

**State of New Hampshire**

PUBLIC EMPLOYEE LABOR RELATIONS BOARD

Local 1984 SEIU, SEA  
Seabrook Employees Association

Complainant

v.

Town of Seabrook

Respondent

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Case No. M-0591-37

Decision No. 2002-084

ORDER ON MOTION TO STAY

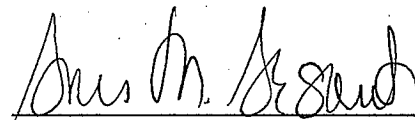
The Board, meeting at its offices in Concord, New Hampshire, on July 23, 2002, took the following actions:

1. It convened for the purpose of hearing offers of proof and arguments by the parties on the Town of Seabrook's Motion to Stay Appointment of Arbitrator and the Union's objections thereto.
2. It entertained oral arguments and accepted a Memorandum of Law from the Town in support of its position. The Union failed to submit any such memorandum and thereby it waived its opportunity to do so, as no reservation of rights was preserved nor sufficient reason given for not submitting its Memorandum of Law.
3. It was advised by the parties during their oral arguments that the Town had filed improper practice charges (ULP) with the PELRB against the Union on 5/13/02 (See Case No. M-0591-36) to which the Union had filed its response on 5/24/02. Each party addressed the essential issues involved in the matters contained within the ULP to the extent they were relevant to the instant motion.

4. It took administrative notice of the parties' governing collective bargaining agreement. Each party indicated that it had no objection to such action.
5. It determined that the Town's ULP, *inter alia*, alleges facts that, arguably, require a determination of statutory rights provided to both parties under RSA 273-A:1, *et seq.* and, arguably, a determination of the arbitrability of certain issues in dispute between the parties.
6. It examined the record, including the initial Union request for the Appointment of an Arbitrator, filed 5/25/02; the PELRB letter submitting potential arbitrators for the parties consideration, dated 5/31/02; the Town's Motion to Stay, filed 6/6/02; the Union's Answer, filed 6/11/02; and, the Town's Memorandum of Law, filed 7/23/02.
7. It GRANTED the Town's request that the appointment of an arbitrator be stayed until an order on the Town's ULP is issued in Case No. M-0591-36, or such other order as may be deemed necessary by the Board is issued.

So Ordered.

Signed this 26th day of July, 2002.



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DORIS M. DESAUTEL  
Alternate Chairperson

By unanimous decision. Alternate Chairperson, Doris M. Desautel, presiding. Members Richard W. Roulx and E. Vincent Hall present and voting.