



**STATE OF NEW HAMPSHIRE**  
Public Employee Labor Relations Board

**New Hampshire Troopers Association**

v.

**State of New Hampshire, Department of Safety,  
Division of State Police**

**Case No. G-0097-16  
Decision No. 2016-028**

Pre-Hearing Memorandum and Order

Date of Conference: February 19, 2016

Appearances: John S. Krupski, Esq., for the Complainant

Marta Modigliani, Esq., for the Respondent

Background:

On January 22, 2016 the New Hampshire Troopers Association (NHTA) filed an unfair labor practice complaint alleging that the State of New Hampshire, Department of Safety, Division of State Police (State) violated RSA 273-A:5, I (a), (d), (e), (g), and (i) by refusing to implement PELRB Decision No. 2015-218 (September 28, 2015, Case No. G-0097-15), in which the PELRB found that the State violated RSA 273-A:5, I (g), (h), and (i) when it unilaterally prohibited the laundering of shirts and blouses worn on duty at the State's expense and ordered the State, among other things, to cease and desist from further violations. The NHTA alleges, among other things, that in January of 2016 the State informed the bargaining unit employees that the dry cleaning vendors will no longer be able to directly bill the State for cleaning of

civilian clothing; that the “plain clothes personnel” will have to pay for the dry cleaning and then request reimbursement from the State; and that this reimbursement will be included in employees’ paychecks and reported as a taxable fringe benefit. The NHTA requests that the PELRB find that the State committed an unfair labor practice, order the State to cease and desist from any further violations, and make any adversely affected employees whole.

The State denies the charges. The State asserts that it acted within its managerial prerogative and that, in ensuring its compliance with federal taxation laws, “it has deemed that the most efficient means to capture the cleaning of civilian clothes as a reportable taxable event is through reimbursement.” The State also argues, among other things, that the NHTA failed to state a claim upon which relief may be granted. The State requests that the PELRB dismiss the complaint; or declare that the State did not commit an unfair labor practice.

#### Issues for Determination by the Board

Whether the State violated RSA 273-A:5, I (a), (d), (e), (g), and (i) as charged by the NHTA.

#### Witnesses and Exhibits

As outlined in the parties’ Joint Pre-Hearing Worksheet. Both parties reserve the right to amend their lists of witnesses and exhibits in conformity with Pub 203.01. It is understood that each party may rely on the representations of the other party that witnesses and exhibits appearing on their respective lists will be available at the hearing.

#### Decision

1. “Parties” means the NHTA, the State or their counsel/representative appearing in the case. The parties shall simultaneously copy each other electronically on all filings submitted in these proceedings.

2. The parties shall file a joint statement of stipulated facts and their final witness and exhibit lists no later than **February 29, 2016**.
3. The requirement that the parties file copies of proposed exhibits prior to the date of adjudicatory hearing is suspended. The parties shall not file, either electronically or via mail, proposed exhibits prior to the day of hearing. The parties shall pre-mark each exhibit by placing identifying markers in the upper right corner of each exhibit, if possible, and bring an original and five (5) copies of each exhibit to the hearing. To facilitate access to a particular exhibit, the parties shall use tabs to separate exhibits.

#### **HEARING**

Unless otherwise ordered as a result of the filing of any subsequent motion, the adjudicatory hearing in this case will be held on **March 10, 2016, at 8:30 a.m.**, at the offices of the PELRB in Concord. The time set aside for this hearing is 4 hours. If either party believes that additional time is required, a written notice of the need for additional time shall be filed with the PELRB at least 10 days prior to the date of hearing.

So ordered.

Date: 2/22/16

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

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