



Filed 3/11/2020 r.g.
Case No. G-0103-13

State of New Hampshire
Public Employee Labor Relations Board

Unfair Labor Practice Complaint

1. **Charging Party:** Manchester Police Patrolman's Association

Representative: John S. Krupski, Esq. Title: Attorney

Address: Milner & Krupski, PLLC, 109 North State Street, Suite 9, Concord, NH

E-Mail Address: jake@milnerkrupski.com Telephone (603) 410-6011

2. **Respondent:** City of Manchester

Representative: Mark T. Broth, Esq. Title: Attorney

Address: Drummond Woodsum, 670 N. Commercial Street, Suite 207, Manchester, NH

E-Mail Address: mbroth@dwmlaw.com Telephone (603) 792-7415

3. **Public Employer:** City of Manchester

Representative: Mark T. Broth, Esq. Title: Attorney

Address: Drummond Woodsum, 670 N. Commercial Street, Suite 207, Manchester, NH

E-Mail Address: mbroth@dwmlaw.com Telephone (603) 792-7415

4. Details of the Charge

A. The Manchester Police Patrolman's Association ("MPPA") is the certified exclusive representative of certain employees of the City of Manchester, Manchester Police Department including all regular full-time Police Officers, all regular full-time Humane Officers and all regular full-time Parking Control Officers, excluding all other employees of the Manchester Police Department. The address of the Union is 814 Elm Street, Suite 310 in Manchester, NH 03101.

B. The City of Manchester ("City") is a political subdivision of the State of New Hampshire, with an address of 1 City Hall Plaza in Manchester, NH 03101. The City of Manchester is a public employer as that term is defined by RSA 273-A:1, X.

C. The parties are signatories to a collective bargaining agreement, which is on file with the Public Employee Labor Relations Board.

D. Aaron Brown ("Aaron") was hired as a full-time police officer with the Manchester Police Department ("MPD") on July 16, 2007.

E. Aaron was assigned to the Special Enforcement Division on October 28, 2013.

F. Aaron was unjustly terminated from the City of Manchester by letter dated April 16, 2018.

G. MPPA filed a timely grievance on behalf of Aaron and a one (1) day arbitration was held before Arbitrator Gary Altman, Esq. on August 21, 2019.

H. On December 18, 2019, Arbitrator Altman issued his Award, whereby granting Aaron's grievance,

For the reasons set forth in the attached Decision, the discharge of the grievant shall be reduced to a thirty day disciplinary suspension. In addition the grievant shall

not be awarded back pay for the period of this thirty day suspension. Under this award the grievant is to be made whole for lost compensation until he returns to work pursuant to this Award, minus thirty days' pay for the period of the suspension. In addition, his back pay shall be offset by any compensation that the grievant received during this time period. The grievant will have no entitlement to his former position in the Special Enforcement Unit, and his reinstatement can be to a position determined to be appropriate by the Chief of the Department.

I. On or about December 27, 2019, counsel for MPPA received a letter from Attorney Mark T. Broth, counsel for the City, informing that the City is declining the Arbitrator's Award, and will not be reinstating Aaron to his former position as a Manchester police officer.

J. The Manchester Police Patrolman's Association has requested that the City voluntarily comply with the "final and binding" decision of Arbitrator Altman to no avail. The City is aware of the grievance procedure that culminates in a final and binding decision but has chosen to unilaterally disregard the agreed upon terms and conditions of employment

K. The City's action constitute an unfair labor practice in violation of RSA 273-A:5 (I) (h) and (i).

L. The Manchester Police Patrolman's Association reserves the right to revise, amend and supplement this unfair labor practice up to and including a hearing on the merits.

5. Remedy Requested

- A. This Honorable Board find that the City has committed an Unfair Labor Practice;
- B. Order the City to reinstate Aaron to his former position as a Manchester police officer and further comply with Arbitrator Altman's Award;
- C. Award reasonable attorney fees and costs;
- D. Issue a cease and desist order to the City; and
- E. Grant such other and further relief as is deemed just and necessary



State of New Hampshire
Public Employee Labor Relations Board

Manchester Police Patrolman's Association

v.

