



**State of New Hampshire**

PUBLIC EMPLOYEE LABOR RELATIONS BOARD

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<b>DERRY EDUCATION ASSOCIATION,</b>	*	
<b>NEA-NEW HAMPSHIRE</b>	*	
	*	
	*	
<b>Petitioner</b>	*	
	*	<b>CASE NO. T-0223-19</b>
<b>and</b>	*	
	*	<b>DECISION NO. 2000-071</b>
	*	
<b>DERRY SCHOOL DISTRICT</b>	*	
	*	
<b>Respondent</b>	*	
	*	

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**PRE-HEARING CONFERENCE MEMORANDUM AND ORDER**

**BACKGROUND**

The Derry Education Association, NEA-New Hampshire (Association), filed improper labor practice charges on June 6, 2000 pursuant to RSA 273-A:5 I (a), (d) (e), (g), (h) and (i), alleging that the Derry School District (District) and its agents violated certain statutory prohibitions when its agent refused to hear the grievance and supporting and rationale of complaining teachers at South Range School. Further, these complaining teachers allege that provisions of their collective bargaining agreement (CBA) were breached by certain actions of the District's agents. Specifically, they allege that they were threatened through verbal assault and physical violence in breach of Article 3 - Teacher Rights, providing for discipline with just cause, and that they were restrained and coerced during the grievance process in breach of Article 6 – Grievance Procedure. The Association seeks relief in the form of cease and desist orders from the PELRB.

The District generally denies all allegations of fact contained in the Association's complaint and by way of further answer alleges that the Association and its members and agents engaged in conduct that amounted to verbal assaults, coercion, interference and obstruction of the District in the exercise of unspecified contract and statutory rights related to its selection of agents to represent the District in the settlement of grievances. Additionally, the District alleges that the Association failed and refused to negotiate in good

faith. The District's reasoning for requesting dismissal of the complaint rests, for the most part on the assertion that the Association failed to exhaust its administrative remedies. The District requests that the PELRB dismiss the Association's complaint. This matter was originally scheduled for a Pre-hearing Conference on June 6<sup>th</sup>, 2000 but was continued upon joint request of the parties to allow the grievance procedure to be completed.

### PARTICIPATING REPRESENTATIVES

For the Complainant :           Greg Andruschkevich, UniServ Director

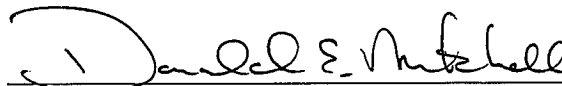
For the Respondent:           Michael Elwell, Esq., Soule, Leslie, Kidder, Sayward &  
Loughman, P.L.L.C.

### DECISION AND PRE-HEARING ORDER

After discussion with the parties, and following separate preliminary settlement discussions between the parties in this matter, the Hearings Officer orders as follows:

1. A separate unfair labor practice complaint involving the same parties that is docketed before the PELRB as Case No. T-0223:20 shall be consolidated with the instant complaint for purposes of the evidentiary hearing before the Board.
2. Another Pre-Hearing Conference is scheduled for conduct on **Wednesday, September 13, 2000 beginning at 1:30 P.M.**
3. The parties shall exchange their respective updated Witness and Exhibit Lists at least five (5) calendar days prior to the next Pre-Hearing Conference and submit a copy of the same to the PELRB.

Signed this 25<sup>th</sup> day of July, 2000.



Donald E. Mitchell, Esq.  
Hearing Officer