



**State of New Hampshire**  
Public Employee Labor Relations Board  
**New Hampshire Troopers Association**

v.

**NH Dept. of Safety – Division of State Police**

**Case G-0097-29**  
**Decision No. 2021-144**

Order

The undersigned held a status conference with the parties on August 24, 2021 and reviewed scheduling, witnesses, and the NHTA's past practice evidence. The parties were informed that they should stipulate as to the background and situation giving rise to the complaint and witness testimony in these areas is unnecessary. The only exception to this stipulation requirement is evidence the NHTA may rely upon to prove a claimed past practice pursuant to which troopers always received the full CBA Article 7.6 four hour minimum compensation at time and one half the regular rate when off duty court or administrative hearing appearances conclude before the start of the trooper's shift<sup>1</sup>, and evidence the State may rely upon to discredit this claimed past practice. However, even this evidence may be appropriate for stipulation, with the appropriate weight/legal significance of these (and all other) stipulations to be addressed in the parties' briefs and determined in the board's decision as necessary.

As reviewed during the status conference, this case shall proceed according to the following schedule:

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<sup>1</sup> During the status conference counsel for the NHTA confirmed that if the past practice claim is unsuccessful, then the State's rejection of the requested four hour minimum compensation at time and one half the regular rate was proper under CBA Article 7.6.

**9-14-2021:** Deadline for the filing of the NHTA specification describing all documents and witness testimony it intends to rely upon to support the claimed past practice. Names, dates, and number of occurrences must be included.

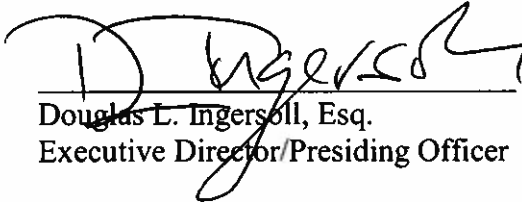
**10-5-2021:** Deadline for the filing of the State's specification, and response to the NHTA's specification, describing all documents and witness testimony it intends to rely upon to discredit the claimed past practice. Names, dates, and number of occurrences must be included.

**10-15-2021:** Parties shall notify the board if the case can be submitted for decision on stipulated facts, exhibits, and briefs with a proposed schedule if applicable. If the parties request an evidentiary hearing, then they shall indicate all dates they are available for hearing during the two week period beginning November 8, 2021.

So ordered.

Date:

8/25/2021

  
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Executive Director/Presiding Officer

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