



STATE OF NEW HAMPSHIRE
PUBLIC EMPLOYEE LABOR RELATIONS BOARD

Farmington Education Support Professionals United/NEA-NH

v.

Farmington School District, SAU #61

Case No. E-0047-4
Decision No. 2013-056

PRE-HEARING MEMORANDUM AND ORDER

Date of Conference: April 12, 2013

Appearances: James F. Allmendinger, Esq. for the Complainant
Peter Phillips, Esq. for the Respondent

Background:

On March 14, 2013 the Association filed an unfair labor practice complaint claiming that the District violated RSA 273-A:5, I (a), (b), (d), and (e) when, among other things, the District prohibited bargaining unit employees from utilizing school email for Association business, questioned the Association's right to file grievances and to utilize certain Association representatives during bargaining, denied an employee's request to have an Association's representative present during a questioning by the Superintendent, and threatened the Association President with unspecified reprisals for attempting to help one of the bargaining unit members with her FMLA request. The Association requests that the PELRB order the District to cease and desist from violating RSA 273-A and to post the complaint and the PELRB order in all

schools in the district and electronically via the school's email system, and order that the Superintendent to read the PELRB order to the bargaining unit employees in a meeting at school.

The District denies the charges and requests that the PELRB dismiss the complaint.

ISSUES FOR DETERMINATION BY THE BOARD

Whether the District violated RSA 273-A:5, I (a), (b), (d), and (e) as charged by the Association.

WITNESSES and EXHIBITS:

As outlined in the parties' Joint Pre-Hearing Worksheet. Both parties reserve the right to amend their lists 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 and exhibits appearing on their respective lists will be available at the hearing. The requirement that the parties file copies of proposed exhibits prior to the date of adjudicatory hearing is suspended. The parties shall not file, either electronically or via mail, proposed exhibits prior to the day of hearing. The parties shall pre-mark each exhibit by placing identifying markers in the upper right corner of each exhibit, if possible, and bring an original and five (5) copies of each exhibit to the hearing. To facilitate access to a particular exhibit, the parties shall use tabs to separate exhibits.

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. At the pre-hearing conference, the Association moved to continue the adjudicatory hearing currently scheduled for May 2, 2013. The District assented to this motion.

Accordingly, the Association's motion to continue is granted and the hearing is rescheduled for **June 6, 2013 at 9:00 a.m.** A rescheduling notice shall issue forthwith.

3. The parties shall file their final witness and exhibit lists and a statement of stipulated facts no later than 10 days prior to the date of hearing.

HEARING

Unless otherwise ordered as a result of the filing of any subsequent motion, the adjudicatory hearing in this case will be held on **June 6, 2013 at 9:00 a.m.** at the offices of the PELRB in Concord. The time set aside for this hearing is 4 hours.

So ordered.

April 12, 2013


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

Distribution:
James F. Allmendinger, Esq.
Peter Phillips, Esq.