



STATE OF NEW HAMPSHIRE
PUBLIC EMPLOYEE LABOR RELATIONS BOARD

IBEW Local 2320

v.

Manchester School District

Case No. E-0123-1

Decision No. 2011-300

PRE-HEARING MEMORANDUM AND ORDER

Date of Conference: November 30, 2011¹
Appearances: Peter J. Perroni, Esq. for the Complainant
Pierre A. Chabot, Esq. for the Respondent

Background:

The Union filed an unfair labor practice complaint on October 28, 2011 claiming that the District violated RSA 273-A:5, I (a), (b), (c), and (g) when it improperly interfered with the Union's attempts to organize certain employees of the District. The Union requests that the PELRB find the District in violation of RSA 273-A:5, I (a), (b), (c), and (g) and order the District to cease and desist from violating the statute and to pay the Union's attorney's fees and costs.

The District denies the charges and requests that the PELRB deny the Union's requests for relief.

ISSUES FOR DETERMINATION BY THE BOARD

Whether the District's actions related to the Union's attempts to organize certain employees of the District constitute a violation of RSA 273-A:5, I (a), (b), (c), and/or (g).

¹ The parties filed a Joint Pre-Hearing Worksheet on November 29, 2011.

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 203.03. 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. Based upon discussion at the pre-hearing conference, the parties shall file a request, if any, to submit this matter on joint exhibits, stipulated facts, and briefs on or before December 9, 2011. The request shall contain a proposed filing schedule. Otherwise, the parties shall file their final witness and exhibit lists and a statement of stipulated facts no later than December 9, 2011.
3. 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 **December 19,**

2011 at 9:00 a.m. at the offices of the Public Employee Labor Relations Board in Concord. The time set aside for this hearing is 4 hours.

So ordered.

December 1, 2011


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

Distribution:

Peter J. Perroni, Esq.

Pierre A. Chabot, Esq.

Dr. Thomas Brennan, Superintendent

Kathleen C. Peahl, Esq.