



State of New Hampshire

PUBLIC EMPLOYEE LABOR RELATIONS BOARD

**DERRY EDUCATION ASSOCIATION,
NEA-NEW HAMPSHIRE**

Petitioner

and

DERRY SCHOOL DISTRICT

Respondent

*
*
*
*
*
*
*
*
*
*
*
*

CASE NO. T-0223-20

DECISION NO. 2000-072

PRE-HEARING CONFERENCE MEMORANDUM AND ORDER

BACKGROUND

The Derry Education Association, NEA-New Hampshire (Association), filed unfair labor practice charges on June 6, 2000 pursuant to RSA 273-A:5 I (a), (e), (g), (h) and (i), alleging that the Derry School District (District) and its agents breached the Collective Bargaining Agreement (CBA) by unilaterally prohibiting the teachers at the South Range School from using their lunch time period for exercise walking. 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 except that it admits the Association has filed a grievance concerning the matter. It then asks the PELRB to dismiss the Association's complaint. 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. This matter was originally scheduled for a Pre-hearing Conference on June 6th, 2000 but was continued upon joint request of the parties to allow the grievance procedure to be completed.

PARTICIPATING REPRESENTATIVES

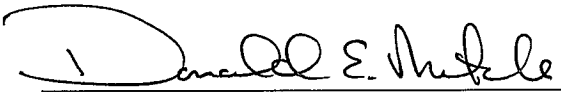
For the Complainant : Greg Andruschkevich, UniServ Director
For the Respondent: Michael Elwell, Esq., Soule, Leslie, Kidder, Sayward & Loughman P.L.L.C.

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-0223:19 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 25th day of July, 2000.


Donald E. Mitchell, Esq.
Hearing Officer