



STATE OF NEW HAMPSHIRE
PUBLIC EMPLOYEE LABOR RELATIONS BOARD

Monadnock District Support Staff Association/NEA-New Hampshire

v.

Monadnock Regional School District

Case No. E-0100-3
Case No. E-0100-4
(Consolidated Cases)

Decision No. 2012-081

PRE-HEARING MEMORANDUM AND ORDER

Date of Conference: April 16, 2012

Appearances: Michelle Couture, UniServ Director, for the Complainant

James A. O'Shaughnessy, Esq., for the Respondent

At the pre-hearing conference the parties agreed to consolidate Case No. E-0100-3 and Case No. E-0100-4. These cases are consolidated for the purposes of this order and of the adjudicatory hearing. See Decision section below.

Background:

In Case No. E-0100-3, the Union claims that the District violated RSA 273-A:5, I (a), (e), and (h) when it refused to pay employees double time rate for Sunday work despite the existence of longstanding past practice. The District denies the charges and asserts that the terms of the parties' collective bargaining agreement (CBA) related to the overtime pay rate are unambiguous and that, under these terms, employees are entitled to the time-and-one-half, and not double time, pay rate for all overtime work.

In Case No. E-0100-4, the Union claims that the District violated RSA 273-A:4 and RSA 273-A:5, I (a), (e), and (h) when it issued a new hiring policy unilaterally changing working hours for a bargaining unit position from 7 to 5.5 hours per day. The District denies the charges and asserts that it did not commit an unfair labor practice because it issued the new hiring policy after the expiration of the parties' CBA and applied this policy only to the newly hired employees.

ISSUES FOR DETERMINATION BY THE BOARD

1. Whether the District violated RSA 273-A:5, I (a), (e), and (h) when it refused to pay employees double time for Sunday work.
2. Whether the District violated RSA 273-A:4 and RSA 273-A:5, I (a), (e), and (h) when it unilaterally changed working hours for a bargaining unit position.

WITNESSES and EXHIBITS:

As outlined in the parties' Joint Pre-Hearing Worksheets,¹ Both parties reserve the right to amend their Lists of Witnesses and Exhibits in conformity with Pub 203.01 (a). It is understood that each party may rely on the representations of the other party that witnesses and exhibits appearing on their respective lists will be available at the hearing. Copies of all exhibits must be submitted to the presiding officer in accordance with Pub 203.03.

DECISION

1. "Parties" means the Union, 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.

¹ The parties filed Joint Pre-Hearing Worksheets in Case No. E-0100-3 and Case No. E-0100-4 on April 16, 2012 and April 13, 2012, respectively.

2. As agreed at the pre-hearing conference, Case No. E-0100-3 and Case No. E-0100-4 are consolidated for the purposes of the adjudicatory hearing and this pre-hearing order applies to both cases.
3. At the pre-hearing conference, the parties jointly requested a continuance of the proceedings in the above captioned consolidated cases on the ground that they are presently engaged in settlement discussions in an attempt to resolve the disputes. The parties' request is granted. There shall be no further activity in the above captioned consolidated cases unless one of the parties submits a filing seeking a hearing or other appropriate relief on or before **May 17, 2012** at which time the request will be reviewed and a further order will be issued. In the absence of such filing the consolidated cases shall be dismissed after **May 17, 2012**. The parties shall promptly inform the PELRB of any resolution of this matter in the interim.

So ordered.

April 17, 2012



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

Distribution:
Michelle Couture, UniServ Director
James A. O'Shaughnessy, Esq.