

New Hampshire Troopers Association/Trooper Karen Therrien v. New Hampshire Department of Safety, Division of State Police, Decision No. 2010-165 (Case No. G-0097-7).

Background: The Union filed an unfair labor practice complaint claiming that the State breach the CBA and failed to bargain in good faith because it improperly determined that annual leave could not be used on the last day of employment and that the State was obligated to provide a trooper with a mileage reimbursement and wages at one and on-half times the normal pay rate because she was effectively ordered to report to work on her last day of employment and was required to provide her own transportation. The State denied the charges and sought dismissal claiming, among other things, that a former employee was not entitled to have her claims addressed through the contractual grievance procedure and/or by the PELRB, and that the State had not accepted annual leave for an employee's last day of employment for legitimate reasons since 1999.

Decision: The PELRB found that the Trooper was not entitled to an increase rate of pay under the CBA because she was not ordered or improperly forced back to work on her last day of employment for emergency reasons; that she never filed for a travel expense reimbursement; and that, with the cooperation of the State, the Trooper was able to obtain full service credit for the month of September, 2009 and avoid a potential future dispute with the Retirement System about her employment dates and also avoid a diminished future benefit. The PELRB denied the Union's requests for relief and dismissed the complaint finding that, although the PELRB had jurisdiction to consider the merits of the claims presented, the evidence was insufficient to prove that the State breach the CBA or failed to bargain in good faith.

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.