



STATE OF NEW HAMPSHIRE
PUBLIC EMPLOYEE LABOR RELATIONS BOARD

Allenstown Paraprofessional Association, NEA-NH

v.

Allenstown School District, SAU #53

Case No. E-0117-1
Decision No. 2011-161

PRE-HEARING MEMORANDUM AND ORDER

Date of Conference: June 1, 2011¹

Appearances: J. Joseph McKittrick, Esq. for the Allenstown Paraprofessional Association, NEA-NH

Kathleen C. Peahl, Esq. for the Allenstown School District, SAU #53

Background:

The Union filed an unfair labor practice complaint on April 26, 2011 claiming that the District violated RSA 273-A:5, I (a), (b), (d), and (h) when it discriminated against and discharged an employee in retaliation for filing a grievance and other complaints under various State and Federal Statutes. The Union requests that the PELRB find that the District has violated the provisions of RSA 273-A.

The District denies the charges and moves to dismiss on the grounds that the PELRB does not have jurisdiction over the claims of violation of Federal and State statutes other than RSA 273-A; that the complaint does not satisfy the requirements of Pub 201.02 (b); and that the

¹ The parties filed a Joint Pre-Hearing Worksheet on May 25, 2011.

complaint fails to assert any violation over which the PELRB would have jurisdiction.

ISSUES FOR DETERMINATION BY THE BOARD

Whether the District violated RSA 273-A:5, I (a), (b), (d), and/or (h) when it terminated Shelley Jolicoeur's employment.

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 Union, 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 exchange and file their final witness and exhibit lists no later than 10 days prior to the date of hearing.
3. The parties shall prepare and file a final statement of stipulated facts no later than 10 days prior to the date of 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 or for other good cause shown, the adjudicatory hearing between the parties will be held on **June 16, 2011 at 9 a.m.** at the offices of the Public Employee Labor Relations Board in Concord. The time set aside for this hearing is 6 hours.

So ordered.

June 1, 2011


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

Distribution:

J. Joseph McKittrick, Esq.

Kathleen C. Peahl, Esq.

Peter Warburton, Superintendent