

State of New Hampshire

PUBLIC EMPLOYEE LABOR RELATIONS BOARD

MANCHESTER POLICE PATROLMAN'S ASSOCIATION	*
	*
	*
	*
Petitioner	*
	*
and	*
	*
CITY OF MANCHESTER MANCHESTER POLICE DEPARTMENT	*
	*
	*
Respondent	*
	*

CASE NO. P-0706-32
DECISION NO. 2000-064

PRE-HEARING CONFERENCE MEMORANDUM AND ORDER

BACKGROUND

The Manchester Police Patrolman's Association, (Complainant) filed unfair labor practice charges on April 4, 2000 pursuant to RSA 273-A:5 I (a), (b), and (h) alleging that the City of Manchester (Respondent), its Police Department and its agents interfered with the existence and operation of the Association by imposing discipline upon the author of an editorial in a union publication, compelling officers to reveal contents of a union meeting and breaching the parties' Collective Bargaining Agreement (CBA), signed November 14, 1997, by failing and refusing to adhere to the cost remedy contained within Article 7 of that CBA.

The City of Manchester first answers that the PELRB lacks jurisdiction to hear arbitration appeals and therefore the Association's "improper practice charge is not properly before the PELRB and must be dismissed." The City then proceeds to request that all requests for relief by the Association be denied and that the City be awarded its legal fees and costs.

The Association is requesting that the PELRB issue cease and desist orders that would stop actions and conduct of the Respondent which it says interferes with certain union rights as indicated above. Further, the Association requests that the City pay the Arbitrator's bill in accordance with the terms of the CBA. Lastly, the Association

requests that the PELRB order the Arbitrator to amend his decision to conform with the relief requested in the instant proceeding before the PELRB.

PARTICIPATING REPRESENTATIVES

For the Complainant: Edward J. Kelley, President, Manchester Police
Patrolman's Association
For the Respondent: Mark T. Broth, Esq.

PRE-HEARING ORDER

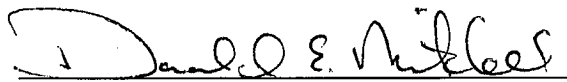
Following discussions between the parties' representatives present at the Pre-Hearing Conference on July 10, 2000 and discussion with the Hearings Officer, the parties have stipulated as follows:

The issue of jurisdiction raised by the City can be decided by the Board on the pleadings before it that are of record and that no oral argument is necessary in support of their respective memoranda. The Association shall submit to the PELRB its response to the City's Motion to Dismiss and its responsive memorandum of law in support thereof on or before August 25, 2000. The Association has acknowledged the significant period of time that has passed since the underlying incidents and that the recent withdrawal of its counsel has contributed to the extension of the date for submission of its response to the City's Motion to Dismiss and its own memorandum of law in support of its opposition to that motion. Therefore, no further extension of its submission will be granted unless a written motion describing extraordinary circumstances is provided to, and approved by, the PELRB.

Further, that in the event that the PELRB decides to exercise jurisdiction to hear the Association's ULP complaint, the parties agree to confer and submit a statement of agreed facts to the PELRB. Said statement of agreed facts and the parties' respective final exhibit list and final witness list, if any remain necessary, shall be submitted to the PELRB at least five (5) business days prior to the date of the scheduled PELRB hearing on the merits. It is understood that each party may rely on the representations of the other party that exhibits and witnesses appearing on their respective lists will be available at that hearing.

So ordered.

Signed this 10th day of July, 2000.


Donald E. Mitchell, Esq.
Hearings Officer