeks to bargain.

Issues for Determination by the Board

Whether the City violated RSA 273-A:5, I (a), (b), (g), and (h) and/or RSA 273-A:3 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. 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. As discussed at the pre-hearing conference, on or before **October 25, 2019**, the Union shall file specifications identifying the date, time, and place of the occurrences set forth in

its complaint, and the names of all persons involved in or witnessing these occurrences.

See Admin. R. Pub 201.02 (b)(4).

3. On or before **October 28, 2019**, the parties shall file a comprehensive statement of stipulated facts containing, among other things, definitions of all abbreviated or specialized terms and designations, such as "TEMSIS," "EMTB," "Lift Assist," etc.
4. The parties shall exchange and file with the PELRB final lists of witnesses and exhibits on or before **October 28, 2019**. All non-joint exhibits on the lists shall be pre-marked as either "ID" (if objected to) or "Full by Agreement."
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.

Hearing

Unless otherwise ordered, the hearing in this case will be held on **November 1, 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, together with a detailed explanation of the basis for the request, shall be filed with the PELRB at least 10 days prior to the date of hearing.

So ordered.

Date: 10/18/2019


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

Distribution: John S. Krupski, Esq.
Danielle L. Pacik, Esq.

