

State of New Hampshire

PUBLIC EMPLOYEE LABOR RELATIONS BOARD

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| TOWN OF SEABROOK | : | |
| | : | |
| Complainant | : | |
| | : | |
| v. | : | |
| | : | CASE NO. F-0121:14 |
| SEABROOK PERMANENT FIREFIGHTERS | : | |
| ASSOCIATION, IAFF, LOCAL 2847 | : | DECISION NO. 1999-070 |
| | : | |
| Respondent | : | |
| | : | |

MOTION TO STAY PROCEEDINGS

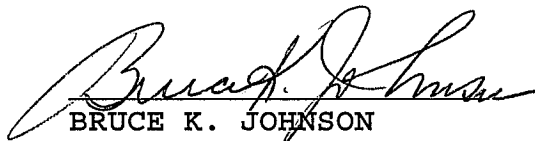
The Board, meeting at its offices in Concord, New Hampshire, on July 15, 1999, took the following actions:

1. It reviewed the Town's unfair labor practice (ULP) complaint filed May 12, 1999 and the Union's answer filed May 26, 1999.
2. It met with counsel for the parties, in chambers, to discuss the "Assented to Motion to Stay Adjudication of Unfair Labor Practice Complaint" filed by the Town on July 12, 1999, said motion representing, *inter alia*, 1) that the New Hampshire Supreme Court has accepted an appeal in a wage claim case, namely Gary Fowler v. Seabrook, Rockingham County, Docket No. 98-E-0418, and docketed it as No. 99-245; 2) that one of the questions pending in the foregoing appeal is whether the PELRB had, or should have had, original jurisdiction in that controversy (See Decision No. 1998-038, dated April 23, 1998, not appealed); and 3) that the adjudication of the foregoing appeal by the New Hampshire Supreme Court may dispose of the pending unfair labor practice complaint.

3. It noted that it was not a party to the appeal docketed as Case No. 99-245 and would not, therefore, receive notices as to the progress of that case in the appellate process.
4. It GRANTED the Assented to Motion to Stay Adjudication of Unfair Labor Practice Complaint with the provision 1) that the Town report the progress of the foregoing appeal docketed as Case No. 99-245 at least quarterly on October 1, January 1, April 1 and July 1 until this matter shall have been disposed of by the New Hampshire Supreme Court, 2) that failure to make said progress reports shall be cause for the pending ULP in Case No. F-0121:14 to be administratively dismissed from the PELRB's docket of cases and 3) that the parties, or either of them, will request an additional hearing by the PELRB within thirty (30) days of Case No. 99-245 being disposed of by the New Hampshire Supreme Court, with failure to give such notice within the said thirty (30) day time limit to be cause for the pending ULP, Case No. F-0121:14, to be administratively dismissed from the PELRB's docket of cases.

So ordered.

Signed this 21st day of July, 1999.


BRUCE K. JOHNSON
Alternate Chairman

By unanimous vote. Alternate Chairman Bruce K. Johnson presiding. Members E. Vincent Hall and Richard Roulx present and voting.