City of Manchester

Case No. G-0103-13

Notice of Filing – Unfair Labor Practice Complaint

Answer: An answer to the Unfair Labor Practice Complaint filed **March 11, 2020** must be submitted electronically to the PELRB at pelrb@nh.gov no later than **March 26, 2020**. See Pub 201.01 (a) (b), (c), and (e) for electronic filing information.

Posting of the Complaint: The employer shall post the attached complaint and this notice of filing at locations where employees work not later than the date on which it files its answer with the board or on which it receives the answer of the charged party, or not later than 15 days after the receipt of the complaint if no answer to the complaint is to be filed per Pub 201.02(f). The employer shall document its compliance with the posting requirement by completing and returning to the PELRB the attached Certificate of Posting no later than 3 business days after posting.

All filings should be submitted electronically to pelrb@nh.gov and simultaneously provided electronically to all parties. See Pub 201.01 for filing requirements.

March 11, 2020

Douglas L. Ingersoll, Esq.
Executive Director

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



State of New Hampshire
Public Employee Labor Relations Board
Manchester Police Patrolman's Association

v.

City of Manchester

Case No. G-0103-13

Notice of Pre-Hearing Conference

Date and Time: **April 13, 2020 @ 8:45 a.m.**

Location: **PELRB Office in Concord.**

Joint Pre-Hearing Worksheet: Due on or before **April 6, 2020**. See N.H. Admin. Rules, Pub 202.01 and attached Instruction Sheet. Use separately numbered paragraphs and Pub 202.01 topic headings.

Date Issued: March 12, 2020

Douglas L. Ingersoll, Esq.
Executive Director

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



State of New Hampshire
Public Employee Labor Relations Board

Manchester Police Patrolman's Association

v.

City of Manchester

Case No. G-0103-13

Notice of Hearing

Hearing: A hearing in this matter will be held at the Public Employee Labor Relations Board, 2½ Beacon Street, Suite 200, Concord, New Hampshire on:

April 28, 2020 @ 8:30 a.m.

Posting: The public employer shall post this Notice of Hearing at its administrative offices and at locations where affected employees work on the next working day following receipt of this notice in accordance with the requirements of N.H. Admin. Rules, Pub 201.07 (b). The public employer shall complete and return the attached Certificate of Posting no later than 3 business days after posting.

This notice is issued pursuant to RSA 273-A and N.H. Admin. Rules, Pub 201.07. All parties are entitled to be represented by legal counsel at their own expense.

Date Issued: March 12, 2020

Douglas L. Ingersoll, Esq.
Executive Director

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

Filed 3/16/2020 r.g.



State of New Hampshire
Public Employee Labor Relations Board

Appearance Form

Please enter my appearance as counsel/representative for City of Manchester
in Case No. G-0103-13, Manchester Police Patrolman's Association and
City of Manchester (case name)

Name: Mark T. Broth, Esquire Drummond Woodsum & MacMahon, P.A.

Address: 670 N. Commercial Street, Suite 207, Manchester, NH 03101


E-mail address: mbroth@dwmlaw.com Telephone: 603-716-2895

March 16, 2020 (Date)  (Signature)

Certificate of Service

I hereby certify that a copy of my appearance was provided by electronic mail or by
regular mail this 16th day of March, 2020

to: John S. Krupski, Esquire, counsel for Manchester Police Patrolman's Association
(Representative(s) of other party or parties to this case)

Date: March 16, 2020 
Signature



State of New Hampshire
Public Employee Labor Relations Board

Manchester Police Patrolman's Association

v.

City of Manchester

Case No. G-0103-13

Certificate of Posting

I hereby certify that a copy of the Unfair Labor Practice Complaint in the above captioned matter was posted on 3-12-20 (date) in a conspicuous place at the locations listed below where such employees who might be directly affected by the board's disposition of this matter work in accordance with the board's instructions.

