



State of New Hampshire

PUBLIC EMPLOYEE LABOR RELATIONS BOARD

AFSCME Local 2973, Keene Public Works

Petitioner

v.

City of Keene

Respondent

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CASE No. A-0549-4

DECISION No. 2002-028

ORDER

By Order of the PELRB, dated January 10, 2002, the Complainant Union was to have provided written clarification of the allegations of statutory violations contained within its complaint against the City of Keene. Counsel for the City made an appropriate request for specifics during the Pre-Hearing Conference. Counsel for the Union indicated that it would specify, in writing, which statutory provision was alleged to have been violated by what acts. The PELRB Order recognized that agreement between counsel and stated explicitly in its order that:

“ 1. The Union’s counsel shall provide the City’s counsel with a written clarification of the Union’s complaint indicating which alleged actions or charges constitute violations of which provisions of RSA 273-A:5 on or before January 23, 2002.”

As of the date of this instant Order, the Union has not provided those specifics, has not complied with the PELRB Order, has not requested an extension and has not provided sufficient cause for its inaction or inability. Such delay prejudices the City’s ability to prepare its case.

Therefore the Complaint docketed as Case No. A-054904 is hereby DISMISSED, without prejudice. In the event that sufficient grounds exist for this failure to comply with the PELRB Order and the same are presented to the PELRB for consideration in proper form within thirty days pursuant to RSA 541 then, if the dismissal is thereafter vacated by the PELRB, the case may proceed. At that time, any Union Answer to the City’s Motion to Dismiss on the grounds that arbitration is the appropriate forum for the Union’s claims shall be considered.

Signed this 26th day of February, 2002

Donald E. Mitchell, Esq.
Hearings Officer