



## State of New Hampshire

### PUBLIC EMPLOYEE LABOR RELATIONS BOARD

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AMALGAMATED TRANSIT UNION, LOCAL :  
717 :

Complainant :

v. :

MANCHESTER TRANSIT AUTHORITY :

Respondent :

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CASE NO. M-0596:7

DECISION NO. 92-170

#### TEMPORARY CEASE AND DESIST ORDER

The Board, meeting at its offices in Concord, New Hampshire, on October 27, 1992, took the following actions:


1. It reviewed the Union's Unfair Labor Practice (ULP) charges dated July 15, 1992 inclusive of its request for a Cease and Desist order to stop employer-ordered mandatory drug testing and the Authority's Answer dated August 3, 1992.
2. It reviewed pre-hearing correspondence exchanged between counsel and provided to the PELRB.
3. It heard and considered opening arguments made by each side to these proceedings and entertained their joint stipulation to accept a temporary cease and desist order pending a determination by the Office of the Attorney General of the State of New Hampshire as to the applicability of the Federal Motor Carrier Safety Regulations (49 CFR 391.41-391.49) and RSA 200:37 effective June 19, 1992 to members of the Union's bargaining unit.
4. It determined that the following Temporary Cease and Desist Order shall issue:
  - a) The Authority is to Cease and Desist forthwith from conducting drug testing as a part of the regular two-year physical

examination cycle utilized for members of the Union's bargaining unit, pending a determination by the Office of the Attorney General as to the applicability of the Federal Motor Carrier Safety Regulations and RSA 200:37 on bargaining unit personnel.

- b) The parties will submit an inquiry to the Office of the Attorney General seeking a status report on the ruling which they are seeking.
- c) This Order shall remain in effect until December 31, 1992.
- d) At any time during the pendency of this Order either party may move to reactivate this case or the Board's docket of cases by requesting a hearing.

So ordered.

Signed this 5th day of November, 1992.

  
EDWARD J. HASELTINE  
Chairman

By unanimous vote. Chairman Edward J. Haseltine presiding.  
Members Richard W. Roulx and Arthur Blanchette present and voting.