



**STATE OF NEW HAMPSHIRE**  
PUBLIC EMPLOYEE LABOR RELATIONS BOARD

**Jill Rockey**

v.

**New Hampshire Troopers Association**

**Case No. G-0097-9**  
**Decision No. 2012-047**

PRE-HEARING MEMORANDUM AND ORDER

Date of Conference: February 28, 2012<sup>1</sup>  
Appearances: James F. Allmendinger, Esq. for the Complainant  
John S. Krupski, Esq. for the Respondent  
Background:

Sergeant Rockey, a bargaining unit member, filed a complaint on January 19, 2012 claiming that the Union breached its duty of fair representation in violation of RSA 273-A:5, II (a), (d), and (g). According to Sgt. Rockey, the Union improperly disclosed confidential information regarding her to other member of the bargaining unit, which resulted in an internal investigation undertaken by the employer and a verbal warning. Sgt. Rockey requests that the PELRB order the Union to cease and desist from its conduct, to post notices of its violations, and to make her whole for any losses she has suffered.

The Union denies the charges and asserts, among other things, that, the complaint fails to state a claim upon which relief may be granted; that the claims are time barred; and that Sgt. Rockey failed to name a necessary party.

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<sup>1</sup> The parties filed a Joint Pre-Hearing Worksheet on February 22, 2012.

## ISSUE FOR DETERMINATION BY THE BOARD

Whether the Union breached its duty of fair representation as charged by Sgt. Rockey.

### WITNESSES and EXHIBITS:

As outlined in the parties Joint Pre-Hearing Worksheet. Both parties reserve the right to amend their List of Witnesses and Exhibits in conformity with the schedule contained in the DECISION SECTION appearing at the conclusion of this order or, upon proper showing, later with reasonable notice to the other party. It is understood that each party may rely on the representations of the other party that witnesses appearing on their respective list will be available at the hearing. Copies of all exhibits are to be submitted to the presiding officer in accordance with Pub 203.03. It is understood that each party may rely on the representations of the other party that the exhibits listed above will be available at the hearing.

### DECISION

1. "Parties" means Sgt. Rockey, the Union, 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 exchange documents, as agreed at the pre-hearing conference, no later than March 9, 2012.
3. A complaint is deficient under Pub 201.02 (b) (4) if it fails to allege facts giving rise to claims with sufficient specificity to provide notice of the claims to the Board and to the opposing party. The complaint filed in this case should be supported by a more detailed statement of the factual basis for the claims. In this regard and as discussed at the pre-hearing conference, Sgt. Rockey shall file an amended complaint on or before March 15, 2012.

4. The parties moved to continue the adjudicatory hearing currently scheduled for March 8, 2012. The parties' motion to continue is granted. The adjudicatory hearing is rescheduled for **April 5, 2012**. A rescheduling notice shall issue forthwith.
5. The parties shall file their final witness and exhibit lists and a statement of stipulated facts no later than **March 26, 2012**.
6. The parties shall pre-mark exhibits by placing identifying markers in the upper right corner of each exhibit, if possible. 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 or for other good cause shown, the adjudicatory hearing between the parties will be held on **April 5, 2012 at 9:00 a.m.** at the offices of the Public Employee Labor Relations Board in Concord. The time set aside for this hearing is 4 hours.

So ordered.

February 29, 2012

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

Distribution:  
James F. Allmendinger, Esq.  
John S. Krupski, Esq.