



**STATE OF NEW HAMPSHIRE**  
PUBLIC EMPLOYEE LABOR RELATIONS BOARD

**City of Concord**

v.

**Concord Police Supervisors Association**

**Case No. G-0205-3**  
**Decision No. 2014-206**

Order

This case is a dispute about the arbitrability of a grievance. The City denied the underlying grievance and when the Union demanded arbitration the City filed an unfair labor practice complaint, charging that the Union has made a wrongful demand for arbitration. See *School District No. 42 of City of Nashua v. Murray*, 128 N.H. 417, 422 (1986). Arbitration is scheduled for September 22, 2014.<sup>1</sup> The City has filed a motion asking the PELRB to issue an order deferring the September 22, 2014 pending the issuance of a decision on the merits of the City's complaint. The Union objects, arguing among other things that the arbitration should proceed as scheduled and that in any event the PELRB will likely issue its decision on the merits in advance of September 22, 2014. The Union also asks that the City be required to escrow \$5,000 as the equivalent of a Superior Court Rule 48 bond in the event the City's motion is granted.

I am granting the City's motion based upon the claim being made in this case, the timing of the scheduled arbitration relative to the date when a decision on the City's complaint may

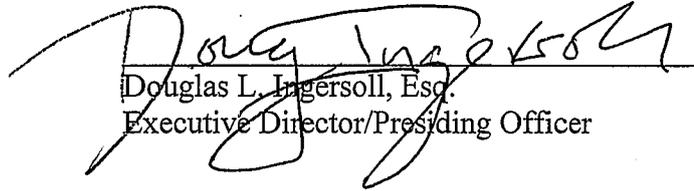
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<sup>1</sup> This date may have been established when the parties anticipated the submission of this case for decision earlier than August 19, 2014 – which is the date the parties submitted reply briefs pursuant to a stipulated schedule.

issue, and the likely resources and time that will be involved and expended in connection with the preparation for and conduct of arbitration on September 22, 2014. Accordingly, arbitration of the underlying grievance is deferred and suspended pending a decision on the merits of the City's unfair labor practice charge. The Union's request that the City be ordered to post an injunction bond or its equivalent is denied.

So ordered.

August 28, 2014



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

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