



State of New Hampshire

PUBLIC EMPLOYEE LABOR RELATIONS BOARD

AFSCME, Local 2973, Keene Public Works	*	
	*	
	*	
Complainant	*	
	*	
v.	*	Case No. A-0549-4
	*	
City of Keene	*	Decision No. 2002-052
	*	
Respondent	*	
	*	

MOTION TO RECONSIDER

The Board, meeting at its offices in Concord, New Hampshire, on April 18, 2002, took the following actions:

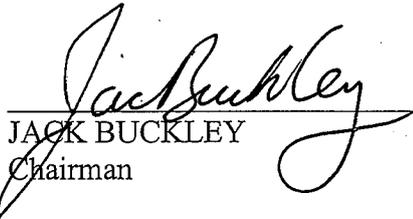
1. It reviewed the Union's Motion to Reconsider filed on March 25, 2002 and the City's objections thereto filed on April 3, 2002.
2. It examined both the Pre-hearing Conference Memorandum and Order (Decision No. 2001-002) dated January 10, 2002 and the Order dismissing the unfair labor practice (ULP) complaint in question without prejudice (Decision No. 2002-028) dated February 26, 2002.
3. It noted (1) that the Pre-hearing Conference Memorandum directed the Union's counsel to provide the City's counsel with "a written clarification of the Union's complaint indicating which alleged actions or changes constitute violations of which provisions of RSA 273-A:5 on or before January 23, 2002," (2) that such clarification was not provided on or before the date specified as noted in the City's Motion to Dismiss dated February 11, 2002, (3) that Union counsel's explanation as to why the clarification was delayed was "a miscommunication between the Local Union Staff Representative and the [Union] Attorney" and because "Union Counsel did not receive any notice from the City that the written clarification had not been received" and (4) that the foregoing were also among reasons given to explain why Union counsel had not sought an extension of time in which to file the aforesaid clarification.
4. It further noted, taking account of the "without prejudice" dismissal, that no representation or offer of proof was made in the Union's Motion for Reconsideration to suggest that the conduct complained of in the underlying ULP,

filed November 21, 2001, was still on-going.

5. It found that the hearing officer's dismissal of the instant complaint without affording Union counsel the opportunity to state the reasons for failing to comply with the order was not a denial of due process, as alleged by the Union, because of the review process implicit in the instant proceedings under RSA 273-A:6 VIII which have resulted in this decision.
6. It DENIED the Union's Motion to Reconsider by declining to reverse or modify the hearing officer's decision.

So ordered.

Signed this 24th day of April, 2002.



JACK BUCKLEY
Chairman

By unanimous vote. Chairman Jack Buckley presiding. Members E. Vincent Hall and Carol Granfield present and voting.