



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

**Tamworth Educational Support Personnel Association, NEA-NH**

v.

**Tamworth School Board**

**Case No. E-0025-2**

**Decision No. 2014-090**

PRE-HEARING MEMORANDUM AND ORDER

Date of Conference: April 9, 2014

Appearances:

Peter Miller, UniServ Director, for the Complainant

Matthew H. Upton, Esq., for the Respondent

Background:

On March 11, 2014 the Tamworth Educational Support Personnel Association, NEA-NH (Association) filed an unfair labor practice complaint claiming that the Tamworth School Board (School Board) violated RSA 273-A:5, I (h) and (i) when it unlawfully outsourced bargaining unit position of Technology Coordinator to an outside contractor during the term of a collective bargaining agreement. The Association requests that the PELRB order the School Board to restore the Technology Coordinator position.

The School Board denies the charges and claims that, like in *Appeal of Matthew Kennedy*, 162 N.H. 109 (2011), the elimination of the position was part of a lawful reorganization.

## ISSUES FOR DETERMINATION BY THE BOARD

Whether the School Board violated RSA 273-A:5, I (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 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.

### DECISION

1. "Parties" means the Association, the School Board 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 Association moved to continue the adjudicatory hearing currently scheduled for April 22, 2014. The School Board assented to this motion. Accordingly, the Association's motion to continue is granted. The adjudicatory hearing is rescheduled for **May 1, 2014 at 8:30 a.m.** A rescheduling notice shall issue forthwith.
3. The parties shall file their final witness and exhibit lists and a statement of stipulated facts no later than **April 21, 2014.**
4. 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.

## HEARING

Unless otherwise ordered as a result of the filing of any subsequent motion, the adjudicatory hearing in this case will be held on **May 1, 2014 at 8:30 a.m.** at the offices of the PELRB in Concord. The time set aside for this hearing is 4 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.

April 9, 2014

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

Distribution: Peter Miller, UniServ Director  
Matthew H. Upton, Esq.