



STATE OF NEW HAMPSHIRE
PUBLIC EMPLOYEE LABOR RELATIONS BOARD

White Mountains Educational Support Personnel/NEA-New Hampshire

v.

White Mountains Regional School District

Case No. E-0096-1
Decision No. 2010-102

PRE-HEARING MEMORANDUM AND ORDER

Date of Conference: May 24, 2010
(Corrected Date)

Appearances: Jay Tolman, UniServ Director, for the Complainant
Maureen L. Pomeroy, Esq. for the Respondent

Background:

White Mountains Educational Support Personnel/NEA-New Hampshire (Union) filed an unfair labor practice complaint against the White Mountains Regional School District (District) on April 22, 2010. The Union claims that the District violated RSA 273-A:5, I (h) by breaching the parties' Collective Bargaining Agreement (CBA) when it placed material in the employee's personnel file after giving her a notice of a dismissal hearing and by not signing the employee's evaluation. The Union also claims that the District violated RSA 273-A:5, I (d) by discriminating against the employee. The Union requests that the PELRB find that the District has violated RSA 273-A:5, I (h) and (d) and order the District to return the dismissed employee to her position with no loss of pay or benefits.

The District filed an answer to the complaint on April 23, 2010 and a motion to dismiss on May 19, 2010. The District denies the charges and requests that the PELRB dismiss the complaint because the Union failed to exhaust the contractual grievance procedure and failed to state a claim upon which relief can be granted.

At the pre-hearing conference, the District's representative indicated that the District's witness, Principal Sherry Gregory, will be unavailable on the date of the hearing and that the District intends to submit an affidavit from Ms. Gregory on or before May 26, 2010. The Union's representative stated that the Union has no objection to the submission of Ms. Gregory's affidavit in lieu of her testimony.

Decision

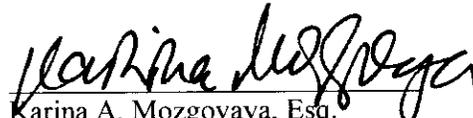
1. "Parties" means the named complainant and respondent or the counsel/representative appearing in the case.
2. Pursuant to Pub 203.05, given the current date of adjudicatory hearing, the deadline for filing a Response to the District's Motion to Dismiss is **May 28, 2010**.
3. The parties shall file a Statement of Stipulated Facts, if any, no later than **June 1, 2010**.
4. The parties shall amend, exchange, and file their Witness and Exhibit lists no later than **June 1, 2010**.
5. The parties shall pre-mark any exhibits prior to the time of hearing and have sufficient copies available for distribution at the hearing as required by Pub 203.03.

Hearing

Unless otherwise ordered as a result of the filing of a motion to continue or other motion, the adjudicatory hearing between the parties will be held on **June 3, 2010 at 9:30 AM** at the offices of the Public Employee Labor Relations Board in Concord. The time set aside for this hearing is 5 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 **5 days** prior to the date of hearing.

So ordered.

May 24, 2010


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

Distribution:
Jay Tolman, UniServ Director
Maureen L. Pomeroy