



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. 2024-211

Pre-Hearing Memorandum and Order

Date of Conference: October 15, 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 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).¹ The first pre-hearing conference in this case was held on April 5, 2024, at which time the parties indicated their willingness to negotiate a resolution of the issues in this case and requested a continuance of proceedings. See PELRB Decision No. 2024-052. Thereafter, the parties filed several status reports indicating that

¹A 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).

they were engaged in settlement discussions. On September 6, 2024, the Unions filed a status report stating that the parties have been able to negotiate and resolve almost all of the issues. The outstanding issue in this case relates to the arbitration award ordering the State to issue backpay/retroactive reclassification payments to bargaining unit members. The Unions allege that the State failed to fully comply with the arbitrator's award and calculated the backpay amounts incorrectly. The Unions request, among other things, that the PELRB order the State to meet with the Unions and to provide requested "reconciliation" information.

The State denies the charges. The State claims, among other things, 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.

Issues for Determination by the Board

Whether the State committed an unfair labor practice 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. At the pre-hearing conference, the parties requested that the PELRB schedule a hearing in this case to resolve the outstanding issue and provided the proposed hearing dates. The parties' request is granted. The hearing is scheduled for **December 10, 2024, at 9:00 a.m.** A hearing notice shall issue. Notwithstanding the foregoing, the parties are encouraged to continue their settlement discussions to resolve the outstanding issue in this case. The parties shall promptly inform the PELRB of any resolution of this case in the interim.

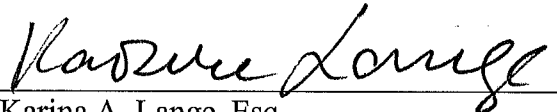
3. A statement of stipulated facts shall be filed no later than **December 2, 2024**. All non-disputed facts shall be included in this statement.
4. The parties shall exchange and file with the PELRB final lists of witnesses no later than **December 2, 2024**. It is understood that each party may rely on the representations of the other party that witnesses and exhibits appearing on their respective lists will be available at the hearing.
5. The parties shall exchange and file with the PELRB final lists of exhibits no later than **December 2, 2024**. Exhibits shall be pre-marked in the upper right-hand corner as Joint, Unions, or State. Joint and Union exhibits shall be marked numerically. The State exhibits shall be marked alphabetically. The parties shall not submit duplicative exhibits.
6. 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.

Hearing

Unless otherwise ordered, the hearing will be held on **December 10, 2024, at 9:00 a.m.** at the PELRB offices in Concord. The time set aside for this hearing is 3 hours. If either party believes that additional time is required, a written notice of the need for additional time shall be filed with the PELRB at least 10 days prior to the date of hearing.

So ordered.

Date: October 15, 2024



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

Distribution: John S. Krupski, Esq.
Jessica A. King, Esq.