State of New Hampshire
PUBLIC EMPLOYEE LABOR RELATIONS BOARD

NEW HAMPSHIRE TROOPERS ASSOCIATION/ TROOPER LOU COPPONI ET AL.	**CASE NO. P-0754-23**
v.	
NEW HAMPSHIRE DEPARTMENT OF SAFETY, DIVISION OF STATE POLICE	**DECISION NO. 2009-149**
And	**CASE NO. P-0754-25**
NEW HAMPSHIRE TROOPERS ASSOCIATION/ TROOPER JOHN MIRABELLA	
v.	
NEW HAMPSHIRE DEPARTMENT OF SAFETY, DIVISION OF STATE POLICE	

APPEARANCES

Representing: New Hampshire Troopers Association/Trooper John Mirabella, et. al.,
John S. Krupski, Esq., Molan, Milner & Krupski, PLLC
Concord, New Hampshire

Representing: New Hampshire Department of Safety, Division of State Police
Marta A. Modigliani, Esq., N.H. Department of Safety
Concord, New Hampshire

ORDER ON STATE'S MOTION TO STAY AND
ASSOCIATION'S MOTION TO ENFORCE

The Board convened at its offices in Concord, New Hampshire on July 20, 2009 and considered the State's Motion to Stay its previous PELRB Decision No. 2009-088 (See also 2009-119)

finding the State in breach of its collective bargaining agreement with the Troopers Association and also to consider the Troopers Association's Motion for Enforcement of that same order issued on April 30, 2009. In the intervening time between the scheduling of today's hearing and its conduct, the State filed a discretionary appeal of the previous PELRB decision with the Supreme Court. Also, both counsel informed the Board that Trooper Monahan, subject to the previous PELRB Order had retired and was no longer a party.

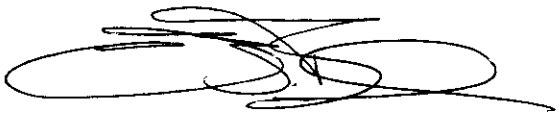
Upon opening the record the Association first raised an objection to proceeding on the Motion to Stay as it was filed on July 17, 2009, one business day prior to the scheduled hearing on the Association's Motion to Enforce. The Board pointed out that the alternative to going forward at this time would only result in a delay to allow the Association additional time to prepare a further response and the Board instructing both counsel that supplementary filings would be permitted if requested by either party, the Association waived its objection.

When recognized, the State rested on its written pleadings and the Association thereafter made oral argument in support of its position that the requested stay be denied. The Board recessed to consider the State's Motion to Stay before proceeding further. After deliberations, the Board ordered as follows:

1. The State's Motion for Stay is denied.
2. The Board will exercise no further jurisdiction until further order of the Supreme Court.

So Ordered

July 21, 2009.



CHARLES S. TEMPLE, ESQ.
Alternate Chairman

By unanimous vote, Alternate Chairman Charles S. Temple, Esq., presiding. Also present Carol M. Granfield and Kevin E. Cash present and voting.

Distribution:
Marta Modigliani, Esq.
John S. Krupski, Esq.