

State of New Hampshire

PUBLIC EMPLOYEE LABOR RELATIONS BOARD

CITY OF MANCHESTER, FIRE

DEPARTMENT

Complainant

V

.

MANCHESTER FIREFIGHTERS

ASSOCIATION, I.A.F.F. LOCAL 856:

Respondent

CASE NO. F-0104:25

DECISION NO. 93-98

MOTION TO DISMISS

The Board, meeting at its offices in Concord, New Hampshire, on July 13, 1993, took the following actions:

- 1. It reviewed the City's unfair practice (ULP) charges filed October 2, 1991, the Union's answer filed October 17, 1991, the City's Motion to Stay Arbitration dated January 15, 1992, the Union's objection thereto dated January 28, 1992, the PELRB denial of the Motion to Stay issued February 3, 1992 (Decision No. 92-21), the City's Motion for Rehearing dated February 20, 1992, the PELRB denial of the City's Motion for Rehearing issued March 10, 1992, the arbitration award issued on May 22, 1992 (AAA Case No. 1139-2069-91), the City's Motion for Reconsideration dated June 11, 1992, the Union's objection thereto dated June 17, 1992, the PELRB denial of the Motion for Reconsideration issued July 14, 1992 (Decision No. 92-124) and the memorandum decision of the New Hampshire Supreme Court issued November 18, 1992 noting both the moot and premature characteristics of the City's appeal.
- 2. It noted the City's Motion for Rehearing filed November 30, 1992 after receipt of the Supreme Court decision and its granting thereof for limited purposes of showing cause why the PELRB should or should not enforce the arbitrator's

award as issued January 8, 1993 (Decision No. 92-199).

- 3. It heard opening arguments by the parties in the hearing granted under Decision No. 92-199 and learned that the matter of the agency service fee which precipitated these proceedings had been settled between the Union and the member.
- 4. It made the following findings: (a) the subject matter of the grievance was arbitrable, namely the issue of the parties' responsibilities to insure that bargaining unit members adhere to the terms of the collective bargaining agreement; (b) the union and the member have since settled the amount of the agency service fee to be paid under the terms of the contract; and (c), therefore, both the pending ULP and the enforcement of the arbitration award no longer require administrative action by the PELRB because of the intervening settlement of the agency fee issue.
- 5. It GRANTED the Union's Motion to Dismiss these proceedings as MOOT.

So ordered.

Signed this 20th day of July, 1993.

EDWARD J. HASELTINE

By unanimous vote. Chairman Edward J. Haseltine presiding. Members Seymour Osman and E. Vincent Hall present and voting.