

COMMONWEALTH OF PENNSYLVANIA  
Pennsylvania Labor Relations Board

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

**ORDER DIRECTING SUBMISSION OF ELIGIBILITY LIST**

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 employes, 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 employes, non-faculty professionals, and all non-professionals, guards, supervisors, managerial and confidential employes as defined in the Public Employee Relations Act (PERA or Act).

On January 25, 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 employe list from the University purporting to contain the names of employes in the proposed unit as of the filing date of the Petition. On April 9, 2019, the Secretary of the Board issued a Nisi Decision that canceled the hearing on the Petition and held that 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 this order by 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 employe list provided by the University. On June 25, 2020, after multiple days of hearings, the undersigned Hearing Examiner determined that the employe list was inaccurate and issued an Order Returning the Matter to Secretary for Showing of Interest Determination. The Secretary determined that the Union's showing of interest was adequate.

Thereafter, the parties could not agree an appropriate unit and 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 their post-hearing briefs simultaneously on February 26, 2021. The parties filed simultaneous reply briefs on March 12, 2021.

The Hearing Examiner, on the basis of the evidence presented at the hearing, and from all other matters and documents of record, makes the following:

**FINDINGS OF FACT**

1. The University is a public employer within the meaning of Section 301(1) of PERA.

2. The Union is an employe organization within the meaning of Section 301(3) of PERA.

3. The petitioning Union has an adequate showing of interest as defined by the Act.

3. On November 11, 2020, the Parties agreed to joint stipulations resolving many of the issues in this matter. (11/11/20 N.T. 8; Joint Exhibit 1).

4. The petition requests to represent a unit of approximately 3,500 professional employes. The number of professional employes in the petitioned for unit is more accurately described as approximately 3,000. (Union Exhibit 3 at 78).

5. Any employe whose primary employment type is not "Faculty" shall be excluded from the voter eligibility list, including individuals with faculty appointments who are classified as "Executive" or "Staff" or "Post-Docs". (Joint Exhibit 1).

6. Any employe whose status with the University is as an unpaid volunteer shall be excluded from the voter eligibility list. (Joint Exhibit 1).

7. Part-time faculty shall be eligible to vote by meeting either of the two following criteria:

A. Employment in any two (2) of the three (3) most recent Fall, Summer and Spring semesters [e.g. the semester in which the election takes place and the two previous semesters];

OR

B. Meeting both of the following:

i. Employment in any one (1) of the three (3) most recent Fall, Summer and Spring semesters [e.g. the semester in which the election takes place and the previous semesters];

AND

ii. Employment in any one (1) of the six (6) most recent Fall, Summer and Spring semesters preceding the semesters in criterion (B)(i).

(Joint Exhibit 1).

8. Employees on long-term disability shall be excluded from the voter eligibility list as casual employees. Any other employee on a leave of absence shall be included. (Joint Exhibit 1).

9. Individuals serving in the following positions anywhere in the University shall be excluded from the voter eligibility list as supervisory or managerial pursuant to PERA:

- A. Department Chair
- B. Division Chief
- C. Division Chair
- D. Vice Chair
- E. Provost
- F. Vice Provost
- G. Vice Chancellor
- H. Associate Vice Provost
- I. Associate Vice Chancellor
- J. Deans
- K. Senior Associate Dean
- L. Vice Dean
- M. Associate Dean
- N. Campus President
- O. Regional Vice President
- P. Assistant Dean

(Joint Exhibit 1).

10. Individual serving in the following positions in the University Library System ("ULS") shall be excluded from the voter eligibility list as supervisory or managerial pursuant to PERA:

- A. Associate University Librarians
- B. Director of ULS
- C. Director of Administrative Services
- D. Director of Assessment and Quality Assurance
- E. Director of Communications and Web Services
- F. Director, Millstein Library and Coordinator, Regional ULS Libraries
- G. Director, Hanley Library
- H. Head, Haskell Memorial Library
- I. