



STATE OF NEW HAMPSHIRE
PUBLIC EMPLOYEE LABOR RELATIONS BOARD

Contoocook Valley Education Association, NEA-NH

v.

Contoocook Valley School District

Case No. E-0048-3

Decision No. 2010-147

PRE-HEARING MEMORANDUM AND ORDER

Date of Conference: August 17, 2010

Appearances: Steven R. Sacks, Esq., Contoocook Valley Education Association,
NEA-NH

Edward M. Kaplan, Esq., Contoocook Valley School District

Background:

The Association filed an unfair labor practice complaint against the District on June 22, 2010. This dispute involves the grievance the Association filed on behalf of the paraprofessionals when the District increased the work day thereby allegedly denying some paraprofessionals a paid lunch period and the arbitration award requiring the District to compensate the paraprofessionals whose work day was extended beyond 7.25 hours. The Association claims that the District committed an unfair labor practice in violation of RSA 273-A:5, I (a), (c), (d), and

(h) when it failed to fully comply with the arbitration award by refusing to compensate certain paraprofessionals for working over 7.25 hours during several professional development days.

The District denies that it committed an unfair labor practice and asserts that it did not provide compensation for professional development days because the paraprofessionals did not work more than 7.25 hours during those days.

ISSUES FOR DETERMINATION BY THE BOARD

Whether the District failed to fully comply with the arbitration award and, thereby, violated RSA 273-A:5, I (a), (c), (d), and (h).

WITNESSES

For the Association:

1. Michele Johnson
2. Robin King
3. Mary Gaul
4. Nancy Ellis
5. Michelle Walter

For the District:

1. Timothy Markley
2. May Clark
3. Pamela Campbell
4. Gib West
5. Amy Clason-Gilmet

Both parties reserve the right to amend their Lists of Witnesses in conformity with the schedule contained in the DECISION SECTION appearing at the conclusion of this order. It is understood that each party may rely on the representations of the other party that witnesses appearing on their respective lists will be available at the hearing.

EXHIBITS:

As outlined in the parties Joint Pre-Hearing Worksheet. 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 with 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 understood that each party may rely on the representations of the other party that the exhibits listed above will be available at the hearing.

DECISION

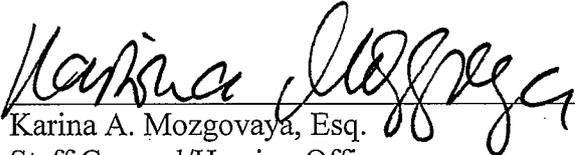
1. "Parties" means the Association, the District, or their counsel/representative appearing in the case. The parties shall simultaneously copy each other electronically on all filings submitted in these proceedings.
2. The Association's Motion to Continue is hereby granted. The adjudicatory hearing currently scheduled for August 26, 2010 is rescheduled for **October 12, 2010**. The rescheduling notice will be issued.
3. The parties shall prepare and file a comprehensive Statement of Stipulated Facts on or before **October 1, 2010**. In the Statement of Stipulated Facts the parties shall address, among other things, the issue of how many professional development days are in dispute and the issue of whether the paraprofessionals had a paid lunch period during the professional development days prior to 2008-2009 school year.
4. The parties shall file any amendments to, or deletions from, their Witness and Exhibit lists on or before **October 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 203.02.

HEARING

Unless otherwise ordered as a result of the filing of any subsequent motion or for other good cause shown, the adjudicatory hearing between the parties will be held on **October 12, 2010**, beginning at **9:00 a.m.**, at the offices of the Public Employee Labor Relations Board in Concord. The time set aside for this hearing is 4 hours.

So ordered.

August 17, 2010


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

Distribution:
Edward M. Kaplan, Esq.
Steven R. Sacks, Esq.