



**State of New Hampshire**

PUBLIC EMPLOYEE LABOR RELATIONS BOARD

MANCHESTER WATER WORKS,  
UNITED STEELWORKERS OF  
AMERICA, LOCAL 8938

Complainant

v.

CITY OF MANCHESTER

Respondent

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CASE NO. M-0545-30

DECISION NO. 2000-102

MOTION FOR REVIEW OF HEARING OFFICER'S DECISION

The Board, meeting at its offices in Concord, New Hampshire, on September 14, 2000, took the following actions:

1. It reviewed the City's Motion for Review of Hearing Officer's Decision filed August 25, 2000 and the Union's objections thereto filed August 31, 2000.
2. It examined the Modification Petition filed by the Union on June 13, 2000 and the City's response filed on June 28, 2000.
3. It reviewed the hearing officer's decision (Decision No. 2000-076) in this matter dated August 1, 2000, noting five components thereof, namely, that the hearing officer dismissed the Modification Petition, (2) that the parties secured ratification of various components of the CBA from their respective constituencies, (3) that such ratification of some but not all components thereof does not constitute a collective bargaining agreement (CBA), (4) that implementation of provisions relating to ratified components does not create a CBA with respect to those components but may create a "past practice" with respect to the subject matter of those components which has been implemented and (5) that, as noted in the Union's objections filed August 31, 2000, this situation is not unique to this bargaining unit, such that

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the parties should resolve the construction and meaning of the recognition clause by negotiations which, in turn, conclude with the signing of a new comprehensive agreement.

4. The hearing officer's decision is affirmed; the City's Motion for Review is DENIED and the City's alternative motion for clarification is also DENIED because it would require us to venture into areas not currently in evidence. Thus, the hearing officer's decision in this matter was not intended to, nor shall it be used to, influence grievance arbitration proceedings which are unrelated to the purposes of the Modification Petition under consideration herein.

So ordered.

Signed this 3rd day of OCTOBER, 2000.

  
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JACK BUCKLEY  
Chairman

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