



State of New Hampshire

PUBLIC EMPLOYEE LABOR RELATIONS BOARD

TOWN OF SEABROOK	:	
	:	
Complainant	:	
	:	CASE NO. F-0121:15
v.	:	
	:	DECISION NO. 1999-088
SEABROOK PERMANENT	:	
FIREFIGHTERS ASSOCIATION	:	
	:	
Respondent	:	
	:	

PRE-HEARING CONFERENCE MEMORANDUM AND ORDER

BACKGROUND

On August 23, 1999, Philip Pettis, Esq., representing the Town of Seabrook (Town), and John Krupski, Esq., representing the Seabrook Permanent Firefighters Association (Union), appeared before the undersigned hearing officer for a pre-hearing conference regarding an unfair labor practice charge filed by the Town on July 15, 1999. The Town alleges that the Association breached the collective bargaining agreement when it failed to submit a wage dispute to the grievance procedure, its sole remedy, but instead urged the individual Association member harmed to take the matter to superior court to obtain relief.


The Union responded that the PELRB does not have jurisdiction over this matter since the suit filed in superior court to which the Town objects has been brought by an individual and not by the Union. By way of further response, the Union has requested summary dismissal since the Union has a right to decide which cases to grieve under the wording of the grievance article of the collective bargaining agreement and cannot be required to pursue a grievance.

DECISION AND ORDER

After lengthy discussion, the parties agreed that they wish to submit briefs and then to be heard on this preliminary matter. The agreement of the parties is adopted as the decision and no hearing shall be scheduled in the immediate future. Briefs shall be filed on or before September 10, 1999. Any response shall be filed with this Board on or before September 20, 1999.

So ordered.

Signed this 31st day of August, 1999.



GAIL C. MORRISON
Hearing Officer