



The Chester School District filed its Answer on July 25, 2002 generally agreeing with the chronology of events expressed in the Union's complaint but denying that it undertook such actions as would violate the statute or the parties' collective bargaining agreement. Further, it generally asserts that all actions were undertaken for reasons other than anti-union animus. Lastly, it asserts that evidence of actions that precede, in time, the filing of the complaint by six months are time barred from consideration by the PELRB. The District primarily requests that the PELRB dismiss the Association's complaint.

At the Pre-Hearing Conference, the Union orally amended its complaint to withdraw the relief requested on Page #7, Numbers 2 and 3. The District had no objection to this amendment and the Hearing Office granted the amendment. It is to be anticipated that the parties shall be prepared at the outset of the scheduled hearing on the merits to argue their respective positions on the evidence admissibility issue designated as Issue #2, below.

#### PARTICIPATING REPRESENTATIVES

For the Association: Steven R. Sacks, Esquire

For the Board: Michael S. Elwell, Esquire

#### ISSUE FOR DETERMINATION BY THE BOARD

1. Whether certain actions undertaken by the School Board or its agents, as alleged by the Union, amount to anti-union animus?
2. Whether certain documents or actions that occurred prior to six months in advance of the Union's filing of its complaint can be used as evidence to prove anti-union animus?
3. Whether the District's actions that were undertaken prior to the parties' collective bargaining agreement constitute statutory violations or any obligation to maintain the "status quo" prior to institution of the CBA on July 1, 2002?

## WITNESSES

For the Association:

1. Susan Handy, President of Association
2. Greg Andruschkevich, UniServ Director, NEA-NH
3. Laura Thompson, Association officer
4. Andrea Summers, Association officer

For the District:

1. Victor Petzy, Assistant Superintendent
2. Robert Grim, School Board member
3. David Clark, former School Board member
4. Betsey Stebbins, Principal
5. Tina McCoy, Special Education Director

Both parties reserve the right to amend their List of Witnesses in conformity with the schedule contained in the DECISION SECTION appearing at the conclusion of this order, or upon proper showing, later reasonable notice to the other party. It is understood that each party may rely on the representations of the other party that witnesses appearing on their respective list will be available at the hearing.

## EXHIBITS

Joint Exhibits:

1. Collective Bargaining Agreement, for the period 7/1/02-6/30/05

For the Association:

1. Certification of Representative and Order to Negotiate, 6/11/01
2. Memorandum of McCoy to Paraprofessional Educators, dated 6/4/02
3. Memorandum containing Para-educator Perceptions and Concerns, dated 6/12/02
4. Letter from Chairman Grimm to Chester Academy Para-Professionals, dated 5/4/01
5. Collective Bargaining Notes for Fall 2001-Winter 2002 negotiation sessions

For the District:

1. The District will clarify its general references regarding exhibits expressed on its Pre-Hearing Worksheet as further addressed below in the "Order" section.

Both parties reserve the right to amend their List of Exhibits in conformity with the schedule contained in the DECISION SECTION appearing at the conclusion of this order or, upon proper showing, later reasonable notice to the other party. Copies of all exhibits are to be submitted to the presiding officer in accordance with Pub 203.02. It is to be understood by the parties that each party may rely on the representations of the other that the exhibits listed above will be available at hearing.

#### LENGTH OF HEARING

The time being set aside for this hearing is one day. If either party believes additional time is required, written notice of the need for additional time shall be filed with the PELRB within fourteen (14) days of the date of this order.

#### ORDER

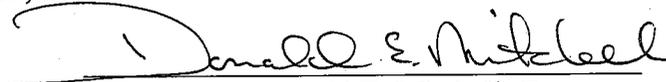
1. The District shall forward a specification of all of its listed exhibits to the Union on or before September 4, 2002 including the dates of all correspondence, negotiation notes, bargaining proposals and tentative agreements, as well as the dates of all School Board meeting minutes. Also, the District shall further specify, by number or other agenda reference, the School District meeting warrant and identify by page number or otherwise those portions of the budget referred to on its Pre-Hearing Worksheet. Lastly, the District shall further specify all other "related documents" by appropriate designations commonly utilized in litigation.
2. Upon receipt of the above specifications, the parties shall exchange copies of their respective negotiation notes for the Fall 2001-Winter 2002 collective bargaining sessions and provide copies of any other exhibits listed as exhibits upon the request of the other party.
3. Any party that believes that it has properly and seasonably requested the production of any relevant document from the other party which it believes that party is in possession of, or has control of, and has not been provided with that document shall immediately inform the PELRB, in writing, of the document(s) requested, the date of the request, the date of the refusal to respond or failure to comply with the request by the other party, and the purpose for which the party seeks the document from the other party.
4. The party representatives shall also meet, or otherwise arrange, to pre-mark all exhibits, for identification, prior to the time of hearing and have sufficient copies available for distribution at the hearing as required by Pub 203.02.

5. Any additional preliminary, procedural or dispositive motions shall be filed by the parties no later than fourteen (14) calendar days prior to the scheduled hearing date.

Unless otherwise ordered as a result of the filing of any subsequent motion, an evidentiary hearing between the parties shall be conducted at the Office of the Public Employee Labor Relations Board on **Thursday October 3, 2002 beginning at 9:30 AM.**

So Ordered.

Signed this 15<sup>th</sup> day of August, 2002.



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Donald E. Mitchell, Esq.  
Hearing Officer