



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

**United Steelworkers of America (Local 8938)**

v.

**City of Manchester**  
**(Water Works)**

**Case No. G-0058-39**  
**Decision No. 2024-155**

Pre-Hearing Memorandum and Order

Date of Conference: August 1, 2024

Appearances: Shawn J. Sullivan, Esq., for the complainant

Matthew H. Upton, Esq., for the respondent

Background:

On June 27, 2024, the United Steelworkers of America (Local 8938) (Union) filed an unfair labor practice complaint under the Public Employee Labor Relations Act claiming that the City of Manchester Water Works Division (City) 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”), (b) (“To dominate or to interfere in the formation or administration of any employee organization”), and (e) (“To refuse to negotiate in good faith ...”), (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 alleges as follows: (1) on May 6, 2024, it requested from the City certain disciplinary and sick leave records for the past seven year, including the employer’s weekly hourly report, calendars, and schedules; and (2) that to date the City failed to provide requested information. The

Union requests that the PELRB order the City to produce requested records and to cease and desist from refusing to provide information. The Union also requests that the PELRB award costs and legal fees to the Union.

The City denies the charges. The City asserts, among other things, that the request for information is moot, and that the charge is frivolous, unnecessary and “solely intended to intimidate the City or otherwise interfere with its rights in violation of RSA 273-A:5, II, a.” The City requests that the PELRB find that no unfair labor practice has been committed, deny requests for relief, and grant the City reasonable attorney’s fees “for responding to this frivolous and retaliatory 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. During the pre-hearing conference, the City indicated that it may request a continuance of the August 16, 2024 hearing. Any motion to continue shall be filed no later than **August 6, 2024** and shall contain at least three alternative hearing dates acceptable to both parties.
3. A statement of stipulated facts shall be filed no later than **August 6, 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 **August 6, 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.

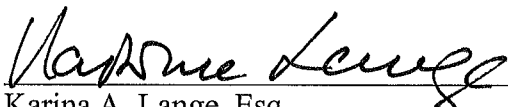
5. The parties shall exchange and file with the PELRB final lists of exhibits no later **August 6, 2024**. Exhibits shall be pre-marked in the upper right-hand corner as Joint, Union, or City. Joint and Union exhibits shall be marked numerically. The City exhibits shall be marked alphabetically. The 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 **August 16, 2024, at 9:00 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: 08/01/2024

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

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