

State of New Hampshire

PUBLIC EMPLOYEE LABOR RELATIONS BOARD

AFSCME, LOCAL 365 for NASHUA	:	
PUBLIC WORKS EMPLOYEES	:	
	:	
Complainant	:	
	:	
v.	:	CASE NO. A-0410:49
	:	
CITY OF NASHUA, PUBLIC WORKS	:	DECISION NO. 1999-036
DEPARTMENT	:	
	:	
Respondent	:	
	:	

INTERIM ORDER

The Board, meeting at its offices in Concord, New Hampshire, on April 20, 1999, took the following actions:

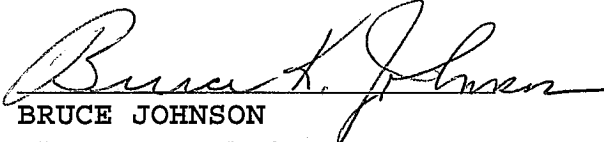
1. It reviewed the unfair labor practice (ULP) complaint filed by the Union on March 15, 1999 and the answer filed by the City on March 30, 1999.
2. It convened for the purpose of hearing the parties' respective positions on the complaint and answer, but, upon being informed that the whereabouts of the Union business agent assigned to the case was unknown, proceeded to hear procedural motions from the parties as to the disposition of the case.
3. The City moved for dismissal of the case for the Union's failure to pursue its burden of going forward under Rule PUB 201.02 (b) or, in the alternative, that the matter be ordered to arbitration in accordance with Article 14, Step IV of the parties' 1996-1999 collective bargaining agreement (CBA) in order to complete the grievance process which had already been started

and which may still be timely filed and completed. The Union requested a continuance so that this matter might be pursued by the business agent assigned to it.

4. The PELRB then directed: (1) that the Union file this matter for arbitration under Article 14 of the CBA consistent with claim(s) made at lower levels of the grievance procedure; (2) that the Union, as complainant, notify the PELRB of the results of said arbitration within thirty (30) days of the date of the arbitration award; and (3) that the City's motion to dismiss and the Union's motion to continue be held in abeyance until the arbitrator's award shall have been received by the PELRB. Failure to file for arbitration or to provide the PELRB with a copy of the arbitrator's award within the time prescribed may be cause to grant the City's motion to dismiss.

So ordered.

Signed this 22nd day of April, 1999.


BRUCE JOHNSON
Alternate Chairman

By unanimous vote. Alternate Chairman Bruce Johnson presiding.
Members Richard Roulx and E. Vincent Hall present and voting.