



STATE OF NEW HAMPSHIRE
PUBLIC EMPLOYEE LABOR RELATIONS BOARD

Hopkinton School Custodians, Teamsters Local 633

v.

Hopkinton School District

Case No. E-0003-1

Decision No. 2012-075

Order on Motion for Rehearing

On March 19, 2012 the Town filed a motion for rehearing of PELRB Decision No. 2012-039. Motions for rehearing are governed by RSA 541:3 and Pub 205.02, which provides in part as follows:

Pub 205.02 Motion for Rehearing.

(a) Any party to a proceeding before the board may move for rehearing with respect to any matter determined in that proceeding or included in that decision and order within 30 days after the board has rendered its decision and order by filing a motion for rehearing under RSA 541:3. The motion for rehearing shall set out a clear and concise statement of the grounds for the motion. Any other party to the proceeding may file a response or objection to the motion for rehearing provided that within 10 days of the date the motion was filed, the board shall grant or deny a motion for rehearing, or suspend the order or decision complained of pending further consideration, in accordance with RSA 541:5.

This case was submitted for decision on stipulations and exhibits as per PELRB Decision No. 2011-245 (both parties appeared *pro se* at the pre-hearing conference). The Town complains it was error for the undersigned board members (and not a hearing officer) to decide this case given that the case was submitted for decision on stipulations and briefs. However, under RSA 273-A and Pub 100-300 this case was eligible for initial decision by either a panel of board members or a hearing officer. These authorities do not mandate an initial decision by a hearing officer (and not a panel of board members) when a case is submitted for decision on stipulations

and briefs without an evidentiary hearing, nor does the record reflect that the case was in fact otherwise specially assigned to a hearing officer for initial decision.¹

The Town also complains that the board erred in finding that the Town committed an unfair labor practice as set forth in PELRB Decision 2012-039.

Having completed its review and consideration of the Town's points and arguments, the undersigned board denies the Town's Motion for Rehearing.

So ordered.

April 9, 2012.



Charles S. Temple, Chair

By unanimous vote of Chair Charles S. Temple, Board Member Kevin E. Cash and Board Member Carol M. Granfield.

Distribution:

Kevin P. Foley
Jay C Boynton, Esq.

¹ Hearing officers, and not a panel of board members, preside at pre-hearing conferences. This does not mean that the case will ultimately be decided by a hearing officer.