



**State of New Hampshire**  
Public Employee Labor Relations Board

**Rye Educational Support Staff Association, NEA-New Hampshire**

v.

**Rye School District**

**Case No. E-0221-1**  
**Decision No. 2018-060**

Pre-Hearing Memorandum and Order

Date of Conference: May 10, 2018

Appearances: Esther Kane Dickinson, Esq., for the Complainant  
Michael S. Elwell, Esq., for the Respondent

Background:

On April 12, 2018, the Rye Educational Support Staff Association, NEA-New Hampshire (Association) filed an unfair labor practice complaint under the Public Employee Labor Relations Act asserting that the Rye School District (District) has violated RSA 273-A:5, I (a), (e), (g), and (h) by failing to negotiate in good faith with the Association. The Association alleges, among other things, that the District refused to make proposals in good faith and follow the ground rules signed by the parties, refused to provide necessary information to the Association, unnecessarily delayed negotiations and mediation, and engaged in bad faith negotiations by putting forward "take it or leave it" proposals and refusing to make any counterproposals. The Association requests that the PELRB find that the District committed an unfair labor practice and order the District to engage in good faith negotiations, including, among

other things, following ground rules, responding in writing to the Association's proposals, and meeting at reasonable dates and times, and to cease and desist from offering "take it or leave it" proposals.

The District denies the charges and asserts, among other things, that the Association failed to state a claim upon which relief may be granted and that the Association attempts to blame the District for its own failure to negotiate in good faith. 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), (e), (g), and/or (h) as charged by the Association.

Witnesses and Exhibits

As outlined in the parties' Pre-Hearing Worksheets. 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. At the pre-hearing conference, the Association moved to continue the hearing on the ground that the Association's lead witness will be out of town/state on the date of the hearing. The District did not object to this motion. The Association's motion to continue the hearing is granted. Accordingly, the hearing scheduled for June 8, 2018 is cancelled.

On or before May 15, 2018, the parties shall submit to the PELRB at least 4 alternative hearing dates that are acceptable to both parties. A new hearing date shall be established in a subsequent notice of rescheduled hearing.

3. 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 ten days prior to the date of hearing.
4. The parties shall exchange and file a joint statement of stipulated facts and their final witness and exhibit lists no later than 10 days prior to the date of hearing.
5. The requirement that the parties file copies of proposed exhibits prior to the date of 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 copies of each exhibit to the hearing. To facilitate access to a particular exhibit, the parties shall use tabs to separate exhibits.

So ordered.

Date:

5/10/18

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

Distribution: Esther Kane Dickinson, Esq.  
Michael S. Elwell, Esq.