



STATE OF NEW HAMPSHIRE
PUBLIC EMPLOYEE LABOR RELATIONS BOARD

Laconia Education Association/NEA-NH	*	
	*	
	*	
Complainant	*	Case No. E-0060-1
v.	*	
	*	Decision No. 2008-128
Laconia School District	*	
	*	
Respondent	*	
	*	

PRE-HEARING MEMORANDUM AND ORDER

BACKGROUND

Laconia Education Association/NEA-NH (the "association") filed an unfair labor practice complaint on April 28, 2008 alleging that the Laconia School District (the "district") committed an unfair labor practice in violation of RSA 273-A:5 I (a) and (e) because the district refuses to bargain a schedule change and the impact of the schedule change. The association requests that 1) the status quo be maintained; 2) the district be ordered to bargain in good faith; 3) the board conduct an expedited hearing and that in the interim a cease and desist order issue so that the status quo is maintained; and 4) the board grant such other relief as is just and proper.

The district filed its answer on June 2, 2008. That district denies the charges and contends it is not obligated to bargain as the association demands. The district requests that the board dismiss the matter or, in the alternative, after hearing, the find that the district did not commit an unfair labor practice. On June 18, 2008 the district filed a Motion to Dismiss or Hold in Abeyance Pending Result from Grievance Procedure.

The pre-hearing conference originally scheduled for June 12, 2008 was continued at the association's request. The undersigned hearing officer conducted a pre-hearing conference on June 18, 2008 at the offices of the Public Employee Labor Relations Board in Concord.

PARTICIPATING REPRESENTATIVES

For the Association:	James Allmendinger, Esq.
For the District:	Paul T. Fitzgerald, Esq.

ISSUES FOR DETERMINATION BY THE BOARD

Whether the district is obligated to bargain the schedule change and/or the impact of the schedule change?

WITNESSES

For the Complainant:

1. Deborah Clarke-Tivey, association president
2. Robert Gunther, past grievance chair, consultant to association
3. Richard Coggon, retired teacher, consultant to association
4. Jan Paddleford
5. All school district witnesses
6. Rebuttal witnesses

For the District:

1. Steven Beals, principal, LHS
2. Scott Davis, Director, Career and Technical Ed., LHS
3. Robert Champlin, school superintendent
4. Jim McCollum, principal, LMS
5. David Rea, teaching staff member
6. Richard Crockford, teaching staff member
7. Marge Kerns, member, school board
8. Any witness named by the association
9. Rebuttal witnesses

Both parties reserve the right to amend their List of Witnesses in conformity with the schedule contained in the DECISION SECTION appearing at the conclusion of this order or, upon proper showing, later with reasonable notice to the other party. It is understood that each party may rely on the representations of the other party that witnesses appearing on their respective list will be available at the hearing.

EXHIBITS

For the Complainants:

1. Correspondence between association and School District regarding bargain block scheduling
2. Information from the School District regarding block scheduling
3. All School District exhibits
4. Other exhibits as needed to rebut School District exhibits

For the District:

1. Correspondence between parties regarding Union's desire to bargain & District's response
2. Background information regarding block scheduling
3. 12/1/04 block scheduling memo
4. 11/12/04 "Methods that Matter in Blocked Classes" and related materials listing statewide block scheduling participation
5. Related materials concerning implementation of block scheduling previously within the Laconia School District
6. All exhibits listed by the Union and any exhibits required for rebuttal

Both parties reserve the right to amend their List of Exhibits in conformity with the schedule contained in the DECISION SECTION appearing at the conclusion of this order or, upon proper showing, later with reasonable notice to the other party. Copies of all exhibits are to be submitted to the presiding officer in accordance with Pub 203.02. It is understood that each party may rely on the representations of the other party that the exhibits listed above will be available at the hearing.

LENGTH OF HEARING

Four hours.

DECISION

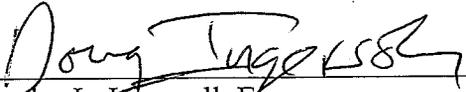
1. "Parties" means the named petitioner and respondent or the counsel/representative appearing in the case.
2. The parties shall meet and confer to prepare a mutual statement of agreed facts which shall be filed on the day of hearing.
3. The parties shall meet, or otherwise arrange, to pre-mark any exhibits for identification prior to the time of hearing and have sufficient copies available for distribution at the hearing as required by Pub 203.02.
4. The association shall file its response to the district's pending motion to dismiss on or before June 20, 2008.
5. The parties shall file the superintendent's decision on the pending grievance as well as any supplemental memorandum concerning the superintendent's decision on or before noon on July 23, 2008, or sooner if possible.
6. It was determined at the pre-hearing that the parties are available for rehearing on July 15, 2008 at 9:00 a.m. in the event the July 24, 2008 hearing date is changed on account of the district's pending motion. The district confirmed at the pre hearing

that the school board will conduct any hearing and issue any decision concerning the matters that are the subject of the pending superintendent's decision by July 15, 2008.

7. A decision on the district's pending motion to dismiss will issue by 3 p.m. on July 23, 2008. In the interim, this matter remains scheduled for an evidentiary hearing between the parties on **June 24, 2008 at 9:30 a.m.** at the offices of the Public Employee Labor Relations Board in Concord.

So ordered.

June 19, 2008.



Douglas L. Ingersoll, Esq.
Staff Counsel/Hearing Officer

Distribution:

James Allmendinger, Esq.
Paul T. Fitzgerald, Esq.