

STATE OF NEW HAMPSHIRE
Public Employee Labor Relations Board

Alton Teacher's Association/NEA-NH

v.

Alton School Board

Case No. E-0108-8
Decision No. 2016-151

Pre-Hearing Memorandum and Order

Date of Conference:

June 27, 2016

Appearances:

Christopher Long, UniServ Director, for the Complainant

Matthew H. Upton, Esq., for the Respondent

Background:

On May 27, 2016, the Alton Teacher's Association/NEA-NH (Association) filed an unfair labor practice complaint alleging, among other things, that the Alton School Board (District) violated RSA 273-A:5, I (a), (b), (c), (h), and (i) when it unilaterally changed the 2016-2017 teaching schedule from five to six instructional classes per day. The Association claims that after the parties agreed in negotiations to increase the length of the school day by twenty minutes, the District unilaterally changed the teaching schedule from five to six classes per day, thereby unilaterally increasing the teachers' duties and reducing the amount of preparation time each teacher will have during the work day. The Association requests, among other things, that the PELRB find that the District committed an unfair labor practice and order the District to

maintain the 2015-2016 school year teaching schedule until the change is negotiated between the parties.

The District denies the charges and asserts, among other things, that any CBA provision that might be construed as prohibiting the proposed change in class schedule is unenforceable because it involves a prohibited subject of bargaining and/or because it contravenes a strong and dominant public policy as set forth in RSA 273-A:1, XI and RSA 189:1-a. The District requests that the PELRB deny the complaint and all relief requested.

Issues for Determination by the Board

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 Association moved to continue the hearing currently scheduled for July 12, 2016. The District assented to this motion. The Association's motion is granted. The adjudicatory hearing is rescheduled for **August 11, 2016, at 8:30 a.m.** A rescheduling notice shall issue forthwith.

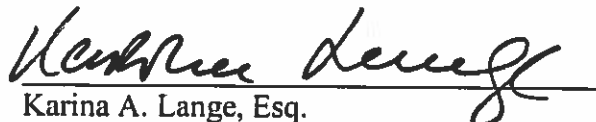
3. At the pre-hearing conference, the Association indicated that it inadvertently omitted a claim of violation of RSA 273-A:5, I (e) and that it intends to amend its complaint to add this claim. A motion to amend, if any, shall be filed no later than **July 27, 2016**. See Pub 201.04.
4. The parties shall file a joint statement of stipulated facts and their final witness and exhibit lists no later than **August 1, 2016**.
5. 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 **August 11, 2016, at 8:30 a.m.**, at the offices of the PELRB in Concord. The time set aside for this hearing is four 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: 6/27/2016


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

Distribution: Christopher Long, UniServ Director
Matthew H. Upton, Esq.