

STATE OF NEW HAMPSHIRE  
PUBLIC EMPLOYEE LABOR RELATIONS BOARD

77-44  
JUN 27 1977

UNIVERSITY SYSTEM OF NEW HAMPSHIRE  
KEENE STATE COLLEGE  
CHALLENGED BALLOTS - LECTURERS

and

CASE NO. U-0601:1

KEENE STATE COLLEGE EDUCATION ASSOCIA-  
TION, Affiliated with NHEA/NEA

APPEARANCES

Representing the University System of New Hampshire:

Nicholas DiGiovanni, Jr., Esquire, Morgan, Brown, Kearns & Joy  
Gary Wulf, UNH System Personnel Office  
James Smith, Dean, UNH, Durham  
William Whybrew, Dean, Keene State College

Representing the Keene State College Education Association:

Sally Potter, Project Director, NHEA/NEA  
Sylvia Donahue, Director, Higher Education

Witnesses for the Education Association:

Stephen Hobart, Lecturer  
Jo Beth Wolf, Lecturer

FINDINGS

At the April 26 and 27, 1977 election held on each campus of the University System, prior approved lists of challenged voters were held separate and only in the case of Keene was there a possibility of the challenged ballots being determinative.

Results of the Keene election, as follows:

Out of a possible 125 voters, 122 votes were cast.  
Out of a possible 25 challenged voters, 20 votes were cast.

RESULTS:

Keene State Chapter, AAUP	18 votes
Keene State College Education Association, NHEA/NEA	34 votes
Keene State Faculty Federation, AFT	15 votes
No Representative	55 votes
<u>TOTAL VOTES CAST</u>	<u>122</u>

Hearing on the lecturers was held at 9:00 a.m., May 6, 1977, in Room 306, Legislative Office Building, Concord, New Hampshire.

Exhibits presented by the Keene State College Education Association, NHEA/NEA, the University System, letter from Homer E. Stavely, Jr., Chapter President of Keene State College Chapter, AAUP and statement from Sherman Lovering, Associate Professor, Keene State College on behalf of the Keene State Faculty Federation/AFT. Professor Lovering emphasized that Federation's position was basically that of NHEA/NEA's and Professor Stavely's letter outlined the AAUP Chapter position on the challenged ballots; i.e., that all twenty ballots (challenged) should be counted and that all twenty-five challenged members should be allowed to vote in the run-off election.

By direct testimony, the two lecturers present stated their conditions of employment with the University System of New Hampshire were, in fact, of a temporary nature and their contracts could be for a term of one-month, one-semester, or one-year. While evidence indicated there did exist a certain degree of community of interest, that degree was not sufficient to comply with the terms of the Board's original order creating a bargaining unit of only full-time faculty; and, the Board finds that lecturers did not fulfill the criteria of the May 26, 1976 decision creating a bargaining unit of "full-time" faculty.

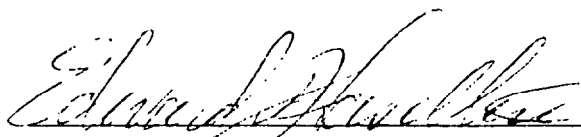
Run-off election scheduled for Keene State College campus on May 12, 1977. All parties of concern agreed they would waive all notice requirements for posting of notice of election.

The parties of concern also agreed that any appeal from the order of May 6, 1977; i.e., "Request for Rehearing" would be made by 5:00 p.m., May 10, 1977, or any appeal rights would be waived.

Both agreements signed by Sally Potter, Project Director, NHEA/NEA, Sherman Lovering, AFT, and Counsel for the University System, Nicholas DiGiovanni, Jr. Signatures witnessed by Bradford E. Cook, Esquire, Counsel for PELRB.

#### BOARD DECISION

As the preponderance of evidence indicated that the lecturers are hired with a full and complete understanding that their positions are temporary, evidenced by copies of contracts submitted and oral testimony of individual lecturers, PELRB finds that they must be excluded from the unit of full-time faculty.

  
EDWARD J. HASELTINE, CHAIRMAN  
PUBLIC EMPLOYEE LABOR RELATIONS BOARD

Oral Order issued May 6, 1977

Three members of the PELR Board present: votes 2 to 1 in favor of exclusion of the lecturers from the proposed bargaining unit. Absent: Management Representative, Edward L. Allman; and, Labor Representative, Joseph B. Moriarty, who absents himself on all University matters.