



State of New Hampshire
Public Employee Labor Relations Board

Manchester Police Patrolman's Association

v.

City of Manchester

Case No. G-0103-13
Decision No. 2020-083

Pre-Hearing Memorandum and Order

Date of Conference: April 13, 2020

Appearances¹: John S. Krupski, Esq., for the Complainant
Mark T. Broth, Esq., for the Respondent

Background:

On March 11, 2020, Manchester Police Patrolman's Association (Association) filed an unfair labor practice complaint under the Public Employee Labor Relations Act claiming that the City had violated RSA 273-A:5, I (h) and (i) when it refused to comply with an arbitrator's award. The Association alleges, among other things, that: (1) the last step of the parties' contractual grievance procedure is a final and binding arbitration; (2) a bargaining unit employee was terminated on April 16, 2018; (3) the Association timely grieved the termination and the arbitration hearing was held on August 21, 2019; (4) the arbitrator issued an award on December 18, 2019 reducing the discharge to a thirty day disciplinary suspension without pay and ordering the City, among other things, to reinstate the subject employee to a "position determined to be

¹ The pre-hearing conference was conducted telephonically.

appropriate by the Chief of the Department” and to make him whole for lost compensation (minus the thirty-day suspension pay period); and (5) on December 27, 2019, the City declined to comply with the arbitrator’s award and informed the Association that the employee will not be reinstated. The Association requests, among other things, that the PELRB (1) find that the City has committed an unfair labor practice; (2) order the City to reinstate the subject employee to his former positions as a police officer and further comply with the award; and (3) award reasonable attorney’s fees and costs.

The City denies the charge. The City asserts, among other things, that it intends to comply with every aspect of the arbitrator’s award except to the extent that it requires a reinstatement of the subject employee, as his reinstatement would be contrary to a clear and well-established public policy.

Issues for Determination by the Board

Whether the City violated RSA 273-A:5, I (h) and (i) as charged by the Association.

Decision

1. “Parties” means the Association, the City or their counsel/representative appearing in the case. The parties shall simultaneously copy each other electronically on all filings submitted in these proceedings.
2. As discussed at the pre-hearing conference, the hearing scheduled for April 28, 2020 is cancelled. Subject to paragraph 3, a new hearing date shall be established in a subsequent notice as necessary.
3. During the pre-hearing conference, the Association proposed that this case be submitted for decision on stipulated facts, exhibits, and briefs. On or before **April 20, 2020**, the parties shall file a request, if any, to submit this case for decision on stipulated facts, joint

exhibits, and briefs. Any such request shall contain a proposed schedule for submission of stipulated facts, joint exhibits, opening briefs, and reply briefs, if any.

So ordered.

Date: 4/14/2020

/s/ KARINA LANGE
Karina A. Lange, Esq.
Staff Counsel/Hearing Officer

Distribution: John S. Krupski, Esq.
Mark T. Broth, Esq.