



State of New Hampshire
Public Employee Labor Relations Board

United Steelworkers of America, Local 8938

v.

City of Manchester

Case No. G-0058-36
Decision No. 2022-218

Pre-Hearing Memorandum and Order

Date of Conference: December 22, 2022

Appearances: Shawn J. Sullivan, Esq., for the Complainant
Matthew H. Upton, Esq., for the Respondent

Background:

On November 21, 2022, the United Steelworkers of America, Local 8938¹ (Union), filed a complaint under the Public Employee Labor Relations Act claiming that the City of Manchester (City) had committed an unfair labor practice when it refused to provide job specifications requested by the Union. The Union alleges as follows: (1) in July, 2022, the Union Local President and the Water Works Director met to discuss the potential inclusion of certain new positions in the bargaining unit; (2) during this meeting the Union requested several job specifications; (3) the Union president later followed up on the information request via email, and (4) the City did not respond to the Union's request. The Union claims that the City's failure to respond to the information request constitutes a violation of RSA 273-A:5, I (a) ("To restrain, coerce or otherwise

¹ Due to a scrivener's error, the number of the Local indicated on the PELRB Certification, Decision No. 2019-025, is incorrect. The correct number is 8938, not 3938.

interfere with its employees in the exercise of the rights conferred by this chapter"), (b)("To dominate or to interfere in the formation or administration of any employee organization"), (e)("To refuse to negotiate in good faith with the exclusive representative of a bargaining unit ...), (g)("To fail to comply with this chapter or any rule adopted under this chapter"), and (h)("To breach a collective bargaining agreement"). The Union requests that the PELRB order the City to provide requested job specifications² and to cease and desist from refusing to provide information.

The City denies the charges. According to the City, the Director of Water Works responded to the Union's request indicating that the job specifications in question were online (City's G drive) and readily available to the Union to download and copy. The City also asserts that the Union's complaint is "frivolous, unnecessary and solely intended to intimidate the City or otherwise interfere with its right in violation of RSA 273-A:5, II (a)." The City requests that the PELRB find that the City did not commit an unfair labor practice, deny the Union's requested relief, and grant the City reasonable attorney's fees "for responding to this frivolous action."

Issues for Determination by the Board

Whether the City violated RSA 273-A:5, I (a), (b), (e), (g), and/or (h), as charged by the Union.

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. A statement of stipulated facts shall be filed on or before **January 11, 2023**.

² At the pre-hearing conference, the parties informed the hearing officer that, since the filing of the complaint, the City had provided the information requested by the Union.

3. The parties shall exchange and file with the PELRB final lists of witnesses no later than **January 11, 2023**. 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.
4. The parties shall exchange and file with the PELRB final lists of exhibits no later than **January 11, 2023**. Exhibits shall be pre-marked in the upper right-hand corner as Joint, Union, or City. Joint and Union exhibits shall be marked numerically. City exhibits shall be marked alphabetically. Exhibits pre-marked for identification only shall be marked as in the following example: "Union Ex.1 (ID)." Exhibits to be admitted without objection shall be pre-marked as in the following example: "Union Ex. 2." The exhibit lists must also indicate whether an exhibit is pre-marked for identification only or is to be admitted without objection as shown in the example below:

Union Exhibit List:

Union Ex. 1 (ID)	Jan. 1 2001 email to City
Union Ex. 2	Jan 5, 2001 email to City

5. The requirement that the parties file copies of proposed exhibits prior to the date of hearing is suspended, and the parties shall not file, either electronically or via mail, proposed exhibits prior to the day of hearing. The parties shall 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.

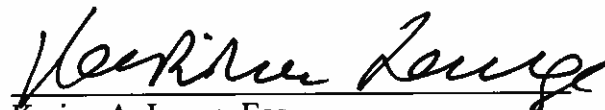
Hearing

Unless otherwise ordered, the hearing in this case will be held on **January 20, 2023, 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.

Date: 12/22/22


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

Distribution: Shawn J. Sullivan, Esq.
Matthew H. Upton, Esq.