

THE SUPREME COURT OF NEW HAMPSHIRE

APPEAL OF THE STATE OF NEW HAMPSHIRE

No. 99-644 August 7, 2001

In Case No. 99-644, Appeal of the State of NH, the court on August 7, 2001, made the following order:

Having considered the briefs and oral arguments of the parties, the court requests the parties to brief the issue of whether the PELRB had subject matter jurisdiction to render the decision currently challenged on appeal.

Specifically, the parties should address whether the PELRB had authority to interpret the "final and binding" language in the CBA's arbitration clause given that the parties contracted for mailers of contract interpretation to be resolved through final and binding arbitration, and given that, thus far, the PELRB's authority to construe a CBA has been limited to certain specific circumstances. See, e.g., Appeal of Hinsdale Fed'n of Teachers, 138 N.H. 88, 89(1993) (noting that the PELRB has authority to define and interpret the terms of RSA chapter 273-A); Appeal of AFSCME Local 3657, 141 N.H. 291, 293-94 (1996) (holding that the PELRB has jurisdiction to decide whether a dispute fails within the arbitration clause of a CBA); Bd. of Trustees v. Keene State Coil. Educ. Assoc., 126 N.H. 339, 342 (1985) (holding that the PELRB has jurisdiction to decide whether an arbitration award is consistent with the governing CBA).

The parties shall submit legal memoranda of no longer than twelve (12) pages within thirty (30) days of the date of the clerk's notice of this decision.

Broderick, Nadeau, and Dalianis, JJ., participated.

Howard J. Zibel,

Clerk

Date of clerk's notice of decision: August 10, 2001