



**State of New Hampshire**

PUBLIC EMPLOYEE LABOR RELATIONS BOARD

\_\_\_\_\_  
Portsmouth Board of Police Commissioners \*

Complainant \*

v. \*

International Brotherhood of Police Officers, Local 402 \*

Respondent \*

Case No. P-0709-21

Case No. P-0709-22

\_\_\_\_\_  
International Brotherhood of Police Officers, Local 402 \*

Complainant \*

v. \*

Portsmouth Board of Police Commissioners \*

Respondent \*

Decision No. 2000-128

ORDER DISMISSING COMPLAINTS

The parties, both represented by counsel and appearing before the PELRB at its offices in Concord, New Hampshire on December 21, 2000, announced the following agreement in settlement and withdrawal of their respective pending unfair labor practice complaints, to wit:

The parties agree as follows in settlement of the foregoing unfair labor practice charges:

1. At least five days prior to the grievance step providing a hearing before the Police Commission, the party with the burden of going forward shall inform the other party as to the witnesses it intends to present at said hearing. Upon receipt of this information, the receiving party shall provide the same information, on its behalf, to the sending party. Based upon what is presented at that hearing, both parties reserve the right to amend their witness list for purposes of rebuttal.

2. It is expected that the grievant or appropriate union official with authority to settle the case will be present at grievance hearings before the Police Commission.
3. The Colby disciplinary grievance shall proceed to arbitration.
4. Both parties withdraw their respective pending unfair labor practice complaints. The Union's withdrawal of count 3 (re: Johnson arbitration award under RSA 542 appeal) is without prejudice to its positions in the pending superior court proceedings.

Dated December 21, 2000

/s/ Thomas Flygare

/s/ Peter C. Phillips

Upon review of the parties' agreement pertaining to these cases and their resolution, the PELRB adopts that agreement and incorporates its provisions as and for its order in these proceedings.

So ordered.

Signed this 28<sup>th</sup> day of DECEMBER, 2000.

  
BRUCE K. JOHNSON  
Alternate Chairman

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