



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

**Prospect Mountain High School Teachers' Association, NEA-NH**

v.

**Prospect Mountain High School Board**

**Case No. E-0108-7**  
**Decision No. 2016-086**

Pre-Hearing Memorandum and Order

Date of Conference: April 26, 2016

Appearances: Christopher Long, UniServ Director, for the Complainant  
Kathleen Peahl, Esq., for the Respondent

Background:

On December 22, 2015, the Prospect Mountain High School Teachers' Association, NEA-NH (Association) filed an unfair labor practice complaint alleging, among other things, that the Prospect Mountain High School Board (District) unilaterally changed working conditions when it failed to approve a bargaining unit employee's professional development travel expenses allowed under the parties' collective bargaining agreement (CBA) and past practice. The Association asserts that the District's actions violated RSA 273-A:5, I (a), (b), (c), (h), and (i). The Association requests, among other things, that the PELRB order the District to cease and desist from violating RSA 273-A:5, I and to comply with the terms and conditions of employment in accordance with the CBA and past practice.

The District denies the charges and asserts that its actions were an exercise of its management rights. The District also argues that the Association's complaint is untimely under RSA 273-A:6, VII; and that the Association failed to exhaust the appeal process under the CBA. The District requests that the PELRB deny the unfair labor practice charge.

Issues for Determination by the Board

1. Whether the Association's complaint is timely.
2. Whether the District violated RSA 273-A:5, I (a), (b), (c), (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 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. The parties shall file a joint statement of stipulated facts and their final witness and exhibit lists no later than **May 31, 2016**.
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 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 **June 7, 2016, at 8:30**, at the offices of the PELRB in Concord. The time set aside for this hearing is five 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 ten days prior to the date of hearing.

So ordered.

Date: 4/27/16

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

Distribution: Christopher Long, UniServ Director  
Kathleen Peahl, Esq.