



State of New Hampshire
Public Employee Labor Relations Board

**University System of New Hampshire, Operating Staff
Association, NEA-NH and University System of New Hampshire
Case No. E-0203-1**

**University System of New Hampshire, Professional, Administrative and
Technical Employees, NEA-NH and University System of New Hampshire
Case No. E-0204-1**

**University System of New Hampshire, Health Services Association,
NEA-NH and University System of New Hampshire
Case No. E-0205-1**

Pre-Hearing Order
Decision No. 2017-034

This pre-hearing order is issued following the February 28, 2017 pre-hearing conference in Cases E-203-1, 204-1 and 205-1 and shall be filed in all three cases.

Issues:

- a) The appropriateness of the proposed bargaining units, including whether there is a sufficient community of interest among the positions proposed for inclusion in each unit;
- b) Whether the proposed units improperly include employees who should be excluded as "confidential" employees under RSA 273-A:1, IX (c);
- c) Whether the proposed units improperly include employees who should be excluded as or as statutory supervisors under RSA 273-A:8, II;
- d) Whether the proposed units will result in improper bargaining unit fragmentation or proliferation;
- e) Whether any approved bargaining units should be limited to the two proposed by the USNH in its answer. Per the USNH's representations at the pre-hearing conference, these two proposed units divide all the remaining and bargaining unit eligible employees at USNH into two large bargaining units which the USNH states can immediately proceed to

election. In contrast, the three units proposed by the NEA only include a portion of the positions covered by the USNH's two units, and they raise community of interest and other issues per the USNH; and

f) The extent and degree to which the USNH should be allowed to elicit evidence from approximately 600 employees holding positions in the three NEA proposed bargaining units to demonstrate an alleged lack of self-felt community of interest among employees.

Memorandum: Both parties shall file memorandum of law on or before **March 10, 2017** addressing the relevance and appropriateness of the USNH's request to examine up to 600 employees for the purpose of adducing evidence to establish that there is a lack of a self-felt community of interest, addressing, at a minimum, the points discussed during the pre-hearing conference.

Final Witness Lists: To be filed on or before **March 17, 2017** and to include the title/position of the witness and an outline of the expected scope of testimony,

Final Exhibit Lists: To be filed on or before **March 17, 2017**. All exhibits shall be pre-marked prior to hearing, and four copies provided at hearing. Exhibits that are stipulated should be marked as full exhibits and listed as such on the final exhibit lists.

Final Stipulated Facts: To be filed on or before **March 17, 2017**.

Hearing Time: The USNH has estimated that 150 hearing hours will be required to present evidence on self-felt community of interest and an additional 150 hours on other matters, for a total of 300 hearing hours (100 hours per case). These hearing time estimates appear to be excessive and beyond what is reasonable necessary for the presentation of evidence given the issues in these cases. Accordingly, 21 hours of hearing time is being scheduled for each case, using the existing hearing dates already scheduled and noticed, and the additional days for hearing (if needed) established at the pre-hearing conference. The parties shall plan and organize their evidence accordingly.

Hearing Dates: March 22, 23, 24, 29, 30, 31 2017 and April 4, 5 and 6, 2017.

Hearings shall begin at 8:30 a.m. and continue until 5:00 p.m. Case E-0204-1 will be heard first, followed by E-0203-1 and E-0205-1. This hearing schedule is subject to review based upon the additional order to issue (either before or during hearing) on the USNH's referenced request to examine up to 600 employees on the alleged absence of a self-felt community of interest.

So ordered.

Date: March 3, 2017


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