



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

**New Hampshire Troopers Association,  
Trooper First Class Maureen Steer**

v.

**New Hampshire Department of Safety,  
Division of State Police**

**Case No. G-0097-10  
Decision No. 2012-217**

**PRE-HEARING MEMORANDUM AND ORDER**

Date of Conference: September 26, 2012

Appearances:

John S. Krupski, Esq., for the Complainant

Marta Modigliani, Esq. for the Respondent

Background:

The Association filed an unfair labor practice complaint on June 20, 2012 claiming that the Division violated RSA 273-A:5, I (a), (g), (h), and (i) when it terminated Trooper Steer's employment while her request for additional sick leave bank time was pending. The Association requests that the PELRB find the Division in violation of RSA 273-A:5, I, and order the Division to cease and desist from further violations, to reinstate Trooper Steer with full back pay and benefits, and to make her whole.

The Division denies the charges and asserts that its actions were within its management prerogative, that the claims are moot because the sick live bank has been in a negative balance

for the time period at issue, that the Complainants failed to state a claim upon which relief may be granted, and that the PELRB lacks jurisdiction to hear this case. The Division requests that the PELRB dismiss the complaint.

ISSUES FOR DETERMINATION BY THE BOARD

Whether the Division violated RSA 273-A:5, I (a), (g), (h), and (i) as charged by the Association.

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 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 and exhibits appearing on their respective lists will be available at the hearing.

DECISION

1. "Parties" means the Association, 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 their final witness and exhibit lists and a statement of stipulated facts no later than **October 1, 2012**. The parties shall promptly inform the PELRB of any resolution of this matter in the interim.
3. 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, the adjudicatory hearing in this case will be held on **October 11, 2012, at 9:00 a.m.** at the offices of the PELRB in Concord. The time set aside for this hearing is 3 hours.

So ordered.

September 26, 2012

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

Distribution:  
John S. Krupski, Esq.  
Marta Modigliani, Esq.