



State of New Hampshire
Public Employee Labor Relations Board

Plymouth State University Faculty - AAUP

and

Plymouth State University

Case No. E-0197-1
Decision No. 2016-070

Appearances:

Kira Schuman, Midwest Lead Organizer, American Association of University Professors, Washington, D.C., for the Plymouth State University Faculty - AAUP

Nicholas DiGiovanni, Jr., Esq., Morgan, Brown & Joy, Boston, Massachusetts and Ronald F. Rodgers, Esq., General Counsel and Secretary, University System of New Hampshire, for Plymouth State University

Background:

The Plymouth State University Faculty - AAUP (Union) filed a petition for certification under the Public Employee Labor Relations Act, RSA 273-A, on March 9, 2016. The Union has requested approval of the following proposed bargaining unit:

Unit: All tenured and tenure track faculty, including Department Chairs.

Exclusions: Contract faculty, Clinical faculty, Research faculty, Assistant Directors, Directors.

The Union's petition is supported by the requisite number of authorization cards (per the PELRB's March 18, 2016 Card Report). The proposed bargaining unit is the same as one

previously approved in *State Employees' Association of New Hampshire, SEIU Local 1984 and Plymouth State University*, Case No. E-0141-1, Decision No. 2013-133 (August 2, 2013). In that case the PELRB conducted a representation election for the approved bargaining unit and a majority voted for no representative. See PELRB Decision No. 2013-209 (October 17, 2013).

Plymouth State University did not file an answer, exceptions, or objections to the petition. In response to inquiry from the PELRB, Plymouth State University reports that given the litigation history (Case No. E-0141-1), the University "has decided not to raise any exceptions to this new petition and is ready to proceed to an election based on the union's proposed bargaining unit."

Decision and Order

Jurisdiction

The PELRB has jurisdiction over all petitions to determine bargaining units and certify the exclusive representative of an approved bargaining unit through the process of a representation election pursuant to RSA 273-A:8, 273-A:10, and Pub 300.

Discussion:

The Union has proposed a bargaining unit that was approved in prior PELRB litigation. Plymouth State University has decided not to contest the proposed bargaining unit and has notified the PELRB that it is ready to proceed to an election based upon the Union's proposed bargaining unit. In these circumstances it is appropriate to approve the proposed bargaining unit and proceed with a representation election.


Accordingly, an Order of Election shall issue and the PELRB will conduct an election pursuant to the provisions of RSA 273-A:10 and N.H. Admin. Rules, Pub 303, to determine the exclusive representative, if any, of the following unit:

Unit: All tenured and tenure track faculty, including Department Chairs.

Exclusions: Contract faculty, Clinical faculty, Research Faculty, Assistant Directors, Directors.

So ordered.

Date: March 30, 2016



Douglas L. Ingersoll, Esq.
Executive Director/Presiding Officer

Distribution: Kira Schuman, Midwest Lead Organizer
Nicholas DiGiovanni, Esq.
Ronald F. Rogers, Esq.