



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-0097-17
Decision No. 2016-109**

Pre-Hearing Memorandum and Order

Date of Conference: May 26, 2016

Appearances: John S. Krupski, Esq., for the Complainant
Matthew T. Broadhead, Esq., for the Respondent

Background:

On April 22, 2016, the New Hampshire Troopers Association (Union) filed an unfair labor practice complaint alleging, among other things, that the State of New Hampshire, Department of Safety, Division of State Police (Division) interfered with internal administration of the bargaining unit and breached the parties' collective bargaining agreement (CBA) in violation of RSA 273-A:5, I (b) and (h) when the State Division of Personnel Manager of Employee Relations denied the Union leadership's request to attend training at the convention organized by the National Troopers Coalition (NTC) of which the Union is the member. The Union argues, among other things, that under the statute, the CBA, and the established past practice, the Union President and the Union Executive Board members, who are also Union

stewards, have a right to attend training conferences and/or conventions of their choice without loss of time or pay; and that the Division does not have a right to review the content of the training and determine if it was "appropriate." The Union requests that the PELRB order the Division to cease and desist from any further violations and to make any adversely affected employees whole.

The Division denies the charges and asserts that under the CBA only the Union President, not the Executive Board members or stewards, has the right to attend conferences/conventions without loss of pay or time; that the Union stewards' training must be provided by the Union itself and must be related to labor relations; that the NTC events are not "Association training" programs within the meaning of the CBA; and that there is no past practice because, prior to February, 2016, the current Manager of Employee Relations "was never provided notice that stewards were utilizing leave pursuant to the CBA Section 3.7 in order to attend NTC conferences." The Division requests that the PELRB dismiss the complaint.

Issues for Determination by the Board

Whether the Division violated RSA 273-A:5, I (b) and/or (h) as charged by the Union.

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 Union, the Division or their counsel/representative appearing in the case. The parties shall simultaneously copy each other electronically on all filings

submitted in these proceedings.

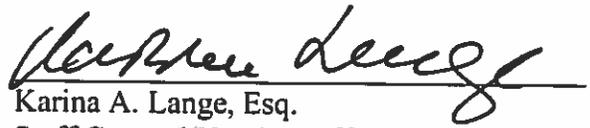
2. The parties shall file a joint statement of stipulated facts and their final witness and exhibit lists no later than **May 31, 2016**.
3. The requirement that the parties file copies of proposed exhibits prior to the date of adjudicatory hearing is suspended. The parties shall not file, either electronically 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 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 **June 9, 2016, at 8:30 a.m.**, at the offices of the PELRB in Concord. The time set aside for this hearing is four 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 ten days prior to the date of hearing.

So ordered.

Date: 5/26/16


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

Distribution: John S. Krupski, Esq.
Matthew T. Broadhead, Esq.