



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

**Raymond School District**

v.

**Raymond Education Association, NEA-New Hampshire**

**Case No. E-0104-4**  
**Decision No. 2018-178**

Pre-Hearing Memorandum and Order

Date of Conference: September 26, 2018

Appearances: Peter C. Phillips, Esq., for the Complainant  
Peter Miller, UniServ Director, for the Respondent

Background:

On August 27, 2018, the Raymond School District (District) filed an unfair labor practice complaint under the Public Employee Labor Relations Act alleging that the Raymond Education Association, NEA-New Hampshire (Association) had violated RSA 273-A:5, II (d), (f), and (g) when it attempted to arbitrate a non-arbitrable grievance concerning a nonrenewal of a non-tenure teacher. The District asserts, among other things, that it nonrenewed a non-tenured teacher in accordance with RSA 189:14-a; that the Association grieved this nonrenewal and, after the denial of the grievance by the Superintendent and the School Board, demanded arbitration of the grievance; and that the parties' collective bargaining agreement (CBA) specifically excludes nonrenewals from the contractual grievance procedure. The District requests that the PELRB

declare that the Association's attempt to arbitrate the nonrenewal-related grievance is an unfair labor practice, order the Association to cease and desist from attempting to arbitrate the grievance, and stay the arbitration pending a final decision in this case.

The Association denies the charges and claims that the subject grievance is arbitrable under the CBA. Specifically, the Association denies that the grievance was filed "as a result of the nonrenewal notice" and asserts that the grievance does not request the reinstatement of the subject employee but, rather, requests that the District discard the summative evaluation on which the nonrenewal decision was allegedly based, assign a different evaluator to perform a new evaluation, inform the subject employee of her recall rights, and "take all other steps necessary to make the Association whole." The Association requests that the PELRB dismiss the complaint.

#### Issues for Determination by the Board.

Whether the Association violated RSA 273-A:5, II (d), (f), and/or (g) as charged by the District.

#### Witnesses and Exhibits

As outlined in the Joint Pre-Hearing Worksheet. Both parties reserve the right to amend their lists of witnesses and exhibits in conformity with Pub 203.01.

#### 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 District filed a motion to consolidate this case with *Raymond Education Association, NEA-New Hampshire v. Raymond School District*, Case No. E-0104-3. At the pre-hearing conference, the Association objected to the consolidation. A written objection to the District's motion to consolidate shall be filed no later than **October 8, 2018**.
3. The parties shall exchange final lists of witnesses and exhibits no later than 15 days prior to the date of hearing. 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.
4. The parties shall file with the PELRB final lists of witnesses and exhibits no later than 10 days prior to the date of hearing. All non-joint exhibits on the lists shall be pre-marked as either ID (if objected to) or Full by Agreement. The parties shall familiarize themselves with exhibits prior to the hearing.
5. The parties shall file a joint statement of stipulated facts no later than 10 days prior to the date of hearing.
6. 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.

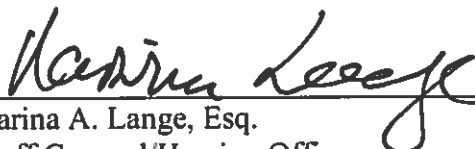
#### Hearing

Unless otherwise ordered as a result of the filing of any subsequent motion, the adjudicatory hearing in this case will be held on **November 1, 2018, at 8:30 a.m.** at the offices

of the PELRB in Concord. The time set aside for this hearing is 2 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.

Date: 9/26/2018

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

Distribution: Peter C. Phillips, Esq.  
Peter Miller, UniServ Director