

KSC Admin. Staff Assoc., NEA-NH, Case No. E-0189-4; KSC Staff Assoc., NEA-NH, Case No. E-0190-5; & KSC Directors & Supervisors Assoc., NEA-NH v. Keene State College, Decision No. 2023-078 (Case Nos. E-0189-4; E-0190-5; E-0191-6)

Background: The Unions claimed the KSC violated RSA 273-A:5, I (a), (b), (c), (e), (g), (h), & (i). The complaint is based upon the KSC’s treatment of “Introductory employees” who are filling a bargaining unit position. The Unions argue that the KSC (1) treated introductory employees as probationary employees under RSA 273-A:1, IX (d); (2) unilaterally removed introductory employees from the bargaining units without following applicable PELRB rules; (3) communicated with them about union membership; (4) engaged in communications with introductory employees in violation of the Unions’ rights as exclusive representatives of the bargaining units; and (5) violated provisions of the collective bargaining agreement (CBA), such as the salary increase and ratification bonus included in the 2022-25 CBA, contrary to how the 2017-20 CBA was administered. The KSC denied the charges claiming that “Introductory Employee” was the KSC term for an RSA 273-A:1, IX probationary employee and that the PELRB lacks jurisdiction over a claim involving probationary employees. The KSC asserted that the Unions do not represent introductory employees, and they are not covered by the 2022-25 CBA. The KSC also argued that the complaint was time-barred by the RSA 273-A:6, VII six month limitation period, and the Unions had failed to exhaust all administrative remedies.

Decision: The PELRB found that Introductory employees were probationary employees under RSA 273-A:1, IX (d) and the PELRB lacked jurisdiction over many of the Unions’ claims. Other claims were barred by the six-month limitation period set forth in RSA 273-A:6, VII. There was otherwise insufficient evidence to prove that the KSC had committed unfair labor practices as charged. The complaint was dismissed.

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.