

Eric Johnson v. New Hampshire Troopers Association & New Hampshire Department of Safety, Decision No. 2011-167 (Case No. G-0097-8)

Background: A retired State Trooper filed an unfair labor practice complaint against the Union and claiming that the Union breached its duty of fair representation in violation of RSA 273-A:5, II (a) and the State breached the collective bargaining agreement (CBA) in violation of RSA 273-A:5, I (h) when they entered into a Settlement Agreement, which resolved legal proceedings and related PELRB and Supreme Court decisions ordering the State to restore annual and sick leave to certain troopers, because the agreement did not provide any compensation for retired troopers. The Union and the State denied the charges and moved to dismiss. The Union argued that the complaint was untimely, failed to state a claim, and was barred by the doctrines of collateral estoppel and res judicata. The State asserted that the complaint failed to state a claim and was barred by the statute of limitation set forth in RSA 273-A:6, VII, by the doctrines of res judicata and collateral estoppel, and by release in the Settlement Agreement between the Union and the State.

Decision: The Union's and the State's motions to dismiss on the ground of timeliness were denied under the Servicemembers Civil Relief Act tolling provisions. The Union's motion to dismiss the complaint based on res judicata and collateral estoppel doctrines was denied. The Complainant's claims against the Union were also denied because the evidence was insufficient to prove that the Union breached its duty of fair representation or restrained, coerced or otherwise interfered with the Complainant's rights under RSA 273-A when it entered into a Settlement Agreement with the State. Any derivative or related claim against the State was likewise denied. Any independent breach of contract claim against the State was dismissed as the Complainant lacked standing to maintain an unfair labor practice claim against the State and it had been otherwise resolved by PELRB Decision No. 2005-028, the subsequent Settlement Agreement, and PELRB Decision No. 2010-060 on the petition for enforcement.

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.