



State of New Hampshire

PUBLIC EMPLOYEE LABOR RELATIONS BOARD

PORTSMOUTH POLICE OFFICERS,
I.B.P.O. LOCAL 402

Complainant

v.

CITY OF PORTSMOUTH POLICE
COMMISSION

Respondent

CASE NO. P-0709:15

DECISION NO. 96-086

MOTION TO DISMISS

and

ORDER TO DISCLOSE

The Board, meeting at its offices in Concord, New Hampshire, on September 24, 1996, took the following actions:

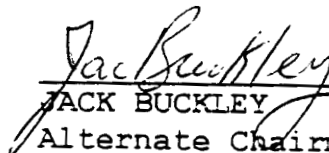
1. It convened to hear the positions of the parties in the unfair labor practice (ULP) complaint filed by the Union on May 28, 1996 and answered by the Commission on June 12, 1996, as well as Respondent's several motions to dismiss as contained in its answer.
2. It opened the hearing in this matter and allowed the parties to make opening statements and arguments pertaining to the various motions to dismiss filed by the Commission.
3. It DISMISSED the Commission's motion to dismiss the ULP as being untimely filed more than six (6) months after the acts complained of (RSA 273-A:6) after finding that the "triggering date" was December 13,

1995. Other motions to dismiss for procedural reasons or for failure to state a claim were continued and remained as taken under advisement by the PELRB.

4. It directed the Union to disclose and present to the Commission, within thirty (30) days, a demand to bargain which specifies those matters it believes to be mandatory subjects of bargaining and impact bargaining matters. Thereafter, the parties, jointly, have an additional fifteen (15) days to reconcile their positions and to reject or accept said subjects as mandatory subjects of bargaining or as matters appropriate for impact bargaining. If, at the end of the foregoing forty-five (45) days, the parties have not reconciled their differences as to mandatory or impact matters, they, or either of them, shall have until the sixtieth (60th) day from the date hereof to amend the complaint, in the case of the Union, or to file its own charges, in the case of the Commission. If neither party notifies the PELRB of its desire for additional proceedings before the expiration of the foregoing sixty (60) day period, the pending motion to dismiss for failure to state a claim shall be granted.

So ordered.

Signed this 2nd day of OCTOBER 1996.


JACK BUCKLEY
Alternate Chairman

By unanimous decision. Alternate Chairman Jack Buckley presiding. Members Richard Molan and William Kidder present and voting.