



**State of New Hampshire**

PUBLIC EMPLOYEE LABOR RELATIONS BOARD

**NEW HAMPSHIRE TROOPERS  
ASSOCIATION**

**Petitioner**

**and**

**NEW HAMPSHIRE DEPARTMENT OF  
SAFETY, DIVISION OF STATE POLICE**

**Respondent**

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**CASE NO. P-0754:9**

**DECISION NO. 2000-095**

**PRE-HEARING CONFERENCE MEMORANDUM AND ORDER**

**BACKGROUND**

The New Hampshire Troopers Association (Association), filed an unfair labor practice charge on July 14, 2000 pursuant to RSA 273-A:5 I (h), and (i), and alleging that the NH Department of Safety/Division of State Police (State) and its agents breached the Collective Bargaining Agreement (CBA) by not properly computing the amount of pay due to a trooper for attending a single day training program. It is further alleged that in not computing travel time as hours worked the Division of Safety has adopted a policy invalidating Articles VI and VII of the current CBA. The Complainant requests that the PELRB order the State to pay to the Trooper, who is the subject of this matter, for sixteen hours for time on April 3, 2000 that includes traveling to from said training and order the Division of Safety to pay any member of the bargaining unit that may undertake such travel to training events in the future.

The State indicates that it does not know if the Complainant's allegations are accurate or not. Notwithstanding its insufficient knowledge, it requests that the complaint be dismissed and that the Complainant ordered to process his complaint through the grievance process.

**PARTICIPATING REPRESENTATIVES**

For the Complainant: James W. Donchess, Esquire

For the Respondent: Thomas F. Manning, Director of Personnel, State of New Hampshire

**ISSUES FOR DETERMINATION BY THE BOARD**

1. Whether or not the existing collective bargaining agreement provides that troopers who travel to training on a so-called day trip are to be paid for all travel time.
2. Whether or not it has been past practice for troopers who travel to training on a so-called day trip to be paid for all travel time.
3. How much pay is Trooper Curran entitled to for hours worked on April 3, 2000?

**WITNESSES**

For the Complainant:

1. Trooper John Curran, Division of State Police and subject of grievance
2. Trooper Bruce Twyon, Division of State Police and Association President
3. Sgt. Mike Doucette, Division of State Police
4. Lt. Mike Hamilton, Division of State Police
5. Lt. (Ret.) Leo Jellson, formerly with the Division of State Police

For the Respondent:

1. Sgt. Nadeau, Division of State Police
2. Sgt. Carr, Division of State Police
3. Sgt. West, Division of State Police
4. Lt. Wiggin, Division of State Police
5. Capt. Burke, Division of State Police
6. Maj. Furlone, Division of State Police

Both parties reserve the right to amend their List of Witnesses in conformity with the schedule contained in the DECISION SECTION appearing at the conclusion of this order, or upon proper showing, later reasonable notice to the other party. It is understood that each party may rely on the representations of the other party that witnesses appearing on their respective list will be available at the hearing.

## EXHIBITS

For the Complainant:

1. Collective Bargaining Agreement, dated April 1, 1998
2. Grievance documents

For the Respondent:

1. Collective Bargaining Agreement, dated April 1, 1998
2. Grievance documents

Both parties reserve the right to amend their List of Exhibits in conformity with the schedule contained in the DECISION SECTION appearing at the conclusion of this order or, upon proper showing, later reasonable notice to the other party. Copies of all exhibits are to be submitted to the presiding officer in accordance with Pub 203.02. It is to be understood by the parties that each party may rely on the representations of the other that the exhibits listed above will be available at hearing.

## LENGTH OF HEARING


The time being set aside for this hearing is one-half day. If either party believes additional time is required, written notice of the need for additional time shall be filed with the PELRB no later than September 18, 2000

## DECISION AND PRE-HEARING ORDER

1. The party representatives shall exchange their final Witness and Exhibit lists and each shall forward a copy of their respective lists to the PELRB no later than **October 6, 2000**. The party representatives shall meet, or otherwise arrange, to pre-mark all exhibits, for identification, prior to the time of hearing and have sufficient copies available for distribution at the hearing as required by Pub 203.02.
2. Any additional procedural or dispositive motions shall be filed by the parties no later than fourteen (14) days prior to the scheduled hearing date.

Unless otherwise ordered as a result of the filing of any subsequent motion, an evidentiary hearing between the parties is scheduled to be conducted at the Office of the Public Employee Labor Relations Board on **Tuesday, October 17, 2000 beginning at 9:30 AM.**

Signed this 30th day of August, 2000.



Donald E. Mitchell, Esq.  
Hearing Officer