

**AFSCME Council 93, Local 1386, Portsmouth City Employees v. City of Portsmouth,**

Decision No. 2011-090 (Case No. G-0030-22).

**Background:** The Union filed an unfair labor practice complaint accusing the City of misconduct in the earlier PELRB proceedings based upon the City's position in the arbitration which followed these proceedings. The Union claimed that the City made misrepresentations to and deceived the Board in the earlier PELRB proceedings and thereby improperly obtained dismissal of the Union's complaint and that such actions violated RSA 273-A:5, I (a), (b), (e), and (g). City denied the charges and asserted that it acted properly at all times, that the Union's argument was not supported by the content of the PELRB's prior decision, that the parties agreed to allow the arbitrator to resolve the parties' dispute about the scope of the arbitration, and that the Union's claims were untimely and barred by res judicata.

**Decision:** The PELRB denied the Union's claims that the City committed an unfair labor practice during the course of the earlier PELRB proceedings or during the subsequent arbitration. The PELRB found that the City did not make misrepresentations during the course of the earlier PELRB proceedings which caused or resulted in an improper dismissal of the Union's claims and that the City's legal position during the arbitration proceedings was within acceptable parameters.

***Disclaimer: This summary is intended to provide a brief description of the issues in this case and the outcome. The summary is not a substitute for the decision, should not be relied upon in place of the decision, and should not be cited as controlling or relevant authority in PELRB proceedings or other proceedings.***