

2009 SYNOPSIS

New Hampshire Troopers Association/Trooper Lou Copponi et al. v. New Hampshire Department of Safety, Division of State Police PELRB Case No's. P-0754-23 and P-0754-25

The union filed an unfair labor practice complaint against the state claiming that the state violated RSA 273-A:5, I (a), (b), (d), (h) and (i) by unilaterally adopting specific residency requirements forcing troopers to relocate their residences or be reassigned to other troop areas and work shifts. In a separate complaint, the union claimed that the state breached the parties' collective bargaining agreement by terminating a certain trooper's employment for alleged failure to comply with new residency requirements. The state denied the charges asserting that its actions were within the scope of management rights. The state also moved to dismiss the second complaint claiming that the trooper whose employment the state terminated was a probationary employee and, therefore, not a public employee. The cases were consolidated.

The PELRB found that the state's actions in adopting new residency requirements constituted an unfair labor practice because they violated the statute, the long-standing practice, and the parties' prior agreement to negotiate the reasonableness of residency. The PELRB ordered the state to cease and desist from enforcing any changes to the residency requirements related to the definition of "reasonable distance" of a trooper's assigned area and to void any transfers of troopers made on the basis of its unilateral actions. The PELRB granted the state's motion to dismiss the second complaint finding that the complainant was a probationary employee at the time of his termination and, therefore, the PELRB did not have jurisdiction over this matter.

Disclaimer: This summary is intended to provide a brief description of the issues in this case and the outcome. The summary is not a substitute for the decision, should not be relied upon in place of the decision, and should not be cited as controlling or relevant authority in PELRB proceedings or other proceedings.