



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

**Monadnock District Education Association/NEA-NH**

v.

**Monadnock Regional School District**

**Case No. E-0028-6**  
**Decision No. 2012-161**

PRE-HEARING MEMORANDUM AND ORDER

Date of Conference: July 12, 2012<sup>1</sup>

Appearances: James F. Allmendinger, Esq. for the Complainant

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

Background:

The Association filed an unfair labor practice complaint on June 7, 2012 claiming that the District violated RSA 273-A:5, I (a), (e), (h), and (i) when it unilaterally changed the salary schedule after both parties ratified a successor collective bargaining agreement (CBA). The Association requests that the PELRB, among other things, order the District (1) to cease and desist from unilaterally changing terms and conditions of employment; (2) to accept the Association's recent salary proposal or return to the status quo under the current CBA and to negotiations on a successor CBA; (3) to post the PELRB decision; and (4) to make any employee who has suffered any loss of wages or benefits whole.

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<sup>1</sup> The parties submitted a Joint Pre-Hearing Worksheet on July 2, 2012.

The District denies the charges and asserts the following defenses: (1) the Association failed to state a claim for which relief can be granted; (2) the claims are barred in whole or in part by the doctrine of estoppel; and (3) the Association lacks an adequate remedy at law.

#### ISSUES FOR DETERMINATION BY THE BOARD

Whether the District violated RSA 273-A:5, I (a), (e), (h), and (i) as charged by the Association.

#### WITNESSES and EXHIBITS:

As outlined in the parties' Joint Pre-Hearing Worksheet. Both parties reserve the right to amend their List of Witnesses and 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. 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.

#### 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. At the pre-hearing conference, the parties moved to reschedule the adjudicatory hearing currently scheduled for August 30, 2012. The parties' motion is granted. The adjudicatory hearing is rescheduled for **August 7, 2012 at 9:00 a.m.** A rescheduling notice shall issue forthwith.
3. The parties shall file their final witness and exhibit lists and a comprehensive statement of stipulated facts no later than **July 30, 2012.**

4. The requirement that the parties file copies of proposed exhibits prior to the date of adjudicatory hearing is suspended. The parties shall not file, either electronically or via mail, proposed exhibits prior to the day of hearing.
5. The parties shall pre-mark exhibits by placing identifying markers in the upper right corner of each exhibit, if possible, and bring an original and five (5) copies of each exhibit to the hearing. To facilitate access to a particular exhibit, the parties shall use tabs to separate exhibits.

### 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 **August 7, 2012, 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 3 hours.

So ordered.

July 13, 2012

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

Distribution:

James F. Allmendinger, Esq.

James A. O'Shaughnessy, Esq.