



STATE OF NEW HAMPSHIRE
PUBLIC EMPLOYEE LABOR RELATIONS BOARD

Somersworth Professional Firefighters Local 2320 IAFF

and

City of Somersworth

Case No. G-0133-3
Decision No. 2011-022

Order on Objection to Petition for Appointment of Mediator

The City objects to the Petition for Appointment of Mediator, claiming that after the City Council rejected the fact finder's report the petitioner is obligated to return to the bargaining table for further negotiations for some period of time before requesting the appointment of a mediator pursuant to RSA 273-A:12, IV. Relevant portions of RSA 273-A:12 include the following:

"[w]henver the parties request the board's assistance or have bargained to impasse, or if the parties have not reached agreement on a contract within 60 days...a neutral party chosen by the parties, or failing agreement, appointed by the board, shall undertake to mediate the issues remaining in dispute." See RSA 273-A:12, I.

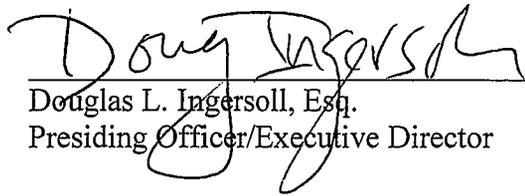
"[i]f impasse is not resolved following the action of the legislative body, negotiations shall be reopened. Mediation may be requested by either party and may, at the mediator's option, involve the board of the public employer." See RSA 273-A:12, IV.

At this time the parties are still at impasse. RSA 273-A:12, IV specifically provides that mediation may be requested following the City Council's rejection of the fact finder's report. The statute does not impose any requirement that following unsuccessful fact finding the parties must first resume negotiations on their own before a party may request a mediator's assistance in

the negotiations. Additionally, at this stage in the proceedings mediation may “at the mediator’s option” involve “the board of the public employer.” Accordingly, the petitioner is entitled to request the appointment of a mediator at this time, and the parties shall continue with the neutral appointment process. The City shall file its ranking of the previously provided list of neutrals on or before January 21, 2011.

So ordered.

January 18, 2011


Douglas L. Ingersoll, Esq.
Presiding Officer/Executive Director

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