



STATE OF NEW HAMPSHIRE
PUBLIC EMPLOYEE LABOR RELATIONS BOARD

Contoocook Valley School District

and

Contoocook Valley Education Association, NEA-NH

Case No. E-0048-5
Decision No. 2013-038

PRE-HEARING MEMORANDUM AND ORDER

Date of Conference: March 13, 2013

Appearances: Kathleen C. Peahl, Esq. for the Petitioner
James F. Allmendinger, Esq. for the Respondent

Background:

On January 16, 2013 the District filed a petition for declaratory ruling requesting that the PELRB declare that the bargaining unit represented by the Association pursuant to the PELRB Recognition of an Exclusive Representative (Case No. T-0275, December 1, 1976) does not include paraprofessional employees. The District argues, among other things, that neither the 1976 petition for recognition nor the resulting PELRB Recognition of an Exclusive Representative includes paraprofessional employees. The Association counters that the paraprofessional employees are included in the bargaining unit because, among other things, at the time the petition for recognition was filed with the PELRB, the bargaining unit represented by the Association included paraprofessional employees.

ISSUES FOR DETERMINATION BY THE BOARD

Whether paraprofessional employees are included in the Contoocook Valley School District bargaining unit represented by the Association pursuant to the PELRB Recognition of an Exclusive Representative.

WITNESSES and EXHIBITS:

As outlined in the parties' Joint Pre-Hearing Worksheet. Both parties reserve the right to amend their lists 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 District, the Association 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 parties shall file their final witness and exhibit lists and a comprehensive statement of stipulated facts no later than **March 29, 2013**. The parties are reminded that stipulating to a particular fact does not prevent a party from objecting to submission/acceptance of that fact into the record on relevance or other grounds. If a party objects to a particular stipulated fact, it shall state its objection and the grounds for it in the statement of stipulated facts.
3. 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. The parties shall pre-mark each

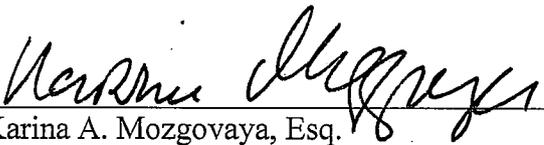
exhibit by placing identifying markers in the upper right corner of each exhibit, if possible, and bring an original and five (5) copies of each exhibit to the hearing. To facilitate access to a particular exhibit, the parties shall use tabs to separate exhibits.

HEARING

Unless otherwise ordered as a result of the filing of any subsequent motion, the adjudicatory hearing in this case will be held on **April 9, 2013 at 8:30 a.m.** at the offices of the PELRB in Concord. The time set aside for this hearing is 4 hours.

So ordered.

March 13, 2013


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

Distribution:
Kathleen C. Peahl, Esq.
James F. Allmendinger, Esq.