



**STATE OF NEW HAMPSHIRE**  
PUBLIC EMPLOYEE LABOR RELATIONS BOARD

**Conway School District**

v.

**Conway Education Association/NEA-NH**

**Case No. E-0077-5**

**Decision No. 2010-153**

**PRE-HEARING MEMORANDUM AND ORDER**

Date of Conference: August 27, 2010

Appearances: John F. Teague, Esq. & James A. O'Shaughnessy, Esq. for  
Conway School District

Jay Tolman, UniServ Director & James F. Allmendinger, Esq. for  
Conway Education Association/NEA-NH

**Background:**

The District filed an unfair labor practice complaint against the Association on July 28, 2010. The District claims that, during the negotiations toward a successor to the 2007-2009 collective bargaining agreement (CBA), which required the school year to begin after the Labor Day, the parties entered into a Side Bar Agreement, which allegedly changed the school year starting date to "Thursday and Friday prior to the Labor Day" on the years when the Labor Day falls on September 5, 6, or 7. The District further claims that, when the Superintendent issued 2010-2011 school year calendar providing that the school year will begin on September 2, 2010, the Association filed a grievance under the 2007-2009 CBA, thereby allegedly committing an unfair labor practice in violation of RSA 273-A:3, I and RSA 273-A:5, II (d) & (f).

The Association denies that it committed an unfair labor practice and asserts that the Side Bar Agreement expired on June 30, 2010 and that, under the status quo doctrine, the subject grievance was appropriately filed pursuant to the expired 2007-2009 CBA.

During the pre-hearing conference at the PELRB offices in Concord, the parties indicated that the Association's grievance is currently being reviewed by the School Board. In addition, the parties agreed to submit this matter on stipulated facts, joint exhibits, and briefs.

#### ISSUES FOR DETERMINATION BY THE BOARD

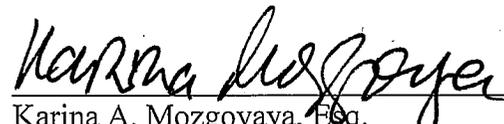
Whether the Association committed an unfair labor practice in violation of RSA 273-A:3; I and RSA 273-A:5, II (d) & (f) when it filed a grievance concerning the school year starting date under the expired CBA.

#### 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 adjudicatory hearing currently scheduled for September 21, 2010 is cancelled.
3. The parties shall submit a Statement of Stipulated Facts, Joint Exhibits, and Opening Briefs on or before **September 21, 2010**.
4. The parties shall submit Reply Briefs, if any, on or before **October 5, 2010**.

So ordered.

August 27, 2010

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

Distribution:  
John F. Teague, Esq.  
James A. O'Shaughnessy, Esq.  
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