List Posting Locations: Manchester Police Department inside the MPPA's glass box in roll call room.

Date: 3-11-20

Carlo T. Capono
(Signature)

Carlo Capono Chief of Police
(Print Name & Position)

NOTICE: The completed certificate of posting must be promptly returned to the NH PELRB.



State of New Hampshire
Public Employee Labor Relations Board

Manchester Police Patrolman's Association

v.

City of Manchester

Case No. G-0103-13

Certificate of Posting

I hereby certify that a copy of the 3-12-2020 Notice of Hearing in the above captioned matter was posted on 3-24-20 (date) in a conspicuous place at the locations listed below where such employees who might be directly affected by the board's disposition of this matter work in accordance with the board's instructions.

List Posting Locations: Roll Call MPPA cubined

Date: 3-24-20

[Signature]
(Signature)

Carl Capano Chief of Police
(Print Name & Position)

NOTICE: The completed certificate of posting must be promptly returned to the NH PELRB.



State of New Hampshire
Public Employee Labor Relations Board

Manchester Police Patrolman's Association

v.

City of Manchester

Case No. G-0103-13

Notice of Pre-Hearing Conference

Date and Time: **April 13, 2020 @ 8:45 a.m.**

Location: **PELRB Office in Concord.**

Joint Pre-Hearing Worksheet: Due on or before **April 6, 2020**. See N.H. Admin. Rules, Pub 202.01 and attached Instruction Sheet. Use separately numbered paragraphs and Pub 202.01 topic headings.

Date Issued: March 12, 2020

Douglas L. Ingersoll, Esq.
Executive Director

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



State of New Hampshire
Public Employee Labor Relations Board

Manchester Police Patrolman's Association

v.

City of Manchester

Case No. G-0103-13

Notice of Hearing

Hearing: A hearing in this matter will be held at the Public Employee Labor Relations Board, 2½ Beacon Street, Suite 200, Concord, New Hampshire on:

April 28, 2020 @ 8:30 a.m.

Posting: The public employer shall post this Notice of Hearing at its administrative offices and at locations where affected employees work on the next working day following receipt of this notice in accordance with the requirements of N.H. Admin. Rules, Pub 201.07 (b). The public employer shall complete and return the attached Certificate of Posting no later than 3 business days after posting.

This notice is issued pursuant to RSA 273-A and N.H. Admin. Rules, Pub 201.07. All parties are entitled to be represented by legal counsel at their own expense.

Date Issued: March 12, 2020

Douglas L. Ingersoll, Esq.
Executive Director

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

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

Manchester Police Patrolman's Association

v.

City of Manchester

G-01013-13

**CITY OF MANCHESTER'S ANSWER TO
UNFAIR LABOR PRACTICE COMPLAINT**

Now Comes the City of Manchester (City), by its undersigned counsel, Drummond, Woodsum & MacMahon, P.A. and in response to the Unfair Labor Practice Complaint (Complaint) filed by the Manchester Police Patrolman's Association (MPPA), says as follows:

1. The City admits that the MPPA is the certified representative of certain employees of the Manchester Police Department. The composition of the MPPA bargaining unit is not in dispute in this matter.
2. Paragraph B of the Complaint states a conclusion of law to which no response is required. By way of further answer, the City acknowledges that it is a public employer subject to the jurisdiction of the Public Employees Labor Relations Board (Board).
3. The allegations set forth in Paragraph C of the Complaint are admitted.
4. The allegations set forth in Paragraph D of the Complaint are admitted.
5. The allegations set forth in Paragraph E of the Complaint are admitted.
6. The City admits that Mr. Brown was terminated on or about April 16, 2018 and that by decision dated December 18, 2019, Arbitrator Gary Altman found that the City lacked just cause to terminate Mr. Brown's employment. The remaining allegations set forth in Paragraph F of the Complaint are denied.

