

State of New Hampshire

PUBLIC EMPLOYEE LABOR RELATIONS BOARD

Manchester Association of Police Supervisors	*	
	*	
	*	
Complainant	*	
	*	
v.	*	Case No. P-0716-11
	*	
City of Manchester Police Department	*	Decision No. 2003-088
	*	
Respondent	*	
	*	

ORDER TO HOLD COMPLAINT IN ABEYANCE
AND TO PROCEED TO ARBITRATION

The Board, meeting at its offices in Concord, New Hampshire, on July 31, 2003, took the following actions:


1. It reviewed the Association's unfair labor practice (ULP) complaint filed June 10, 2003, the City's answer and exceptions filed June 25, 2003 and the binding grievance arbitration provisions found at Article 7 of the parties' collective bargaining agreement, effective July 1, 2002-June 30, 2004. This article provides for "final and binding" arbitration.
2. It convened for the purpose of conducting a hearing the parties' respective positions on the complaint, answer and exceptions, noting that one of the remedies sought by the City was that this matter be held in abeyance while the parties proceed to arbitration.
3. The PELRB was advised for both parties that the relief sought by the Association in the grievance proceedings and from the alleged statutory violations was identical.
4. The PELRB interpreted the representations of counsel to the City that the City would not raise any procedural bars to arbitration of this matter at this time.
5. The PELRB then directed: (1) that the parties proceed immediately to the fourth and final step of their grievance process, that of binding arbitration, (2) that the Association, as complainant in this pending ULP, notify the PELRB of the results of

said arbitration and provide a copy of the arbitrator's award within thirty (30) days of the date it is issued, (3) further consideration of the instant proceedings regarding the alleged statutory violations shall be held in abeyance to allow the parties to address aspects of the dispute in arbitration and (4) that this matter shall be dismissed from the PELRB's docket of cases if neither party shall request an additional hearing within the aforesaid thirty day period following the date of the arbitrator's decision. If such an additional hearing is requested, it shall be processed and set for hearing on a priority basis.

6. The PELRB has reviewed the priority selections of an arbitrator submitted by the parties and has appointed Marc Greenbaum to perform as arbitrator.

So ordered.

Signed this 11th day of August, 2003.


BRUCE K. JOHNSON
Alternate Chairman

By unanimous decision. Alternate Chairman Bruce K. Johnson presiding. Members Seymour Osman and E. Vincent Hall present and voting.