



COMMONWEALTH OF PENNSYLVANIA

October 28, 2021

Shannon D. Farmer, Esquire
BALLARD SPAHR LLP
1735 Market Street, 51st Floor
Philadelphia, PA 19103

UNIVERSITY OF PITTSBURGH
Case No. PERA-R-19-2-W

Enclosed is a copy of the NISI ORDER OF CERTIFICATION issued in the above-captioned matter. You are directed to post this Order for a period of five (5) days on the bulletin boards at all work locations of employees in the appropriate unit. You may duplicate this Order in whatever quantity is necessary for posting.

Please file an affidavit of compliance of the required posting with this office.

Also enclosed is one (1) copy of the Mediation Notice form (LIMS-103) with instructions thereon as set forth in Article VIII, Section 801 of the Public Employee Relations Act.

Please be advised that 34 Pa. Code § 95.71 requires that copies of all collective bargaining contracts entered into between a public employer and a duly certified employee representative following the issuance of a certification shall be filed with the Board within a period of thirty (30) days after the date of the execution thereof.

Sincerely,

/s/ Warren R. Mowery, Jr.

WARREN R. MOWERY, JR.
Board Representative

jg

Enclosure: 1 copy of Certification

cc: Brad Manzolillo, Esquire (Certified)
Meredith Swartz-Dante, Esquire
Patrick Gallagher
Robin Sowards

COMMONWEALTH OF PENNSYLVANIA
Pennsylvania Labor Relations Board

IN THE MATTER OF THE EMPLOYES OF :
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UNIVERSITY OF PITTSBURGH : Case No. PERA-R-19-2-W
:

NISI ORDER OF CERTIFICATION

On January 18, 2019, United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union, AFL-CIO, CLC (Steelworkers or Union) filed a Petition for Representation with the Pennsylvania Labor Relations Board (Board), alleging a thirty percent showing of interest and seeking to represent a unit of approximately 3,500 professional employees, including all full-time and regular part-time tenure-stream and non-tenure-stream faculty and librarians in the Provost Area, Health Science Schools, and School of Law, employed by the University of Pittsburgh (Pitt, University or Employer) at all campuses in the Commonwealth; and excluding faculty in the School of Medicine, research associates, post-doctoral associates, graduate student employees, non-faculty professionals, and all non-professionals, guards, supervisors, managerial and confidential employees as defined in the Public Employee Relations Act (PERA or Act).

On February 8, 2019, the Secretary of the Board issued an Order and Notice of Hearing, in which the matter was assigned to a pre-hearing conference for the purpose of resolving the matters in dispute through mutual agreement of the parties, and designating March 14, 2019, in Pittsburgh, as the time and place of hearing, if necessary.

On March 26, 2019, the Board received an employee list from the University purporting to contain the names of employees in the proposed unit as of the filing date of the Petition. On April 9, 2019, the Secretary of the Board issued a letter rescinding the Order and Notice of Hearing and dismissing the Petition, stating that upon investigation the Union's showing of interest was less than the thirty percent as required by the Board's Rules and Regulations, 34 Pa. Code Sections 95.1 and 95.14. On April 25, 2019, the Union filed exceptions to the decision of the Secretary. On June 18, 2019, the Board issued an Order Directing Remand to the Secretary for Further Proceedings to address the factual and legal issues regarding the accuracy of the employee list provided by the University. On June 25, 2020, after multiple days of hearings, the Hearing Examiner determined that the employee list was inaccurate and issued an Order Returning the Matter to Secretary for Showing of Interest Determination. Based on the June 25, 2020 Order, it was determined that the Union's showing of interest was adequate.

Thereafter, the parties did not agree on an appropriate unit and therefore a hearing in this matter was held on October 26, 2020; October 29, 2020; November 11, 2020; December 4, 2020; December 11, 2020; and December 18, 2020. All parties in interest were afforded a full opportunity to present testimony, cross-examine witnesses, and introduce documentary evidence. The parties filed simultaneous reply briefs on March 12, 2021.

On April 16, 2021, the Hearing Examiner issued an Order Directing Submission of Eligibility List (ODSEL) resolving all outstanding issues and directing the Employer to submit a list of names and addresses of the employees in the unit found appropriate, comprised of all full-time and regular part-time tenure-stream and non-tenure-stream faculty and librarians in the Provost Area, Health Science Schools, and School of Law, employed by the University of Pittsburgh at all campuses in the Commonwealth; and excluding faculty in the School of Medicine, research associates, post-doctoral associates, graduate student employees, non-faculty professionals, and all non-professionals, guards, supervisors, managerial and confidential employees as defined in the Act. That list was received by the Board on May 6, 2021.

On July 16, 2021, an Order and Notice of Election was issued directing that a secret ballot election be held and conducted by United States mail among the employees of the Employer to ascertain the exclusive representative, if any, for the purpose of collective bargaining with respect to wages, hours, and other terms and conditions of employment in a subdivision of the employer unit comprised of all full-time and regular part-time tenure-stream and non-tenure-stream faculty and librarians in the Provost Area, Health Science Schools, and School of Law, employed by the University of Pittsburgh at all campuses in the Commonwealth; and excluding faculty in the School of Medicine, research associates, post-doctoral associates, graduate student employees, non-faculty professionals, and all non-professionals, guards, supervisors, managerial and confidential employees as defined in the Act.

The election was conducted by election officers assigned by the Board.

