

State of New Hampshire

PUBLIC EMPLOYEE LABOR RELATIONS BOARD

Officers Keely Grise and Thomas Bergeron and
Nashua Police Patrolman's Association

Complainant

v.

City of Nashua Police Commission and
City of Nashua

Respondent

Case No. P-0740-13

Decision No. 2002-073
(Petition for Declaratory
Ruling)

ORDER TO CONTINUE

The parties to these proceedings each represented by counsel, each having participated in a pre-hearing conference as referenced in Decision No. 2002-064, and being scheduled to appear before the PELRB on Thursday, June 20, 2002 in furtherance of their respective pleadings and filings, have filed a Joint Motion to Stay Proceedings wherein they have jointly stipulated as follows:

1. In this case the petitioners have alleged that it would be a violation of the collective bargaining agreement between the Nashua Police Patrolman's Association and the Nashua Police Commission for the Nashua Police Department ("NPD") to terminate the employment of either Officer Grise or Officer Bergeron as a result of the marriage of the two officers. The respondents have denied that such a termination would violate the collective bargaining agreement.
2. The petitioners have also filed a Petition for Declaratory Ruling with the New Hampshire Commission for Human Rights ("NHCHR") alleging that the termination of either officer would constitute illegal discrimination on the basis of marital status and religion in violation of the New Hampshire Anti-Discrimination Law, RSA 354-A. The NHCHR has scheduled a hearing on the petition for July 17, 2002.

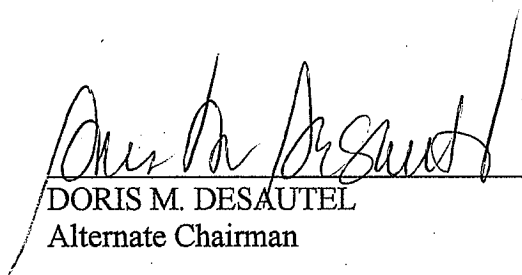
3. The parties have agreed that it would simplify the issues in this case if the RSA 354-A discrimination issues were resolved prior to the hearing in this case.

In so stipulating, the parties have requested that the Petition for Declaratory Judgment pending before the PELRB be continued "until action is taken by the New Hampshire Commission for Human Rights."

In consideration of the foregoing stipulations by the parties, it is

ORDERED that (1) the petitioner herein shall notify the PELRB within ten (10) days of the issuance of a decision by the New Hampshire Commission for Human Rights, (2) that any party seeking further hearing before the PELRB shall make its request therefor within thirty (30) days of the date of the aforesaid decision by the New Hampshire Commission for Human Rights and (3) that failing such a request from either party for further hearing in this matter within the said thirty (30) day period, the pending Petition for Declaratory Judgment shall be dismissed from the PELRB's docket of cases.

Signed this 19th day of June, 2002.



DORIS M. DESAUTEL
Alternate Chairman