



State of New Hampshire

PUBLIC EMPLOYEE LABOR RELATIONS BOARD

International Brotherhood of Police Officers
for Atkinson Police Officers

Complainant

v.

Town of Atkinson

Respondent

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Case No. P-0766-1

Decision No. 2002-134

MOTION TO CONTINUE

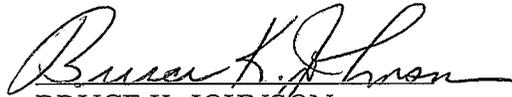
The Board, meeting at its offices in Concord, New Hampshire on November 19, 2002, took the following actions:

1. It reviewed the Town's Motion to Continue dated November 8, 2002 and filed November 13, 2002, and the Union's response thereto dated and filed November 18, 2002.
2. It reviewed the Supreme Court remand in Appeal of International Brotherhood of Police Officers (IBPO), Docket No. 2000-191 (Slip Op., August 12, 2002) as it pertained to Officer Rivera, then a probationary employee and subsequently to become a terminated employee, and the extension of protective rights found in RSA 273-A:5 I (c), notwithstanding his probationary status, as directed by the court.
3. It examined the post-remand correspondence of the parties, including a letter from the Executive Director to the parties' counsel on September 30, 2002 seeking a report on the progress the parties had made, if any, as to the matter of the Remand, a letter from Union counsel Phillips received October 9, 2002 stating that he had no response to his letter to Town counsel dated September 9, 2002, and a letter from Town counsel Kalman received October 10, 2002 stating that the Town would seek further hearing before the PELRB.

4. It noted the allegation in paragraph 4 of the Union's response to the Motion to Continue referencing "recent conduct and statements" by the Chief of Police and found that reference to be outside the scope of the present remand. Any cause of action emanating therefrom should appropriately be brought as a new ULP complaint.
5. It DENIED the Town's Motion to Continue and indicated that any future proceedings before the PELRB would be limited to the matter of the remand, namely protected rights of the identified probationary employee and the relief to be accorded to that employee now that it has been determined that RSA 273-A:5 I (c) protective rights apply to him.

So ordered.

Signed this 19th day of November, 2002.


BRUCE K. JOHNSON
Alternate Chairman

By unanimous vote. Alternate Chairman Bruce K. Johnson presiding. Members E. Vincent Hall and Richard Roulx present and voting.