



STATE OF NEW HAMPSHIRE
PUBLIC EMPLOYEE LABOR RELATIONS BOARD

Hopkinton School Custodians, Teamsters Local 633

v.

Hopkinton School District

Case No. E-0003-1

Decision No. 2011-245

PRE-HEARING MEMORANDUM AND ORDER

Date of Conference: September 21, 2011

Appearances: Kevin P. Foley, Business Agent, for the Hopkinton School Custodians,
Teamsters Local 633

Steven M. Chamberlin, Superintendent of Schools, for the Hopkinton
School District

Background:

The Union filed an unfair labor practice complaint on August 24, 2011 claiming that the School District committed an unfair labor practice in violation of RSA 273-A:5, I (a), (b), and (h) when it unilaterally moved a bargaining unit member from full-time to part-time employment and allegedly engaged in direct dealing with the bargaining unit member. The Union requests that the PELRB find that the District violated RSA 273-A:5, I (a), (b), and (h), order the District to restore the full-time position, and order the District to cease and desist from directly dealing with bargaining unit members.

The District denies the charges and asserts that the bargaining unit member requested part-time employment and that the disputed conduct was a proper and legitimate exercise of management rights. The District requests that the PELRB dismiss the Union's complaint.

ISSUE FOR DETERMINATION BY THE BOARD

Whether the District's conduct violated RSA 273-A:5, I (a), (b), and/or (h).

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. At the pre-hearing conference the parties agreed that there are no facts in dispute and that this case should be submitted on stipulated facts, joint exhibits, and briefs. Accordingly, the adjudicatory hearing currently scheduled for October 4, 2011 is cancelled. The parties shall file a comprehensive statement of stipulated facts and joint exhibits on or before **October 11, 2011**. The parties shall file briefs on or before **October 18, 2011**.

HEARING

The adjudicatory hearing currently scheduled for October 4, 2011 is cancelled as the parties agreed to submit this case on stipulated facts, joint exhibits, and briefs. See Decision Section at 2.

So ordered.

September 21, 2011


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

Distribution:
Kevin P. Foley
Steven M. Chamberlin