



STATE OF NEW HAMPSHIRE
PUBLIC EMPLOYEE LABOR RELATIONS BOARD

RAYMOND PORELLE, JR.

v.

CASE NO. P-0749-32

DECISION NO. 2009-271

NEPBA, INC.

ORDER ON MOTION FOR ARBITRATION ORDER

On November 17, 2009 Raymond Porelle Jr. filed a Motion for Arbitration Order in the above captioned matter, a case which was closed in November, 2007 following the parties' settlement. The City of Rochester was not a party to Case No. P-0749-32. In May, 2008 Mr. Porelle filed a second complaint, Case No. P-0749-34. This case involves the NEPBA's obligations under the settlement agreement made in Case No. P-0749-32, and in particular whether the NEPBA's obligations under the settlement include the provision to Mr. Porelle of representation in connection with a matter pending before the New Hampshire Retirement System. The undersigned hearing officer conducted a hearing on the complaint in Case No. P-0749-34 on December 9, 2009, and Mr. Porelle's Motion for Arbitration Order and the NEPBA's response were submitted into the record as Porelle Exhibits 78 and 80. In response to inquiry from the undersigned hearing officer the parties did not request or agree that this Motion and Response be treated as pleadings in Case No. P-0749-34.

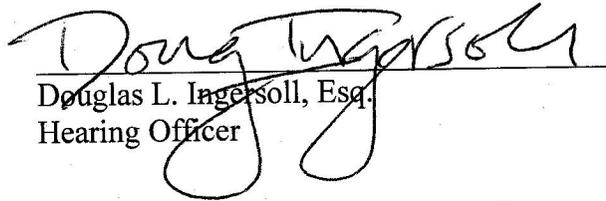
In his motion Mr. Porelle states the settlement discussions with the City of Rochester concerning an underlying grievance have been unsuccessful, and he complains that the NEPBA

hasn't arranged for the scheduling of an arbitration proceeding as he has requested. The NEPBA's response indicates that the NEPBA is in communication with the City and efforts to schedule the arbitration are pending, although the City has suggested to the NEPBA that it may not agree to the scheduling and conduct of arbitration.

Based upon the foregoing the motion is denied without prejudice. The parties are to continue their efforts to resolve the scheduling of the arbitration by agreement. The NEPBA and/or Mr. Porelle may seek relief in a proper action in the event the City of Rochester has acted improperly in connection with the referenced arbitration proceedings. The City of Rochester would be a necessary party to any such proceeding.

So ordered.

December 10, 2009


Douglas L. Ingersoll, Esq.
Hearing Officer

Distribution:

Mr. Raymond Porelle, Jr.
Diane Byrnes, Esq.
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