

State of New Hampshire

Public Employee Labor Relations Board

New England Police Benevolent Association

v.

Franklin Police Department

Case No. G-0189-3

Decision No. 2024-170

Order

A status conference was held in the above-captioned matter on August 23, 2024. By way of background, the New England Police Benevolent Association (Union) filed this complaint charging the City terminated Union president Jacob Drouin's employment as a police officer because of his legitimate exercise of rights protected under the Public Employee Labor Relations Act, RSA 273-A. According to the Union this included, for example, opposing and objecting to certain actions taken by management, and his involvement in the orchestration of a "vote of no confidence" in the Chief of Police, scheduled to be held in December of 2022. The Union alleges he was placed on administrative leave pending an internal investigation before the vote could be held and was prevented from accessing the premises and Union meetings. The City terminated Mr. Drouin's employment on or about March 17, 2023.

The City disputes the Union's version of events, and claims Mr. Drouin was terminated for reasons that were unrelated to his status as a Union official or on account of any union activity. As reviewed at the status conference, Mr. Drouin filed a claim for Worker's Compensation Benefits during the summer of 2022 for a back injury sustained at work. The

claim was contested, and the carrier relied on a video purportedly showing Mr. Drouin engaging in activities that were inconsistent with the claimed injury. The City Manager attended these proceedings and was aware of the purpose of the video but was not able to arrange a viewing of the video until December of 2022. The City believes the video and the results of several polygraph examinations show that Mr. Drouin has credibility (Laurie list) issues, and this formed the basis for Mr. Drouin's eventual termination. Grievance proceedings filed to contest Mr. Drouin's termination included the City Manager's denial of the grievance and a subsequent review by the Franklin Personnel Advisory Board, which involved three days of hearing. The City Manager did not change her action on the grievance following the conclusion of the Personnel Advisory Board proceedings.

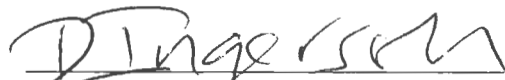
Based on the review of this case at the status conference, the parties can present this case in two days of hearing or less. As discussed, the parties shall each file a pre-hearing brief by October 1, 2024, to include the following information:

- 1) Updated/amended statement of their respective claims and defenses as applicable;
- 2) Final witness list and summary (offer of proof) of specific witness testimony that will be offered and discussion of relevance; and
- 3) Final exhibit list and discussion of relevance.

By November 1, 2024, the parties shall file a comprehensive statement of facts, to include whether there are objections to any exhibits identified in the October 1, 2024, filings and the basis of all such objections. They shall also identify six days when they are available for hearing in December and/or January.

Date:

8/26/2024


Douglas L. Ingersoll, Esq.
Executive Director/Presiding Officer

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