



STATE OF NEW HAMPSHIRE
PUBLIC EMPLOYEE LABOR RELATIONS BOARD

REQUEST FOR APPOINTMENT OF GRIEVANCE ARBITRATOR

To be filed electronically at the following email address: pelrb.info@nh.gov or if necessary, via first class mail addressed to the Public Employee Labor Relations Board, GAA Plaza, Building No. 1, 153 Manchester Street, Concord, NH 03301. Agency website: www.NH.GOV/PELRB. Petitioning party shall forward a copy to the respondent.

REQUESTING PARTY:

RESPONDENT PARTY:

Name: _____

Name: _____

Organization: _____

Organization: _____

Address: _____

Address: _____

_____ Zip: _____

_____ Zip: _____

E-Mail Address: _____

E-Mail Address: _____

Telephone:() _____

Telephone:() _____

FAX:() _____

FAX: () _____

1. What date was the grievance filed? _____

2. What contract article(s) are alleged to have been violated? _____

3. What is the subject matter of the grievance? Explain below or attach statement.

1. Is this a joint arbitration request? YES NO

2. Is this a joint request for an arbitrator to be appointed from the panel maintained by the PELRB?
YES NO If "Yes," please indicate the arbitrator's name on the line below

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The Supreme Court’s decision in *Appeal of Nashua Police Commission*, 149 N.H. 688 (2003) resulted in a significant change to the Board’s established role in the neutral appointment process. The court held that the Board’s jurisdiction to appoint a neutral party in the resolution of labor disputes extended *only* to contract negotiation disputes, and not to grievances. *Id.*, at 691. Since the *Nashua* decision, the New Hampshire General Court has not amended any of the portions of RSA 273-A that involve the PELRB’s appointment of neutrals. As a result, the Board today holds no effective jurisdiction over the appointment of neutrals within the scope of a contractual grievance procedure.

In practice, New Hampshire public-sector parties have continued to seek the PELRB’s facilitation of appointments of neutrals for the resolution of grievances despite the holding in *Nashua*. Importantly, these parties are under no existing statutory obligation to request the PELRB’s appointment of a neutral for a grievance procedure. Consequently, the Board currently oversees a strictly voluntary process.

In order to further promote the interests of public employers and employees in the efficient resolution of labor disputes, the Board will continue to appoint neutrals to resolve grievances, at the request of any involved party, subject to the following guidelines:

- A named party must file a request with the PELRB and with the opposing party requesting the PELRB’s assistance in the appointment of a neutral party to resolve a matter arising from a contractual grievance procedure;
- All related correspondence with the PELRB, including the initial request itself, shall be filed by the parties through electronic mail, or, if necessary, via first class postage;
- Within three (3) days of receipt of the party’s written request, the PELRB will issue the notice of the request for and assent to the PELRB appointment of arbitrator to all interested parties;
- The responsive party shall return this signed assent to the PELRB’s facilitation of the appointment of the neutral party within ten (10) days of its receipt;
- Within, three (3) days of receipt of the responsive party’s signed assent, the PELRB will issue a panel of five (5) available neutrals eligible for appointment in the matter at issue;
- Upon receipt of the PELRB’s available panel, each party will rank the panelists from most favorable to least favorable;
- Each party may strike no more than two (2) of the listed panelists;
- Each party shall return to the PELRB its remaining ranked panel no later than ten (10) days after its initial receipt of the panel roster;
- Within three (3) days of receipt of each party’s rankings, the PELRB will appoint the neutral listed in the highest cumulative position after a comparison of each party’s rankings. If no response is received within ten days after a party’s receipt of the panel roster, all arbitrators will be deemed to be acceptable and the PELRB will appoint an arbitrator from the list.

A party’s failure to abide by these guidelines will result in the PELRB’s rejection of the request for PELRB appointment of an arbitrator.

As the undersigned representative of _____, I, _____, certify the
(name of party) (name of representative)
assent of said party to fully participate in the PELRB’s appointment of an arbitrator, subject to the guidelines stated above.

Signature

NH Bar # or PELRB Representative #

Title

Date