

New Hampshire and UNH Law Faculty Union and University System of New Hampshire,
Decision No. 2014-256 (Case Nos. E-0082-5 & E-0166-1, Consolidated).

Background: The AAUP filed an agreed upon modification petition seeking to add Law School tenured & tenure-track faculty to the AAUP-UNH bargaining unit. Four UNH Law professors filed a petition to intervene, stating that: 1) the modification petition inappropriately disregarded an existing, albeit unofficial, law school bargaining unit known as the “Voting Faculty of the UNH School of Law;” 2) the existing UNH Law faculty has not been involved in any meaningful discussion of unionization or unit composition issues; 3) the proposed modification excluded some UNH Law positions/employees to their detriment, and that a more broadly based unit or a unit of UNH Law Voting Faculty was appropriate; and 4) the University System (USNH) was bound by existing UNH Law tenure contracts which cannot be altered as contemplated and proposed by the modification petition. The AAUP objected to the petition to intervene. The USNH filed a limited objection stating that the petition to intervene should be allowed only for the limited purpose of allowing UNH Law Faculty to address community of interest issues at hearing.

Thereafter, the Law Faculty Union filed a certification petition requesting that the PELRB conduct a secret ballot representation election for the proposed bargaining unit consisting of tenured and tenure-track faculty and contract faculty. The USNH filed an objection to the certification petition raising community of interest and fragmentation concerns.

Decision: The modification and certification cases were consolidated for hearing and the petition to intervene was granted. The Hearing Officer found that there was a sufficient community of interest among UNH Law Faculty to justify their placement in the same bargaining unit. The evidence was insufficient to show that the UNH suffered from a plethora of bargaining units or that approval of the proposed UNH Law Faculty unit would impose any administrative impact on the USNH or interfere with government operations. The use of election proceedings under the PELRA to resolve questions like those presented in this case was another basis for dismissal of the modification petition and approval of the certification petition. The modification petition was dismissed. The petition for certification requesting approval of a proposed bargaining unit of UNH Law faculty was granted. The bargaining unit status of the Staff Adjunct VII position remained to be determined.

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.