



STATE OF NEW HAMPSHIRE  
PUBLIC EMPLOYEE LABOR RELATIONS BOARD

Allenstown Paraprofessional Association, NEA-NH

v.

Allenstown School District, SAU #53

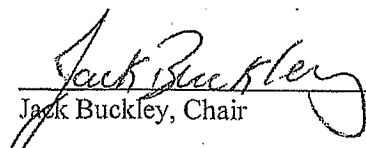
Case No. E-0117-1  
Decision No. 2011-170

Order re: Motion to Dismiss

The District's motion to dismiss Association claims based upon alleged violations of the American's with Disability Act, violations of free speech rights in criticizing the administration, violations of RSA 275:56 relative to employee access to personnel files, and violations of an implied just cause standard is granted. See *Tamworth Educational Support Personnel Association/NEA-NH v. Tamworth School District*, PELRB Decision No. 2007-026 (declining to imply just cause standard in collective bargaining agreement)(affirmed on appeal, NH Supreme Court Case No. 2007-0339); and *Jeffrey T. Clay v. Newmarket Teachers' Association and Newmarket School District*, PELRB Decision No. 2010-130 (dismissing RSA 91-A, RSA 189:13 and/or RSA 189:14-a claims due to lack of jurisdiction)(summarily affirmed on appeal, NH Supreme Court Case No. 2010-0599). Additionally, evidence concerning such alleged violations is not relevant to the claim that the District improperly discriminated against and discharged an employee in retaliation for filing a grievance in violation of RSA 273-A:5, I (a), (b) or (d).

So ordered.

June 14, 2011

  
Jack Buckley, Chair

By unanimous vote. Chair Jack Buckley presiding with alternate Board Members Kevin Cash and James M. O'Marra, Jr. also voting.

Distribution:

J. Joseph McKittrick, Esq. and Kathleen C. Pehl, Esq.