

**State of New Hampshire**

PUBLIC EMPLOYEE LABOR RELATIONS BOARD

SEABROOK TOWN EMPLOYEES/STATE	:	
EMPLOYEES ASSOCIATION OF N.H.,	:	
SEIU LOCAL 1984	:	
	:	
Complainant	:	CASE NO. M-0591:14
	:	
v.	:	DECISION NO. 98-002
	:	
TOWN OF SEABROOK	:	
	:	
Respondent	:	
	:	

MOTION TO DISMISS

The Board, meeting at its offices in Concord, New Hampshire, on January 6, 1998, took the following actions:

1. It convened a hearing to hear the parties' arguments on the Motion to Dismiss filed by the Town in this matter on December 30, 1997 and the Union's objection thereto filed on January 6, 1998.
2. It determined that the underlying issue was whether the complained of conduct should be processed as an unfair labor practice complaint or under the final and binding grievance arbitration procedure in the parties' contract.
3. Upon request, it permitted the parties to recess to see if they could agree on how to proceed, after which the parties offered the following stipulation for the record:
  - A) The Town of Seabrook hereby agrees to waive any and all time limits up to this point with regard to the submission of the Union grievance regarding the Clothing Allowance Policy dated May 16, 1997, the subject of the pending ULP, Case M-0591:14. The Union shall file the

grievance no later than January 21, 1998.


- B) The parties agree that this matter can be resolved through the grievance procedure.
- C) The parties agree that the issue to be submitted is as follows:

Did the memo of the Town Manager, May 16, 1997, Clothing Allowance Procedure violate the Collective Bargaining Agreement?

- D) The ULP is dismissed without prejudice and should the Town fail to abide by the terms of the Stipulated Agreement, the Union reserves the right to refile the ULP without regard to time limits, which the Town agrees to waive.
4. It reviewed the parties' stipulation and adopted its contents in disposition of this case, including the dismissal of the unfair labor practice charge without prejudice consistent with the terms of the stipulation.

So ordered.

Signed this 8th day of January, 1998.

  
\_\_\_\_\_  
JACK BUCKLEY  
Alternate Chairman

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