



STATE OF NEW HAMPSHIRE
PUBLIC EMPLOYEE LABOR RELATIONS BOARD

Rick Gleason and Education Association of Pembroke/NEA-NH

v.

Pembroke School District

Case No. E-0088-4

Decision No. 2013-126

PRE-HEARING MEMORANDUM AND ORDER

Date of Conference: July 24, 2013

Appearances: Steven R. Sacks, Esq. for the Complainant

Kathleen C. Peahl, Esq. for the Respondent

Background:

On June 13, 2013 the Complainants filed an unfair labor practice complaint claiming that the District breached certain provisions of reduction-in-force policy in the parties' collective bargaining agreement (CBA) when it "non-renewed" Mr. Gleason from his position as a computer teacher. The Complainants assert that the District's actions constitute a violation RSA 273-A:5, I (h) and request that the PELRB order the District to reinstate Mr. Gleason.

The District denies the charge and asserts, inter alia, that the charge is barred by RSA 189:14-a and b; that the parties' CBA specifically excludes non-renewal from the grievance procedure; and that the elimination of a computer teacher position does not constitute a reduction in force and, therefore, a contractual reduction-in-force policy does not apply. The District requests that the PELRB dismiss the complaint.

ISSUES FOR DETERMINATION BY THE BOARD

Whether the District violated RSA 273-A:5, I (h) as charged by the Complainants.

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 Pub 203.01. 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. 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 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.

DECISION

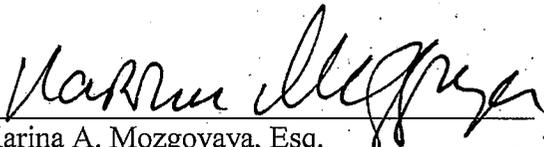
1. "Parties" means the Complainants, the District or their counsel/representative appearing in the case. The parties shall simultaneously copy each other electronically on all filings submitted in these proceedings.
2. The parties shall file their final witness and exhibit lists and a statement of stipulated facts no later than **August 10, 2013**.

HEARING

Unless otherwise ordered as a result of the filing of any subsequent motion, the adjudicatory hearing in this case will be held on **August 20, 2013 at 8:30 a.m.** at the offices of the PELRB in Concord. The time set aside for this hearing is 3 hours. If either party believes that additional time is required, a written notice of the need for additional time shall be filed with the PELRB at least 10 days prior to the date of hearing.

So ordered.

July 24, 2013


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

Distribution:

Steven R. Sacks, Esq.

Kathleen C. Pahl, Esq.