7. The allegations set forth in Paragraph G of the Complaint are admitted.
8. The allegations set forth in Paragraph H of the Complaint are admitted, to the extent that they accurately quote Arbitrator Altman's award; otherwise, they are denied.
9. The City admits that on or about December 27, 2019, the City's undersigned counsel informed MPPA counsel that the City would not implement the reinstatement aspect of Arbitrator Altman's award, on grounds that Mr. Brown's reinstatement would be contrary to a clear and well-established public policy. By way of further answer, Arbitrator Altman, while reducing Mr. Brown's termination to a thirty (30) day disciplinary suspension, did find that Mr. Brown had engaged in "inappropriate and offensive," "racially offensive," "racially insensitive" and "per-se unacceptable" conduct when he sent text messages to his wife (on a Manchester Police Department-issued cell phone) that denigrated African-Americans. As the Arbitrator noted:

Clearly any such terminology that refers to a group or race of persons in negative or pejorative terms is unacceptable. There can be no question that police officers must not express themselves in a manner that could indicate their inability to perform their duties in a fair and objective manner.

This finding is nearly identical to the minimum certification standards established by the New Hampshire Police Standards and Training Council applicable to all sworn police officers at every stage of their career. Arbitrator Altman further noted that "[z]ero tolerance for racially insensitive comments is clearly an appropriate response by the Manchester Police Department." The City respectfully submits that it is not only an appropriate response, but the only possible response for a police officer charged with the fair and objective enforcement of the law in New Hampshire's most diverse community. The City respectfully submits that this Honorable Board should refrain from using its statutory authority to force the City to reinstate a proven racist to serve as a Manchester police officer.

10. The City admits that the MPPA has requested that the City comply with the Arbitration Award. The City has informed the Union that it intends to comply with every aspect of the Award *except* to the extent that it requires Mr. Brown's reinstatement, as his reinstatement would be contrary to public policy. The remaining allegations set forth in Paragraph J of the Complaint are denied.
11. The allegations set forth in Paragraph K of the Complaint are denied.
12. No response is required to Paragraph L of the Complaint.

Respectfully submitted,

City of Manchester

By Its Attorneys,

Drummond Woodsum & MacMahon, P.A.

Dated: March 25, 2020

By: /s/ Mark T. Broth
Mark T. Broth, Esquire, NH Bar #279
670 N. Commercial Street, Suite 207
Manchester, NH 03101
603-716-2895
mbroth@dwmlaw.com

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Answer has been forwarded via e-mail to John S. Krupski, Esquire, counsel for the Union.

Dated: March 25, 2020

By: /s Mark T. Broth
Mark T. Broth, Esquire

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

Case No. G-0103-11

Manchester Police Patrolman's Association

v.

City of Manchester

PARTIES' JOINT PRE-HEARING WORKSHEET

NOW COME the Parties in the above-captioned matter, by and through their representatives, and submit the following Joint Pre-Hearing Worksheet pursuant to Pub 202.02

(c):

1. Identification of Representatives:

For Complainant:

John S. Krupski, Esq. for Manchester Police Patrolman's Association
Milner, & Krupski, PLLC
109 North State Street
Concord, NH 03301
(603) 410-6011
jake@milnerkrupski.com

For Respondent:

Mark T. Broth, Esq. for City of Manchester
Drummond Woodsum & MacMahon, P.A.
670 N. Commercial Street, Suite 207
Manchester, NH 03101
603-716-2895
mbroth@dwmlaw.com

2. Summary of Issues for Hearing:

For Complainant:

Whether the City of Manchester committed an unfair labor practice by failing to abide by the “final and binding” decision of Arbitrator Altman.

For Respondent-

Whether the PELRB should exercise its statutory authority to enforce that portion of the remedy imposed by Arbitrator Altman’s decision that is contrary to public policy?

3. Procedural Issues:

Whether the City of Manchester waived the right to dispute the remedy issued by Arbitrator Altman?

4. Pending Motions:

None.

5. Identification of Witnesses:

For Complainant:

None at this time.
Any witness called by respondent.
Rebuttal witnesses.

Complainant reserves the right to revise, supplement and amend this list up to and including the date of hearing.

