

SEA/SEIU Local 1984 v. Community College System of New Hampshire (Adjunct Faculty),
Decision No. 2016-293 (Case No. G-0154-3).

Background: The Union filed an unfair labor practice complaint claiming that the CCSNH violated RSA 273-A:3, RSA 273-A:5, I (a), (e), (f), & (g), and RSA 273-A:11, II when it improperly refused to bargain with the Union over tutoring services some adjuncts provided. The Union also claimed that the CCSNH improperly failed to compensate a bargaining unit employee for tutoring work he missed in order to participate in impasse mediation as part of the Union bargaining team. The CCSNH denied the charges and claimed that any tutoring work adjuncts may perform was outside the scope of bargaining unit work covered by the certification and therefore the CCSNH had no obligation to bargain tutoring work proposals. The CCSNH also asserted that the Union's claim based upon the CCSNH's refusal to compensate an employee for lost tutoring hours attributable to the scheduling of the impasse mediation should be denied because the employee volunteered to serve on the bargaining team and because tutoring was not bargaining unit work. The CCSNH also sought dismissal on the ground that the complaint was untimely.

Decision: The CCSNH's request for dismissal based upon the six month limitation period was denied. The Board found that tutoring service provided by adjuncts in this case was not bargaining unit work. The Union's claim based on the CCSNH's refusal to bargain over tutoring services was dismissed. Additionally, by a 2-1 vote (board members Andrew Eills and James M. O'Mara, Jr. in the majority, and board member Senator Mark Hounsell in the minority), a majority of the Board found that under RSA 273-A:11, II, the subject employee was not entitled to compensation for lost tutoring income when he attended the impasse mediation because he did not lose any bargaining unit income. That claim was dismissed as well.

Disclaimer: This summary is intended to provide a brief description of the issues in this case and the outcome. The summary is not a substitute for the decision, should not be relied upon in place of the decision, and should not be cited as controlling or relevant authority in PELRB proceedings or other proceedings.