



STATE OF NEW HAMPSHIRE
PUBLIC EMPLOYEE LABOR RELATIONS BOARD

White Mountains Education Association, NEA-NH

v.

White Mountains Regional School District

Case No. E-0083-4
Decision No. 2014-228

PRE-HEARING MEMORANDUM AND ORDER

Date of Conference: October 1, 2014

Appearances: Esther Kane Dickinson, Esq., for the Complainant

Barbara F. Loughman, Esq., for the Respondent

Background:

On September 2, 2014, the White Mountains Education Association, NEA-NH (Association) filed an unfair labor practice complaint alleging that the White Mountains Regional School District (District) violated RSA 273-A:5, I (a), (g), and (h) when it failed to provide contractually-required assistance to a non-tenured teacher prior to non-renewing him after four years of employment. The Association argues that had the teacher been provided the assistance to which he was entitled under the CBA and which he requested, "his non-renewal could well have been avoided." The Association requests that the PELRB find that the District violated RSA 273-A and order the District to return the teacher to his position.

The District denies the charges and asserts, among other things, that the Association misinterprets the CBA; that the District provided all the assistance required under the CBA; and

that the District has a statutory right to non-renew a probationary teacher without cause or statement of reasons. The District also asserts that the Association failed to state a claim upon which relief can be granted; and that the PELRB has no jurisdiction over the complaint because “RSA 189-14-a gives the School District the right to non-renew a probationary teacher ... without a statement of reasons or a hearing” and without giving the teacher an opportunity to improve. The District also filed a Motion to Dismiss claiming that the Association’s complaint is barred by RSA 273-A:4. The District requests that the PELRB dismiss the complaint.

ISSUES FOR DETERMINATION BY THE BOARD

Whether the District violated RSA 273-A:5, I (a), (g), and/or (h) 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.

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. The parties shall file a joint statement of stipulated facts and their final witness and exhibit lists no later than October 20, 2014.
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.

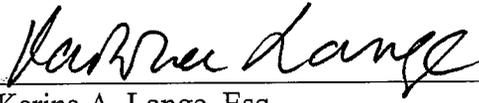
4. The parties shall pre-mark each exhibit by placing identifying markers in the upper right corner of each exhibit, if possible, and bring an original and five (5) copies of each exhibit to the hearing. To facilitate access to a particular exhibit, the parties shall use tabs to separate exhibits.

HEARING

Unless otherwise ordered as a result of the filing of any subsequent motion, the adjudicatory hearing in this case will be held on **October 30, 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.

October 1, 2014



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

Distribution: Esther Kane Dickinson, Esq.
Barbara F. Loughman, Esq.