



State of New Hampshire
Public Employee Labor Relations Board

International Chemical Workers Union Council/UFCW Local 1046C

v.

Hillsborough County Nursing Home

Case No. G-0292-2
Decision No. 2021-043

Order

On February 26, 2021 the Union filed a motion for rehearing of PELRB Decision No. 2021-017 (January 28, 2021) and a request to take administrative notice of certain Board of Commissioner's meeting minutes, attached as Exhibits A through E to the request. The County filed an objection to the motion for rehearing, which prompted the Union to file a motion to strike references to draft meeting minutes contained in the County's objection. Motions for rehearing are governed by RSA 541:3 and Pub 205.02, which provides in part as follows:

Pub 205.02 Motion for Rehearing.

(a) Any party to a proceeding before the board may move for rehearing with respect to any matter determined in that proceeding or included in that decision and order within 30 days after the board has rendered its decision and order by filing a motion for rehearing under RSA 541:3. The motion for rehearing shall set out a clear and concise statement of the grounds for the motion. Any other party to the proceeding may file a response or objection to the motion for rehearing provided that within 10 days of the date the motion was filed, the board shall grant or deny a motion for rehearing, or suspend the order or decision complained of pending further consideration, in accordance with RSA 541:5.

RSA 541:5, Action on Motion, provides:

Upon the filing of such motion for rehearing, the commission shall within ten days either grant or deny the same, or suspend the order or decision complained of pending further

consideration, and any order of suspension may be upon such terms and conditions as the commission may prescribe.

After review of the filings, we have decided to suspend PELRB Decision No. 2021-017 pending further consideration of additional briefs from the parties on the following specific issue:

Whether or not the County was (or was not) required to give prior notice and an opportunity to bargain before March 31, 2021 about the exemption of county nursing home bargaining unit employees from the Emergency Paid Sick Leave and Public Health Leave of the FFCRA.

The briefs shall be filed on or before April 2, 2021, shall be limited to five pages or less, and shall contain the legal authority for the parties' respective positions. The Union's pending request to take administrative notice and motion to strike are taken under advisement. No new or additional evidence shall be referenced in the briefs or otherwise offered or filed.

So ordered.

March 24, 2021

/s/ Peter G. Callaghan
Peter G. Callaghan, Esq.
Chair/Presiding Officer

By unanimous vote of Alternate Chair Peter G. Callaghan, Esq., Board Member Carol M. Granfield, and alternate Board Member Glenn Brackett.

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