



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

**DERRY POLICE PATROLMEN'S ASSOCIATION**

v.

**CASE NO. P-0702-22&23**  
**DECISION NO. 2009-082**

**TOWN OF DERRY**

**ORDER ON MOTION FOR REHEARING**

On April 17, 2009 the Town filed a Motion for Rehearing pursuant to Pub 205.02 and RSA 541:3 with respect to PELRB Decision 2009-057, issued March 18, 2009. On April 21, 2009 the Derry Police Patrolmen's Association ("Union") filed an Objection to the Town's Motion for Rehearing. In this pleading the Union also appears to request rehearing concerning the board's disposition of claim(s) related to Officer Houle's reassignment from the Detective Division to the Patrol Division.

RSA 541:3 and Pub 205.02 provide that motions for rehearing shall be filed within 30 days or in this case on or before April 17, 2009. RSA 541:5 provides that that board shall act on such motions within ten days of filing. Any request by the Union for rehearing was untimely filed, and it is denied on that basis. Even if the Union had submitted a timely rehearing request, the Union has not set forth grounds sufficient to establish that the board's decision is unlawful or unreasonable and it is denied on that basis as well. The Town's motion is granted in part and denied in part as follows.

As stated in the decision, Paragraph 4 of Article XIX of the parties' July 1, 2007 through June 30, 2008 collective bargaining agreement provides as follows:

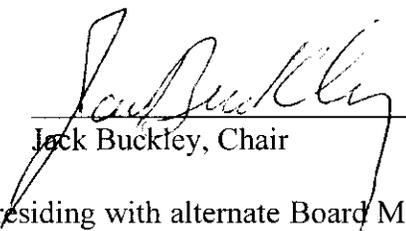
The Town will provide for the cleaning of fifty-two garments per year (such as one shirt, one trousers)(sic) and in addition, will provide for the cleaning of outerwear twice during the winter season.

The board's decision does not decide the merits of the laundry allowance dispute, which is whether pooling of the laundry allowance is permissible under this or any other contract provision, and it was not the board's intent to terminate any related arbitration proceedings. Accordingly, the board is granting the Town's motion in part in order to clarify that the board did not decide the contract dispute concerning the laundry allowance and that it is the board's expectation that this contract dispute will be addressed in arbitration proceedings.

The Town's motion is otherwise denied and the board affirms its earlier decision. The board emphasizes that the clarification contained in this order does not reverse, vacate or modify any portion of the board's earlier decision.

So ordered.

Signed this 23rd day of April, 2009.



Jack Buckley, Chair

By unanimous vote. Chair Jack Buckley presiding with alternate Board Members Kevin E. Cash and Sanford Roberts, Esq. also voting.

Distribution:

J. Joseph McKittrick, Esq.

Thomas M. Closson, Esq.