



**STATE OF NEW HAMPSHIRE**  
Public Employee Labor Relations Board

**Sugar River Education Association, NEA-NH**

**v.**

**Claremont School Board**

**Case No. E-0188-1**

**Decision No. 2015-254**

Pre-Hearing Memorandum and Order

Date of Conference: December 4, 2015

Appearances: James F. Allmendinger, Esq., for the Complainant

Matthew H. Upton, Esq., for the Respondent

Background:

On August 26, 2015, the Sugar River Education Association, NEA-NH (Association) filed an unfair labor practice complaint alleging that the Claremont School Board (School Board) violated RSA 273-A:5, I (a), (g), (h), and (i) when it refused to implement a final and binding arbitration award. The Association claims, among other things, that it grieved the School Board's decision to implement an "A/B Block Schedule" for the 2015-16 school year at the Stevens High School; that the arbitrator sustained the Association's grievance; and that the School Board voted to reject the final and binding arbitration award and unilaterally implemented the new schedule. The Association requests, among other things, that the PELRB order the School Board to cease and desist from implementing a new schedule.

The District denies the charges and claims, among other things, that the change in schedule is a prohibited subject of bargaining; that the School Board acted within its managerial prerogative when it implemented the new schedule; and that the arbitration award is unenforceable because it contravenes strong and dominant public policy stated in RSA 273-A:1, XI and RSA 189:1-a. The District requests that the PELRB deny the Association's charge and its request for a cease and desist order.

#### ISSUES FOR DETERMINATION BY THE BOARD

Whether the School Board violated RSA 273-A:5, I (a), (g), (h), and/or (i) 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 Pub 203.01. 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.

#### DECISION

1. "Parties" means the Association, the School Board 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 file a joint statement of stipulated facts and their final witness and exhibit lists no later than **December 10, 2015**.
3. 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.

### HEARING

Unless otherwise ordered as a result of the filing of any subsequent motion, the adjudicatory hearing in this case will be held on **December 15, 2015, at 8:30 a.m.** at the offices of the PELRB in Concord. The time set aside for this hearing is 4 hours. If either party believes that additional time is required, a written notice of the need for additional time shall be filed with the PELRB at least 10 days prior to the date of hearing.

So ordered.

Date: 12/4/15

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

Distribution: James F. Allmendinger, Esq.  
Mark T. Broth, Esq.  
Anna B. Cole, Esq.  
Matthew H. Upton, Esq.