



**State of New Hampshire**  
PUBLIC EMPLOYEE LABOR RELATIONS BOARD

**UNITED STEELWORKERS, LOCAL 8938/  
MANCHESTER WATER WORKS**

**COMPLAINANT**

**CASE NO. G-0058-5  
DECISION NO. 2009-044**

**v.**

**CITY OF MANCHESTER**

**RESPONDENT**

**ORDER ON MOTION FOR REHEARING**

The Board has considered the City of Manchester's "Motions for Rehearing" and took the following actions:

1. Pursuant to RSA 541 and N.H. Admin R. Pub 205.02, it reviewed the Motion for Rehearing filed by the City of Manchester on January 27, 2009 and Objection to Motion for Rehearing filed by United Steelworkers, Local 8938/Manchester Water Works on February 6, 2009.
2. It examined its previous decision, PELRB Decision No. 2008-265, issued in this matter on December 30, 2008.
3. It reviewed the previous filings of the parties in this matter at length.
4. It denies the Respondent's motion for rehearing.
5. However, we take this opportunity to modify and clarify, our order in this matter. Implicit in our previous order was the belief that the parties would return to the negotiating table to settle their differences as to the terms of a testing policy the parties could agree upon to become a provision of the successor agreement. Having agreed upon all other terms of the collective bargaining agreement and implemented those terms, we expected that in good faith the parties would return to the table to resolve this one outstanding issue. The parties having failed to do so, we now order them to return to negotiations on this issue so that the continuation of services to the public may remain intact without any type of interruption of those services.

We have weighed the credibility of all witnesses in reaching our original decision as is our obligation. The rules of evidence are not strictly followed in our proceedings. The parties made the testing issue a material term of the collective bargaining agreement. The parties, to date, appear to have bargained in good faith on all other issues and should bring their long standing relationship to bear reaching agreement on this last provision by incorporation, amendment or so-called "side bar" discussion. We do not believe we should embark on our own to add a provision in order to complete the collective bargaining agreement.

So ordered.

Signed this 6<sup>th</sup> day of March, 2009.



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DORIS M. DESAUTEL  
Alternate Chair

By unanimous decision. Alternate Chair Doris M. Desautel, members Sanford Roberts, Esq. and Kevin E. Cash present and voting.

Distribution:

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