For Respondent -

Chief Carlo Capano
Representative of the New Hampshire Police Standards and Training Council
Representative of the New Hampshire Attorney General Office
Any witness named by the Complainant.
Any rebuttal witness as may be necessary.

Respondent reserves the right to revise, supplement and amend this list up to and including the date of the hearing.

6. Estimated Time for Case Presentation:

One half (1/2) day.

7. Joint Exhibits:

Collective Bargaining Agreement between the City of Manchester and Manchester Police Patrolman's Association (07/01/16 - 06/30/2019)

Arbitrator Altman's December 18, 2019 Decision

Attorney Mark T. Broth's Letter dated December 27, 2019

8. Other Exhibits and Basis for Objections:

For Complainant –

Rebuttal Exhibits

Any exhibits offered by the Respondent.

Complainant reserves the right to revise, supplement and amend this list up to and including hearing.

For Respondent –

New Hampshire Police Standards and Training Council Regulations

New Hampshire Department of Justice Exculpatory Evidence Schedule Memorandum

Any exhibit named by the Complainant.

Any rebuttal exhibit as may be necessary.

Respondent reserves the right to revise, supplement and amend this list up to and including the date of hearing.

9. Statement of Uncontested Facts:

A. The Manchester Police Patrolman’s Association (“MPPA”) is the certified bargaining unit of certain employees of the City of Manchester, Manchester Police Department including all regular full-time Police Officers, all regular full- time Humane Officers and all regular full-time Parking Control Officers, excluding all other employees of the Manchester Police Department. The address of the Union is 814 Elm Street, Suite 310 in Manchester, NH 03101.

B. The City of Manchester (“City”) is a political subdivision of the State of New Hampshire, with an address of 1 City Hall Plaza in Manchester, NH 03101. The City of Manchester is a public employer as that term is defined by RSA 273-A:1, X.

C. The parties are signatories to a collective bargaining agreement, which is on file with the Public Employee Labor Relations Board.

D. Aaron Brown was hired as a full-time police officer with the Manchester Police Department (“MPD”) on July 16, 2007.

E. Aaron Brown was assigned to the Special Enforcement Division on October 28, 2013.

F. Aaron Brown was terminated from the City of Manchester by letter dated April 16, 2018.

10. Contested Facts:

All facts other than those provided in the Statement of Stipulated Facts to be filed may be considered contested facts. To the extent possible, the parties will attempt to identify material contested facts and include them in the parties’ Statement of Stipulated Facts.

Dated: April 6, 2020

Respectfully submitted,
Manchester Police Patrolman's Association
Through counsel
MILNER & KRUPSKI, PLLC

By: /s/ John S. Krupski
John S. Krupski, Esq. (NH Bar No. 11309)
Milner, & Krupski, PLLC
109 North State Street
Concord, NH 03301
(603) 410-6011
jake@milnerkrupski.com

City of Manchester
Drummond Woodsum & MacMahon, P.A.

By: /s/Mark T. Broth
Mark T. Broth, Esq. (NH Bar No. 279)
670 N. Commercial Street, Suite 207
Manchester, NH 03101
603-716-2895
mbroth@dwmlaw.com



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.



State of New Hampshire
Public Employee Labor Relations Board
Manchester Police Patrolman's Association

v.

City of Manchester

Case No. G-0103-13

Notice of Hearing

Hearing: A hearing in this matter will be held at the Public Employee Labor Relations Board, 2½ Beacon Street, Suite 200, Concord, New Hampshire on:

June 4, 2020 @ 8:30 a.m.

Posting: The public employer shall post this Notice of Hearing at its administrative offices and at locations where affected employees work on the next working day following receipt of this notice in accordance with the requirements of N.H. Admin. Rules, Pub 201.07 (b). The public employer shall complete and return the attached Certificate of Posting no later than 3 business days after posting.

This notice is issued pursuant to RSA 273-A and N.H. Admin. Rules, Pub 201.07. All parties are entitled to be represented by legal counsel at their own expense.

