



State of New Hampshire

PUBLIC EMPLOYEE LABOR RELATIONS BOARD

AFSCME, Local 3657 for Hillsborough County
Corrections Employees (Re: Rita Brady)

Complainant

v.

Hillsborough County,
Department of Corrections

Respondent

Case No. A-0428-190

Decision No. 2002-137

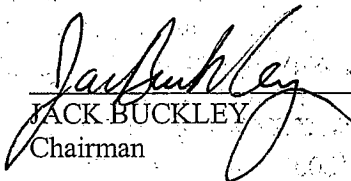
ORDER ON REMAND

On or about November 1, 2002, the New Hampshire Supreme Court issued an opinion in Appeal of Hillsborough County, Docket No. 99-720 (Slip. op., November 1, 2002) which vacated and remanded PELRB Decision No. 1999-076, referencing School District #42 v. Murray, 128 N.H. 417, 419 (1986) as to a "presumption of arbitrability" and noting "if a claim is arbitrable, then the PELRB is precluded from ruling on the merits of the underlying dispute." See also Appeal of AFSCME Local 3657, Londonderry Police Employees, 141 N.H. 291 (1996). On or about November 18, 2002, the PELRB received a letter from counsel for the County stating that the client was requesting "a hearing on the merits [because] substantial documentary and testimonial evidence exists that has a direct bearing on the issue remanded..."

In accordance with the foregoing, we remand this matter to the parties noting that proceedings on the merits, if those issues cannot be resolved by the parties themselves, must be processed in accordance with the grievance and arbitration provisions of the collective bargaining agreement. The parties, through counsel, shall file monthly letters with the PELRB on or about the fifteenth (15) of each month commencing in January of 2003, advising the status of this particular remand so that the PELRB will have this information in the event there are any inquiries from the court. Likewise, the County shall file a copy of any arbitration award in these proceedings with the PELRB within ten (10) days of its issuance. If neither party shall request further proceedings before the PELRB within thirty (30) days of the arbitrator's decision, this matter shall thereafter be dropped from the PELRB's docket of cases.

So ordered.

Signed this 26th day of November, 2002.


JACK BUCKLEY
Chairman

By unanimous decision. Chairman Jack Buckley presiding. Members E. Vincent Hall and Seymour Osman present and voting.