The Board Representative, from all matters and documents of record, makes the following:

FINDINGS OF FACT

That FINDINGS OF FACT numbers 1 through 51 inclusive, as set forth in the ODSEL and the Order and Notice of Election dated July 16, 2021, are hereby affirmed and incorporated by reference herein and made a part hereof.

52. That the Board conducted a secret ballot election by United States mail among the employees of the Employer within the heretofore defined appropriate unit in accordance with the Order and Notice of Election issued July 16, 2021.

53. That the question voted on was whether the eligible employees in the appropriate unit wished to be represented by United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union, AFL-CIO, CLC, or whether said employees wished no representative.

54. That the ballots were canvassed, tallied and counted on October 19, 2021 in Harrisburg, Pennsylvania, in accordance with the Order and Notice of Election issued July 16, 2021.

55. That two thousand two hundred and seventy-one (2,271) ballots were cast at the election.

56. That of the two thousand two hundred and seventy-one (2,271) ballots, one thousand five hundred and eleven (1,511) ballots were cast in favor of representation by United Steel, Paper and Forestry, Rubber,

Manufacturing, Energy, Allied Industrial and Service Workers International Union, AFL-CIO, CLC; six hundred and twelve (612) ballots were cast for No Representative; and eighty (80) ballots were cast by persons whose votes were challenged. Sixty-eight (68) ballots were void.

57. That the duly appointed watchers in attendance at the election have certified that the counting and tabulating were fairly and accurately done, that the secrecy of the ballot was maintained, and that the results were as indicated above.

DISCUSSION

The Board will neither open, canvass nor pass upon the validity of the ballots cast by persons whose votes were challenged since their inclusion in the total votes cast would have no material effect upon the results of the election.

CONCLUSIONS

The Board Representative, therefore, after due consideration of the foregoing and the record as a whole, and more particularly in consideration of the election conducted by United States Mail, concludes and finds:

That CONCLUSIONS numbers 1 through 15 inclusive, as set forth in the aforesaid ODSEL and the Order and Notice of Election, are hereby affirmed and incorporated by reference herein and made a part hereof.

16. That a majority of the valid votes cast by employees in the aforesaid appropriate unit designated United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union, AFL-CIO, CLC, as the exclusive representative for the purpose of collective bargaining with the Employer.

17. That United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union, AFL-CIO, CLC, is the exclusive representative of all the employees of the Employer within the heretofore defined appropriate unit for the purpose of collective bargaining with respect to wages, hours, and other terms and conditions of employment.

In view of the foregoing and in order to effectuate the policies of the Act, the Board Representative hereby

CERTIFIES

that UNITED STEEL, PAPER AND FORESTRY, RUBBER, MANUFACTURING, ENERGY, ALLIED INDUSTRIAL AND SERVICE WORKERS INTERNATIONAL UNION, AFL-CIO, CLC

is the EXCLUSIVE REPRESENTATIVE of the employees of the above-named Employer in the unit described below for the purpose of collective bargaining with respect to wages, hours, and other terms and conditions of employment.

UNIT: All full-time and regular part-time tenure-stream and non-tenure-stream faculty and librarians in the Provost Area, Health Science Schools, and School of Law, employed by the University of Pittsburgh at all


campuses in the Commonwealth; and excluding faculty in the School of Medicine, research associates, post-doctoral associates, graduate student employes, non-faculty professionals, and all non-professionals, guards, supervisors, managerial and confidential employes as defined in the Act.

IT IS HEREBY ORDERED AND DIRECTED

that in the absence of any exceptions filed pursuant to 34 Pa. Code § 95.98 within twenty (20) days of the date hereof, this Decision and Order shall become and be absolute and final.

SIGNED, DATED and MAILED this twenty-eighth day of October, 2021,
pursuant to 34 Pa. Code 95.96(b).

PENNSYLVANIA LABOR RELATIONS BOARD



WARREN R. MOWERY, JR.
Board Representative



pennsylvania

DEPARTMENT OF LABOR & INDUSTRY

BUREAU OF MEDIATION

**Pennsylvania Public Employee
Relations Act (195)
Notice to Bureau of Mediation**

Status: _____

File Number: _____

Date: _____

In accord with the provisions of Section 801 of the Public Employee Law, Act 195, of 1970, you are hereby notified that a dispute exists between the following parties:

Name of Public Employer

Name of Employee Organization

Street or Rural No.

Street or Rural No.

City/Municipality County Zip Code

City/Municipality County Zip Code

Name and telephone Number of Employer
Chief Negotiator/Representative

Name and telephone Number of Employee
Chief Negotiator/Representative

E-mail

E-mail

Employee work activity

Number of employees in bargaining unit

Check if guard or court related ☐

Check if 1st contract ☐ Renewal ☐

Budget submission date

Contract expiration or reopener date

Filed in Behalf of:

☐ Employer

☐ Employee

Representative Signature

Section 801, Act 195 states "...if no agreement is reached between the parties within twenty-one (21) days after negotiations have commenced, but in no event later than one hundred fifty (150) days prior to the "budget submission date", and mediation has not been utilized by the parties, **BOTH PARTIES SHALL IMMEDIATELY CALL IN THE SERVICE OF THE PENNSYLVANIA BUREAU OF MEDIATION.**"

This notice to the Bureau of Mediation shall be given in writing by the submission of this form.

Department of Labor & Industry | Bureau of Mediation | 651 Boas Street, Room 413 | Harrisburg, PA 17121-0750
717.787.2803 | Fax 717.705.6329 | www.dli.state.pa.us

*Auxiliary aids and services are available upon request to individuals with disabilities.
Equal Opportunity Employer/Program*