

State of New Hampshire

PUBLIC EMPLOYEE LABOR RELATIONS BOARD

Brookline Police Officers' Association

Petitioner

v.

Town of Brookline

Respondent

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Case No. P-0769

Decision No. 2001-103

MOTION FOR REHEARING

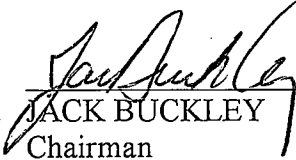
The Board, meeting at its offices in Concord, New Hampshire on October 4, 2001, took the following actions:

1. It reviewed the Town's Motion for Rehearing of Order of Election and of Decision No. 2001-089, said motion being filed with the PELRB on September 26, 2001, after the Town (1) consulted with counsel, (2) participated as a joint signatory to the Petition for Certification which was subsequently filed on August 21, 2001, (3) supplied a voting list of potential voters to PELRB on September 4, 2001 and (4) attended and participated in a pre-election conference on September 25, 2001.
2. It reviewed the Association's objections to the Town's Motion for Rehearing as was filed on September 28, 2001 and which asserted that the Board's Order of Election dated August 27, 2001 was not a final order and, therefore, not properly the subject of an appeal under PUB 302.04 (b).
3. It reviewed both its Order of Election and Decision No. 2001-089 dated September 20, 2001, and found that neither was a final order since each merely and ministerially moved the certification election process forward and did not dispose of the ultimate issue of whether a bargaining agent would be certified.
4. It DENIED the Town's Motion for Rehearing as premature and because the matters for which a rehearing was sought did not

involve a final order which affected or would affect the outcome of this bargaining agent election as defined in Keene State College Education Association v. State of New Hampshire and Public Employee Labor Relations Board, 119 N.H. 1 (1979).

So ordered.

Signed this 18th day of October, 2001.



JACK BUCKLEY
Chairman

By unanimous decision. Chairman Jack Buckley presiding. Members E. Vincent Hall and Richard Roulx present and voting.