

State of New Hampshire

PUBLIC EMPLOYEE LABOR RELATIONS BOARD

AFSCME Council 93, Local 2301, Seabrook
Supervisory Employees

Complainant

v.

Town of Seabrook

Respondent

Case No. M-0592-15

Decision No. 2001-087

ORDER TO ARBITRATE

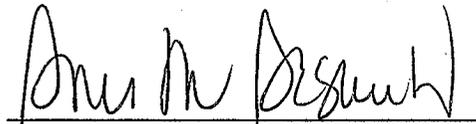
The Board, meeting at its offices in Concord, New Hampshire, on September 18, 2001, took the following actions:

1. It reviewed the Union's unfair labor practice (ULP) complaint in this matter filed June 27, 2001, and the Town's response filed July 12, 2001.
2. It reviewed the Town's counterclaims and motion to dismiss, both filed on August 21, 2001 and the Union's response thereto filed September 17, 2001.
3. It convened for the purpose of hearing the parties' respective positions on the complaint, answer and procedural motions. The parties offered oral argument on the various aspects of the Town's pending motion to dismiss, including an argument that that portion of the pending complaint alleging a breach of contract in violation of RSA 273-A:5 I (h) could be disposed of under the grievance arbitration procedures of the CBA. The Town affirmed that it would not assert timeliness defenses if directed to proceed to arbitration in this matter.
4. The PELRB then directed: (1) that the Union file this matter for arbitration in accordance with Article 10 of the parties' CBA which expires March 31, 2002; (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 Town's motion to dismiss 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 Town's motion to dismiss.

So ordered.

Signed this 21st day of September, 2001.



DORIS M. DESAUTEL
Alternate Chairman

By unanimous vote. Alternate Chairman Doris M. Desautel presiding. Members Richard W. Roulx and E. Vincent Hall present and voting.