



STATE OF NEW HAMPSHIRE
PUBLIC EMPLOYEE LABOR RELATIONS BOARD

Hollis School Board

v.

Hollis Education Association/NEA-NH

Case No. E-0037-2

Decision No. 2010-161

PRE-HEARING MEMORANDUM AND ORDER

Date of Conference: September 13, 2010

Appearances: Thomas M. Closson, Esq., for the Complainant
James F. Allmendinger, Esq. for the Respondent

Background:

The Hollis School Board (School Board) filed an unfair labor practice complaint against the Hollis Education Association/NEA-NH (Association) on August 6, 2010. The School Board claims that the Association filed a grievance and, subsequently, a demand to arbitrate on behalf of a Speech Pathologist while a Speech Pathologist position was not included in the bargaining unit covered by the parties' collective bargaining agreement (CBA). The School Board asserts that that the Association's demand for arbitration constitute an unfair labor practice in violation of RSA 273-A:5, II (f) and (g).

The Association denies that it committed an unfair labor practice and argues that there is substantial basis for concluding that the speech pathologist has been a member of the bargaining unit, has been treated as such by the School Board, and is, therefore, entitled to relief.

ISSUES FOR DETERMINATION BY THE BOARD

Whether the Association's demand for arbitration brought on behalf of the Speech Pathologist violates the provisions of RSA 273-A:5, II (f) and (g).

WITNESSES and EXHIBITS:

As outlined in the parties Joint Pre-Hearing Worksheet. Both parties reserve the right to amend their List of Witnesses and 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. 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. 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.

DECISION

1. "Parties" means the Association, the School Board, or their counsel/representative appearing in the case. The parties shall simultaneously copy each other electronically on all filings submitted in these proceedings.
2. With the parties' agreement, the adjudicatory hearing currently scheduled for September 23, 2010 is hereby rescheduled for **October 5, 2010 at 9:30 a.m.** The rescheduling notice will be issued.

3. With the exception of amendments requested during the course of an adjudicatory hearing, all requests for amendment shall be presented to the PELRB by a separately filed motion no later than **September 20, 2010**. Pub 201.04.
4. The parties shall prepare and file a final statement of stipulated facts on or before **September 24, 2010**.
5. The parties shall exchange and file their final Witness and Exhibit lists on or before **September 24, 2010**.

HEARING

Unless otherwise ordered as a result of the filing of any subsequent motion or for other good cause shown, the adjudicatory hearing between the parties will be held at **9:30 a.m.** on **October 5, 2010** at the offices of the Public Employee Labor Relations Board in Concord. The time set aside for this hearing is 3 hours.

So ordered.

September 14, 2010


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

Distribution:
Thomas M. Closson, Esq.
James F. Allmendinger, Esq.
Philip Pratt, UniServ Director