



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

**New Hampshire Troopers Association**

**v.**

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

**Case No. G-0097-31**  
**Decision No. 2022-194**

**Pre-Hearing Memorandum and Order**

**Date of Conference:** November 22, 2022

**Appearances:** Marc G. Beaudoin, Esq., for the Complainant  
  
Jessica A. King, Esq., and Allison B. Greenstein, Esq., for the Respondent

**Background:**

On October 5, 2022, the New Hampshire Troopers Association (Union), filed an unfair labor practice complaint under the Public Employee Labor Relations Act claiming that the NH Dept. of Safety-Division of State Police (Division) had violated RSA 273-A:5, I (e) ("To refuse to negotiate in good faith with the exclusive representative of a bargaining unit ...") and (g) ("To fail to comply with this chapter or any rule adopted under this chapter"). The Union claims that the Division failed to bargain in good faith over the impact on the terms and conditions of employment of its unilateral decision to equip the Troopers with body-worn video cameras as well as cruiser cameras. The Union does not challenge the Division's right promulgate to the video camera policy, rather the Union asserts that the camera policy implementation had an impact on the unit employees' terms and conditions of employment and, therefore, must be negotiated. The Union

previously filed a complaint on this issue and later withdrew it based upon the Division's agreement to engage in impact bargaining. See *New Hampshire Troopers Association v. State of New Hampshire, Depart. Of Safety*, PELRB Case No. G-0097-30. The Union claims that the parties met several times to engage in impact bargaining but the Division did not respond to the Union's proposals nor did it offer its own proposals/counterproposals. The Union asserts that the Division did not negotiate in good faith but instead engaged in impermissible "surface bargaining." The Union requests, among other things, that the PELRB order the Division to cease and desist from any further violations and to negotiate in good faith with the Union over the impact of the video camera policy on the terms and conditions of employment.

The Division denies the charges and asserts, among other things, that: (1) the Union has failed to allege sufficient facts to prove its claim; (2) the Division rejected the Union's proposals but did not refuse to negotiate; (3) the Division did not act in bad faith; (4) the Union failed to show that the video camera policy had any impact on the terms and conditions of employment; and (5) the impact, if any, is not on the terms or conditions of employment but rather involves permissive, and not mandatory, subjects of bargaining. The Division requests that the Board dismiss the complaint.

#### Issues for Determination by the Board

Whether the Division violated RSA 273-A:5, I (e) and/or (g) as charged by the Union.

#### Decision

1. "Parties" means the Union, 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. At the pre-hearing conference, the parties discussed submitting this case for decision on stipulations, exhibits and briefs or scheduling a hearing during the last two weeks of

January, 2023. As discussed at the pre-hearing conference, the deadline to file a request to submit this case for decision on stipulations, exhibits, and briefs is **November 30, 2022**. Any such request shall contain a proposed schedule for submission of (1) stipulated facts and joint exhibits; (2) opening briefs; and (3) reply briefs, if any. In the absence of such request, a hearing will be scheduled.

3. In case a hearing is scheduled, a statement of stipulated facts shall be filed no later than 10 days prior to the date of the hearing. The parties shall also exchange and file with the PELRB final lists of witnesses no later than 10 days prior to the date of the hearing. 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.
4. In case a hearing is scheduled, the parties shall exchange and file with the PELRB final lists of exhibits no later than 10 days prior to the day of the hearing. Exhibits shall be pre-marked in the upper right-hand corner as Joint, Union, or Division. Joint and Union exhibits shall be marked numerically. The Division's exhibits shall be marked alphabetically. Exhibits pre-marked for identification only shall be marked as in the following example: "Union Ex.1 (ID)." Exhibits to be admitted without objection shall be pre-marked as in the following example: "Union Ex. 2." The exhibit lists must also indicate whether an exhibit is pre-marked for identification only or is to be admitted without objection as shown in the example below:

Union Exhibit List:

Union Ex. 1 (ID)      Jan. 1 2001 email to Division

Union Ex. 2              Jan 5, 2001 email to Division

5. The requirement that the parties file copies of proposed exhibits prior to the date of hearing is suspended, and the parties shall not file, either electronically or via mail, proposed

exhibits prior to the day of hearing. The parties shall bring an original and five copies of each exhibit to the hearing. To facilitate access to a particular exhibit, the parties shall use tabs to separate exhibits.

So ordered.

Date: 11/23/22

/s/ Karina Lange  
Karina A. Lange, Esq.  
Staff Counsel/Hearing Officer

Distribution: Marc G. Beaudoin, Esq.  
Jessica A. King, Esq.  
Allison B. Greenstein, Esq.