



State of New Hampshire

PUBLIC EMPLOYEE LABOR RELATIONS BOARD

Laconia Education Association,
NEA-New Hampshire

Complainant

v.

Laconia School District

Respondent

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Case No. T-0239-22

Decision No. 2002-051

ORDER DIRECTING BRIEFING SCHEDULE

The Board, meeting at its offices in Concord, New Hampshire, on April 18, 2002, took the following actions:

1. It commenced a review of proceedings in this case, including but not limited to: (1) the Association's unfair labor practice (ULP) charge filed on August 20, 2001, (2) the District's answer filed on September 4, 2001, (3) the Pre-hearing Conference Memorandum and Order dated October 12, 2001 (Decision No. 2001-105), (4) the Order to Proceed to Arbitration, with particular reference to Item 3 thereof, dated December 21, 2001 (Decision No. 2001-129) and (5) the ensuing arbitrator's decision and award dated February 8, 2002 (AAA Case No. 1139-0021-201).

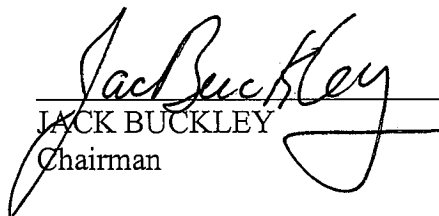
2. With the foregoing chronology in mind, it proceeded to review (1) the District's "Appeal of Arbitrator's Award" filed on March 8, 2002, (2) the Association's objection to that "appeal" filed on March 25, 2002, (3) correspondence from the Association's counsel on April 14, 2002 objecting to the District's sought-after *de novo* hearing and seeking a pre-hearing conference prior to any hearing on the District's appeal now scheduled for May 16, 2002, (4) a letter from the District's counsel dated April 16, 2002 agreeing to the pre-hearing conference concept and (5) a final letter, also dated April 16, 2002, from the Association's counsel saying that both attorneys have agreed that the May 16, 2002 hearing be limited to oral argument on the legal issues involving the PELRB's jurisdiction "to hear the appeal" and "the scope and nature of the PELRB's review of this Arbitration

Award," further identified as AAA Case No. 1139-0021-201.

3. Upon review of the breadth of procedural issues involved with this "appeal," it ordered that the parties submit pre-hearing briefs on the issues of (a) the PELRB's jurisdiction to hear this appeal, both in the context of what has transpired to cause this matter to be arbitrated and why PELRB review by means of this "appeal" is or is not now appropriate, (b) the scope and nature that such an appeal would take before the PELRB, including the appropriateness, or lack thereof, of a *de novo* hearing, and (c) whether it is appropriate for the PELRB to hear such an appeal of an arbitrator's decision if that appeal involves matters beyond or in addition to those plead in the original ULP.
4. The foregoing briefs shall be filed with the PELRB on or before May 20, 2002. The May 16, 2002 hearing date noticed to the parties on April 1, 2002 by the PELRB shall stand continued on the Board's docket until such time as the foregoing briefs have been received and reviewed by the PELRB and the PELRB has assessed whether an additional hearing is warranted.

So ordered.

Signed this 25th day of April, 2002.



JACK BUCKLEY
Chairman

By unanimous decision. Chairman Jack Buckley presiding. Members E. Vincent Hall and Carol Granfield present and voting.