



State of New Hampshire

PUBLIC EMPLOYEE LABOR RELATIONS BOARD

ADJUNCT ASSOCIATION OF KEENE
STATE COLLEGE/NEA-NEW HAMPSHIRE

Petitioner

v.

TRUSTEES OF THE UNIVERSITY SYSTEM/
KEENE STATE COLLEGE

Respondent

CASE NO. U-0614

DECISION NO. 1999-072

PRE-HEARING CONFERENCE MEMORANDUM AND ORDER

BACKGROUND

On June 2, 1999, Adjunct Association of Keene State College, NEA-NH filed a petition requesting the certification of a 147 member bargaining unit to consist of all adjunct faculty at Keene State College. The University System's exceptions were received on June 15, 1999. A pre-hearing conference was held at the offices of the Board on July 21, 1999, at which Mary Gaul, NEA Monadnock UniServ Director, represented the Association and Nicholas DiGiovanni, Jr., Esq. represented Trustees of the University System, Keene State College.

Adjunct faculty members were the subject of a decision of the PELRB at a hearing to certify full-time faculty in 1977. At that time, it was ruled that adjunct faculty were not public employees covered by RSA 273-A. The Association intends to demonstrate that that decision does not preclude this petition. The College contends that the prior decision applies and that the facts of this case still warrant a determination that these are temporary employees precluded from organizing under the statute.

STIPULATED ISSUES

1. Whether the doctrine of *res judicata* applies to preclude relitigation of this matter.

2. Whether the facts as they exist today are markedly different from the facts determined in 1977 so affecting the issue presented.
3. Whether adjunct faculty members are "public employees" or "temporary employees" within the meaning of the statute.

ADDITIONAL STIPULATIONS

There is no issue as to probationary employees.

The proposed bargaining unit members include those who have taught credit courses at any time during the 1998-99 academic year and who began or continued their employment as teachers in the autumn of 1998.

The following are not within the proposed unit:

1. those who teach courses for which no credit is given.
2. those who teach for no compensation
3. PATs (Professional-Administrator-Technical) who do some instruction as part of their regular duties.
4. any tenure or tenure track employees.
5. faculty in residence (FIRS)

EVIDENCE

Five days before the hearing, the parties will supply a list of the documents that they intend to present as evidence. The following numbers have been reserved:

Association Exhibit #1 - College prepared list of adjuncts and their time teaching at Keene.

Association Exhibit #2 - Documents relating to the evaluation process.

Association Exhibit #3 - (Reserved)

Association Exhibit #4 - Copies of course offerings published by the college.

College Exhibit #1 - Collective bargaining agreement for full-time faculty. One copy has been pre-marked.

College Exhibit #2 - Contract for part-time faculty. One copy has been pre-marked.

WITNESSES

Final witness lists will be provided to this office five days before the hearing.

The Association will present Ellen Moynihan, President of the Adjunct Association, and Bonnie Insoll, an officer of the Association. Both will testify about different aspects of the relationship between the College, the adjuncts and the Association. The Association requests latitude in cross-examining Robert Golden in lieu of calling him directly as a witness. The Association may have additional witnesses.

The College will call Robert Golden, Vice President for Academic Affairs, three deans of divisions of the college, Gordon Leverage, Anne Whaling and Michael Haynes, as well as the Director of Continuing Education, Bob Baker. The director of human resources may also testify.

TIME REQUESTED AND METHOD OF CLOSING

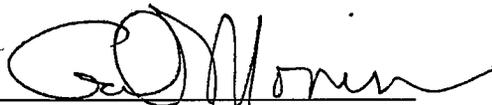
Each side will be allowed three hours to present its case. Care will be taken to avoid repetition and offers of proof are urged. The parties agree to reserve for hearing both September 9 and 10, 1999. The parties have chosen post-hearing submission of briefs over oral closing. James Allmendinger, Esq. may represent the Association at the hearing and on the brief. This office will be timely notified of this change.

DECISION AND ORDER

A hearing on this matter is in order and one full day shall be reserved for that purpose. Notice of a hearing to be held on September 10, 1999, shall be sent forthwith. Briefs shall be submitted fourteen days thereafter. The agreements of the parties addressed herein are adopted as they pertain to the hearing.

So ordered.

Signed this 23rd day of July, 1999.


Gail C. Morrison
Hearing Officer