



STATE OF NEW HAMPSHIRE
PUBLIC EMPLOYEE LABOR RELATIONS BOARD

Contoocook Valley Education Association, NEA-NH

v.

Contoocook Valley School District

Case No. E-0048-4

Decision No. 2010-242

PRE-HEARING MEMORANDUM AND ORDER

Date of Conference: December 10, 2010

Appearances: Michelle Walter, UniServe Director for the Contoocook Valley Education Association, NEA-NH

Edward M. Kaplan, Esq. for the Contoocook Valley School District

Background:

The Association filed an unfair labor practice complaint against the District on October 22, 2010. The Association claims that the District violated RSA 273-A:5, I (a) and (e) and RSA 273-A:12, III (a) when it failed to request a special District meeting vote on the fact finder's report ratified by the Association. At the pre-hearing conference the parties agreed that at present the special District meeting vote on the fact finder's report cannot be held within the statutorily prescribed time period. The Association requests that the PELRB find that the District's conduct violated RSA 273-A:5, I (a) and (e) and order the District to cease and desist from such conduct. The District denies the charges and requests that the PELRB dismiss the complaint.

ISSUES FOR DETERMINATION BY THE BOARD

Whether the District's failure to pursue a special District meeting vote on the fact finder's report violated RSA 273-A:5, I (a) and/or (e).

WITNESSES

For the Association:

1. Michele Johnson
2. Ken Cloutier
3. Mary Gaul

For the District:

1. Craig Hicks
2. John Teague

Both parties reserve the right to amend their Lists of Witnesses in conformity with the schedule contained in the DECISION SECTION appearing at the conclusion of this order. It is understood that each party may rely on the representations of the other party that witnesses appearing on their respective lists will be available at the hearing.

EXHIBITS:

As outlined in the parties Joint Pre-Hearing Worksheet. 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.

DECISION

1. "Parties" means the Association, the District, or their counsel/representative appearing in the case. The parties shall simultaneously copy each other electronically on all filings submitted

in these proceedings.

2. The parties shall prepare and file a final statement of stipulated facts no later than 10 days prior to the date of adjudicatory hearing.

3. The parties shall exchange and file their final witness and exhibit lists no later than 10 days prior to the date of adjudicatory hearing.

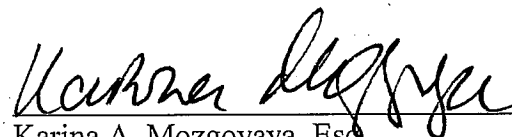
4. The parties shall pre-mark exhibits by placing identifying markers in the upper right corner of each exhibit, if possible. To facilitate access to a particular exhibit, the parties shall use tabs to separate exhibits.

HEARING

Unless otherwise ordered as a result of the filing of any subsequent motion, submitted no later than 10 days prior to the date of hearing, or for other good cause shown, the adjudicatory hearing between the parties will be held on **January 11, 2010**, beginning at **9:30 a.m.**, at the offices of the Public Employee Labor Relations Board in Concord. The time set aside for this hearing is 3 hours.

So ordered.

December 10, 2010


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

Distribution:

Edward M. Kaplan, Esq.

Michelle Walter, UniServ Director, NEA

James Allmendinger, Esq.