



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

**New Hampshire Probation and Parole Officers Association, Case No. G-0107-8**  
**and**  
**New Hampshire Probation and Parole Command Staff Association, Case No. G-0106-6**

**v.**

**State of New Hampshire, Department of Corrections**

**Decision No. 2024-052**

Pre-Hearing Memorandum and Order

Date of Conference: April 5, 2024

Appearances: John S. Krupski, Esq., for the Complainant

Jessica A. King, Esq., for the Respondent

Background:

On March 6, 2024, the New Hampshire Probation and Parole Officers Association and New Hampshire Probation and Parole Command Staff Association (Unions) filed an unfair labor practice (ULP) complaint under the Public Employee Labor Relations Act claiming that the State of New Hampshire, Department of Corrections (State) violated RSA 273-A:3, RSA 273-A:9, RSA 273-A:12, and RSA 273-A:5, I (a), (b), (c), (e), (g), (h), and (i).<sup>1</sup> The Unions claim that, among other things, the State (1) refused to negotiate in good faith and to participate in mediation; (2) attempted to unilaterally implement mandatory subjects of bargaining; (3) refused to meet with Union representatives; (4) refused to provide data (accounting) necessary to determine whether

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<sup>1</sup>A substantial portion of the Unions' claims relates to the State's new job classification system that aligns the State job classifications with the Federal Standard Occupational Classification system (SOC).

the State has fulfilled its obligations under an arbitration award; and (4) engaged in prohibited direct dealing. The Unions assert that the State has engaged in “a concerted and systematic attempt to disenfranchise and divest the certified exclusive representative of their respective groups of the rights bestowed upon them by virtue of the Public Employee Labor Relations Act.” The Unions request that the PELRB declare that the State has committed an unfair labor practice and order the State to cease and desist from further violations, to participate in mediation, to meet with the Unions, to provide requested information, to cease implementing wages in the absence of agreement, and to recognize and acknowledge the exclusive status of the Unions.

The State denies the charges and asserts, among other things, that the State did engage in impact bargaining with the Unions but was unable to reach an agreement; and that the State elected to proceed only with “changes that did not impact terms and conditions of employment.” The State also claims that inability to schedule a meeting with the Union representatives was a failure to find an agreeable time to meet and not an unfair labor practice; and that the Manager of Employee Relations was not notified of an alleged error related to the arbitration award. The State requests that the PELRB dismiss the Unions’ claims related to arbitration, direct dealing, and failure to respond to Unions’ inquiries (ULP Complaint, Details of the Charge at K-M) for failure to state a claim.

#### Issues for Determination by the Board

Whether the State violated of RSA 273-A:3, RSA 273-A:9, RSA 273-A:12, and RSA 273-A:5, I (a), (b), (c), (e), (g), (h), and (i) as charged by the Unions.

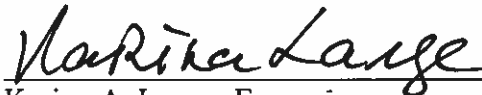
#### Decision

1. “Parties” means the Unions, the State or their counsel/representative appearing in the case. The parties shall simultaneously copy each other electronically on all filings submitted in these proceedings.

2. As discussed at the pre-hearing conference, on or before **April 15, 2024**, the Unions shall file a specification as to its claims related to “direct dealing” and failure to respond to Unions’ inquiries set forth in the Complaint, Details of the Charge at L and M.
3. At the pre-hearing conference, the parties indicated their willingness to negotiate a resolution of the issues in this case and requested continuance of proceedings. The parties’ request is granted. Accordingly, the April 26, 2024 hearing is cancelled. On or before **May 28, 2024**, the parties shall file a Status Report. The parties shall promptly inform the PELRB of any resolution of this case in the interim.

So ordered.

Date: 04/05/2024

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

Distribution: John S. Krupski, Esq.  
Peter Demas, Manager of Employee Relations  
Jessica A. King, Esq.