



**State of New Hampshire**

**PUBLIC EMPLOYEE LABOR RELATIONS BOARD**

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LINDA BLAKE AND HAVERHILL	:	
EDUCATION ASSOCIATION/N.E.A.	:	
	:	
Petitioner	:	
	:	
v.	:	CASE NO. M-0639:5
	:	
HAVERHILL COOPERATIVE	:	DECISION NO. 1999-062
SCHOOL DISTRICT	:	
	:	
Respondent	:	

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**PRE-HEARING CONFERENCE  
MEMORANDUM AND ORDER**

**BACKGROUND**

On April 22, 1999, the Haverhill Education Association, NEA-NH filed unfair labor practice charges alleging violations of RSA 273-A:5 I (a), (e) and (h) alleging imposition of discipline contrary to the "fair treatment" provision of the collective bargaining agreement. On May 10, 1999, the Haverhill School District responded with its answer. A pre-hearing conference was held at the offices of the Board on June 24, 1999 at which James Allmendinger represented the Association and Brad Kidder represented the School District. Superintendent Linda Nelson also attended.

Review by this Board is the final step in the grievance procedure for the teachers in the Haverhill Cooperative School District. The grievance arose out of an incident that took place on or before May 21, 1998. The grievant was dropping her son at school before going to her teaching assignment at the high school. She spoke to another student from her car. She is charged with yelling a strong epithet. The teacher was subsequently suspended without pay for the remainder of the

school year, a period of sixteen days. The grievant seeks to be made whole and to have the adverse documents related to the incident removed from her file.

STIPULATED ISSUES

Whether there was "just cause" for the suspension of a teacher, Linda Blake, under the terms of her collective bargaining agreement; and if not, what shall the remedy be.

FACTS IN DISPUTE

1. The language used by the grievant during the incident and the manner in which it was spoken.
2. When the grievant was suspended in relation to the meeting of May 21, 1998.
3. What occurred during the meeting of May 21, 1998.
4. Superintendent Nelson's intentions in citing RSA 275:43 (b).
5. The extent to which the grievant was acting in the role of a parent at the time of the incident and the authority of the School District to discipline the grievant if she were acting in the role of a parent.

WITNESSES

The witness list will be provided five days before the hearing.

The Association's witnesses will be Linda Blake, the grievant; Scott Blake, her son; possibly Robert Blake, the grievant's husband; Vicki Welch; Robert Welch; and Sarah Root.

The School District's witnesses are Linda Nelson, superintendent; Thomas LaValley, elementary school principal;; Bruce Labs, high school principal; Joe Flynn, headmaster of Fresh Pond School.

EVIDENCE

The parties will submit documents for marking five days before the hearing. The following numbers have been reserved:

Joint Exhibit #1	The collective bargaining agreement in effect at the time of the incident
Joint Exhibit #2	Letter of May 21, 1998 from Superintendent Nelson to Mrs. Blake
Joint Exhibit #3	Statement of Robert Welch
Joint Exhibit #4	Professional Staff Ethics, Credo
Joint Exhibit #5	Grievance document dated May 27, 1998
Joint Exhibit #6	Memo of Sarah Root of November 11, 1998
Joint Exhibit #7	Denial of Grievance
Joint Exhibit #8	Gamble Report of July 20, 1998

It is understood that the School District will object to testimony regarding medical drugs that have been prescribed for students. There may be requests that certain testimony be taken in nonpublic session as is allowed under the Right to Know Law, RSA Chapter 91-A. The parties will submit a statement or stipulation reflecting their efforts to limit nonpublic testimony that may eliminate at least one witness.

TIME REQUIRED AND METHOD OF CLOSING

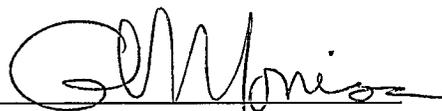
The parties believe that this hearing will require a full day given the degree of factual dispute and differences over the interpretation of events. It was agreed that this hearing will begin at 10:00 a.m. and that the parties shall submit post-hearing briefs in closing.

DECISION AND ORDER

A hearing of this matter is in order and will be scheduled on the August docket of the board. The agreements of the parties addressed herein are adopted as they pertain to the hearing.

So ordered.

Signed this 30th day of June, 1999.



Gail C. Morrison  
Hearing Officer