



**State of New Hampshire**

**PUBLIC EMPLOYEE LABOR RELATIONS BOARD**

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AMERICAN FEDERATION OF STATE,	:	
COUNTY AND MUNICIPAL EMPLOYEES,	:	
LOCAL 1386 (AFSCME) FOR	:	
PORTSMOUTH CITY EMPLOYEES	:	
	:	
Petitioner	:	
	:	
v.	:	CASE NO. A-0411:33
	:	
CITY OF PORTSMOUTH	:	DECISION NO. 1999-099
	:	
Respondent	:	
	:	

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ORDER TO ARBITRATE

Whereas AFSCME, Local 1386 (Union), on behalf of Portsmouth City Employees, filed unfair labor practice (ULP) charges on August 12, 1999 and the City filed an answer and motion to dismiss on August 18, 1999; and

Whereas the Union filed a grievance over certain of the same subject matter (Attachment 1 to City's answer) as contained in the ULP, the disposition of which may be dispositive of said complaint; and

Whereas the parties have proceeded through Step I of the grievance procedure contained in their 1998-2003 collective bargaining agreement (CBA), said grievance currently pending at Step II of that process; and

Whereas the parties' CBA for the period July 1, 1998 through June 30, 2003 (See Attachment 2 of the City's answer) contains a grievance procedure ending with final and binding arbitration and a seniority clause, found at Article 6 thereof, which addresses layoffs; and

Whereas the foregoing findings are not inconsistent with the pleadings or facts as adduced at a pre-hearing conference on September 27, 1999 at which both sides were present and represented by counsel;

IT IS ORDERED that the parties complete the process contemplated in the contract grievance procedure, including arbitration, if necessary; that the parties shall keep the PELRB promptly informed, not less frequently than quarterly, of the outcome of and any changes in the status of this case as it proceeds through the contract grievance procedure, including submitting copies of any final decisions or orders thereon; that any party seeking additional review by the PELRB of such final decision or order shall do so by requesting an additional hearing within thirty (30) days of the date thereof; and that, if such a request for additional consideration is not received by the PELRB within the aforesaid thirty (30) days from the date thereof, the ULP shall be administratively dismissed from the Board's docket of cases.

Signed this 29th day of September, 1999.



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Parker Denaco  
Hearing Officer