



State of New Hampshire
Public Employee Labor Relations Board

Seabrook Firefighters, IAFF Local 2847

v.

Town of Seabrook

Case No. G-0253-2
Decision No. 2024-102

Pre-Hearing Memorandum and Order

Date of Conference: May 30, 2024

Appearances: Hailey Ferguson, Esq., for the complainant

J. Joseph McKittrick, Esq., for the respondent

Background:

On March 28, 2024, the Seabrook Firefighters, IAFF Local 2847 (Union) filed an unfair labor practice complaint under the Public Employee Labor Relations Act claiming that the Town of Seabrook had violated RSA 273-A:5, I (a) (“To restrain, coerce or otherwise interfere with its employees in the exercise of the rights conferred by this chapter”) and (e) (“To refuse to negotiate in good faith with the exclusive representative of a bargaining unit, including the failure to submit to the legislative body any cost item agreed upon in negotiations”) when one of the members of the Board of Selectmen “actively and explicitly campaigned” against funding of the collective bargaining agreement (CBA) ratified by the Union and the Town. The Union alleges as follows: (1) on October 6, 2023 the parties reached a tentative agreement for the renewal of the parties’ CBA; and (2) prior to the March 12, 2024 Town meeting vote on the CBA cost items, Selectman Srinivasan Ravikumar uploaded a 30-minute YouTube video, and sent an email to the Seabrook

voters, asking the voters to vote against funding the CBA. The Union argues that the statutory requirement to bargain in good faith and to submit CBA cost items to the legislative body includes the obligation that the public employer “support an agreement that it has executed prior to a public vote,” and that the failure to do so constitutes an unfair labor practice regardless of whether the agreement gets eventually funded by the voters. The Union requests that the PELRB find that the public comments by Selectman Ravikumar, after the Board of Selectmen had voted on an agreement negotiation by the parties, were a violation of RSA 273-A:5. The Union also requests that the PELRB order the Town to cease and desist from further violations, to make the Union whole, and to issue a statement of “full public support” from the whole Board of Selectmen and an assurance that “future ratified products of bargaining will receive full Selectboard support publicly.”

The Town denies the charges. The Town asserts, among other things, that (1) it fully and completely complied with its legal obligations; (2) no individual Selectman speaks for the Town and its Board of Selectmen without an express vote of the Board as a whole; (3) no such vote was taken authorizing Selectman Ravikumar to urge the public vote against the parties’ agreement; (4) Mr. Ravikumar acted as an individual citizen and a Town voter; and (5) Mr. Ravikumar did not discuss any portion of the CBA in his YouTube video.

Issues for Determination by the Board

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

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. In the Joint Pre-Hearing Worksheet, the parties listed YouTube video "Seabrook Fire Department call Data 2022 Analysis," dated March 7, 2024, as a joint exhibit. As discussed at the pre-hearing conference, any relevant video footage shall be submitted through stipulations, transcripts, and/or photographs.
3. A statement of stipulated facts shall be filed no later than **June 10, 2024**. All non-disputed facts shall be included in this statement.
4. The parties shall exchange and file with the PELRB final lists of witnesses, if any, no later than **June 10, 2024**. 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 exchange and file with the PELRB final lists of exhibits no later **June 10, 2024**. Exhibits shall be pre-marked in the upper right-hand corner as Joint, Union, or Town. Joint and Union exhibits shall be marked numerically. The Town 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 parties shall not submit duplicative exhibits.
6. 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.


Hearing

Unless otherwise ordered, the hearing will be held on **June 20, 2024, at 9:00 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: 05/31/2024


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

Distribution: Hailey Ferguson, Esq.
J. Joseph McKittrick, Esq.