



STATE OF NEW HAMPSHIRE
PUBLIC EMPLOYEE LABOR RELATIONS BOARD

White Mountains Education Association/NEA-New Hampshire

v.

White Mountains Regional School District

Case No. E-0083-3

Decision No. 2010-104

PRE-HEARING MEMORANDUM AND ORDER

Date of Conference: May 24, 2010

Appearances: Jay Tolman, UniServ Director, for the Complainant
Barbara Loughman, Esq. for the Respondent

Background:

White Mountains Education Association/NEA-New Hampshire (Union) filed an unfair labor practice complaint against the White Mountains Regional School District (District) on April 22, 2010. This case involves the non-renewal of a probationary teacher. The Union claims that the District violated RSA 273-A:5, I (h) by failing to comply with the evaluation provisions of the parties' Collective Bargaining Agreement (CBA) in connection with the non-renewal and requests that the PELRB order the District to give a contract for the 2010-2011 school year to the non-renewed teacher with no loss of pay or benefits.

The District filed an answer to the complaint on April 29, 2010. The District denies the charges and asserts that the Union failed to state a claim on which relief can be granted and that the PELRB does not have jurisdiction over the matter because RSA 189:14-a gives the District the right to non-renew a probationary teacher without a statement of reasons or a hearing. The District requests that the PELRB dismiss the complaint.

Decision


1. "Parties" means the named complainant and respondent or the counsel/representative appearing in the case.
2. The parties shall file a Statement of Stipulated Facts no later than **June 1, 2010**.
3. The parties shall amend, exchange, and file their Witness and Exhibit lists no later than **June 1, 2010**.
4. The parties shall pre-mark any exhibits prior to the time of hearing and have sufficient copies available for distribution at the hearing as required by Pub 203.03.

Hearing

Unless otherwise ordered as a result of the filing of a motion to continue or other motion, the adjudicatory hearing between the parties will be held on **June 10, 2010 at 9:30 AM** at the offices of the Public Employee Labor Relations Board in Concord. The time set aside for this hearing is 5 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 **5 days** prior to the date of hearing.

So ordered.

May 24, 2010


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

Distribution:
Jay Tolman, UniServ Director
Barbara Loughman, Esq.