Date Issued: April 29, 2020

Douglas L. Ingersoll, Esq.
Executive Director

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



State of New Hampshire
Public Employee Labor Relations Board
Manchester Police Patrolman's Association

v.

City of Manchester

Case No. G-0103-13

Notice of Status Conference

Date and Time: **May 29, 2020 @ 11:00 a.m./WebEx**

Date Issued: May 28, 2020

Douglas L. Ingersoll, Esq.
Executive Director

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



State of New Hampshire
Public Employee Labor Relations Board

Manchester Police Patrolman's Association

v.

City of Manchester

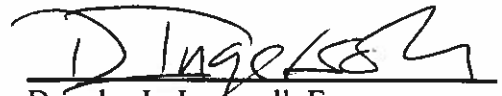
Case No. G-0103-13
Decision No. 2020-114

Order

On May 29, 2020 a video status conference was held in this case. The parties reported that they will be asking the arbitrator to decide the open issues on back-pay and they do not anticipate a decision on the merits of the complaint in this case will be necessary. The parties' request that the board cancel the hearing scheduled for June 4, 2020 and defer further action for 60 days is approved. The June 4, 2020 hearing is cancelled. The parties shall file a status report on or before July 31, 2020, following which a further order will issue as appropriate and necessary.

So ordered.

Date: May 29, 2020


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

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



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. 2020-164

Order

The parties in the above captioned case failed to submit a status report by the July 31, 2020 deadline as required under PELRB Decision No. 2020-114 (May 29, 2020). This case shall be dismissed unless a status report is filed on or before **August 11, 2020**.

So ordered.

Date:

8/4/2020

A handwritten signature in black ink, appearing to read "Karina A. Lange".

Karina A. Lange, Esq.
Staff Counsel/Hearing Officer

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

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

Case No. G-0103-11

Manchester Police Patrolman’s Association

v.

City of Manchester

STATUS REPORT

NOW COMES, the Manchester Police Patrolman’s Association, by and through their attorneys, Milner and Krupski, PLLC, and file this Status Report and say in support thereof as follows:

1. On or about May 29, 2020, this Honorable Board issue an Order deferring this matter for 60 days and for counsel to file a Status Report by July 31, 2020. See, Decision No. 2020-114.
2. The parties, through inadvertence and mistake failed to file said Status Report by July 31, 2020.
3. On or about July 27, 2020, the parties submitted briefs in regards to damages with Arbitrator Altman.
4. The parties respectfully request this Honorable Board continue to defer this matter for an additional 45 days to allow time for Arbitrator Altman to issue hid decision/award.
5. On or before Friday, September 18, 2020, the Union shall notify this Honorable Board of their request to withdraw this matter or to request a hearing.

WHEREFORE, the parties respectfully request this Honorable Board grant the following relief:

- A. Defer this matter for an additional 45 days;
- B. Order the Union to notify this Honorable Board of their request to withdraw this matter or to request a hearing on or before September 18, 2020; and
- C. Grant such other and further relief as is deemed just and necessary.

Dated: August 4, 2020

Respectfully submitted,
Manchester Police Patrolman's Association
Through counsel
MILNER & KRUPSKI, PLLC

By: /s/ John S. Krupski
John S. Krupski, Esq. (NH Bar No. 11309)
Milner, & Krupski, PLLC
109 North State Street
Concord, NH 03301
(603) 410-6011
jake@milnerkrupski.com

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was forwarded, via electronic mail, to Mark Broth, Esq.

/s/ John S. Krupski



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. 2020-166

Order

According to the August 4, 2020 status report, the parties in the above captioned case request that the PELRB "continue to defer this matter for an additional 45 days to allow time for Arbitrator Altman to issue hi[s] decision/award." See PELRB Decision No. 2020-114 (May 29, 2020). The parties' request is granted. The parties shall file a status report on or before **September 21, 2020**, following which a further order will issue as appropriate and necessary. The parties shall promptly inform the PELRB of any resolution of this case in the interim.

So ordered.

Date: 8/5/2020



Karina A. Lange, Esq.
Staff Counsel/Hearing Officer

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