

## State of New Hampshire

PUBLIC EMPLOYEE LABOR RELATIONS BOARD

MANCHESTER POLICE PATROLMEN'S ASSOCIATION

Complainant

CASE NO. P-0706:24

v.

DECISION NO. 93-155

CITY OF MANCHESTER

Respondent

## ORDER TO ARBITRATE

The Board, meeting at its offices in Concord, New Hampshire, on December 2, 1993, took the following actions:

- It heard opening arguments by the parties in this unfair labor practice complaint, inclusive of arguments on two motions.
- The Association's Motion to Amend filed September 2, 1993 was GRANTED.
- 3. The City's Motion to Dismiss, contained in its Answer filed on September 1, 1993, was disposed of as follows:
  - a) The Motion to Dismiss was held in abeyance;
  - b) The parties were directed to proceed to and complete the grievance arbitration process;
  - c) The arbitrator, as a part of discharging arbitral duties, is directed to determine whether there was a violation of Officer James Flanagan's Weingarten (420 U.S. 251) rights as determined by this Board in Decision Nos. 92-73 and 92-194; and
  - d) The parties are directed to notify the PELRB within thirty (30) days of the date of the arbitrator's decision if they desire further

proceedings. If such notice is not received within that 30 days, this matter shall be dismissed from the PELRB's active docket of cases.

So ordered.

Signed this 2nd day of December, 1993.

JACK BUCKLEY Alternate Chairman

By unanimous vote. Alternate Chairman Jack Buckley presiding. Members Richard Roulx and E. Vincent Hall present and voting.