



STATE OF NEW HAMPSHIRE
PUBLIC EMPLOYEE LABOR RELATIONS BOARD

ERIC JOHNSON

PETITIONER

v.

CASE NO. G-0097-4

**NEW HAMPSHIRE DEPT. OF SAFETY,
DIVISION OF STATE POLICE**

DECISION NO. 2009-227

RESPONDENT

PRE-HEARING MEMORANDUM AND ORDER

Date of Conference: October 16, 2009

Appearances: Petitioner - Jon Meyer, Esq.
 Respondent - Marta Modigliani, Esq.

Background:

On September 4, 2009 Eric Johnson, a retired New Hampshire State Trooper, filed a Petition for Enforcement claiming, inter alia, that the New Hampshire Department of Safety, Division of State Police (State) failed to restore Mr. Johnson's annual and sick leave in accordance with the Public Employee Labor Relations Board's order in *New Hampshire Troopers Association v. New Hampshire Department of Safety, Division of State Police*, Decision No. 2005-028. The Petitioner requests that the Public Employee Labor Relations Board (PELRB) direct the State to implement the PELRB's order, set forth in Decision No. 2005-028,

by restoring the Petitioner's leave account for the hours improperly deducted and by paying him for all such hours at his rate of pay as of the date of his retirement, with interest accrued from the date of the Petition; order the State to provide similar relief to all other retired troopers whose leave accounts were illegally deducted and for whom the PELRB order has not been implemented; and order the State to reimburse the Petitioner for his reasonable attorney's fees and expenses.

The State filed its Exceptions and Objections to the petition on September 21, 2009 claiming that the Petitioner lacks standing to enforce the PELRB's order because the right to enforce lies exclusively with the New Hampshire Troopers Association (Association); that the PELRB lacks jurisdiction; that the claim is precluded by the doctrine of laches; and that there is nothing to enforce because the State has complied with the PELRB's order by reaching a settlement with the Association. The State requests the PELRB to dismiss or deny the Petition for Enforcement and declare that the settlement between the Association and the State settled all claims of all troopers.

On October 16, 2009 the parties' representatives attended the pre-hearing conference at the PELRB offices in Concord. At the conference, the parties' representatives indicated their preference to submit this matter on stipulated facts, exhibits, and briefs and proposed a briefing schedule.

DECISION

1. "Parties" means the named complainant and respondent or the counsel/representative appearing in the case.
2. The adjudicatory hearing currently scheduled for November 17, 2009 is hereby cancelled.

3. The parties shall file a statement of stipulated facts and joint exhibits on or before **November 09, 2009**.
4. The parties shall file opening briefs with supporting exhibits, if any, on or before **December 1, 2009**.
5. The parties shall file reply briefs, if any, on or before **December 15, 2009**.

So ordered.

October 16, 2009


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

Distribution:
Jon Meyer, Esq.
Marta Modigliani, Esq.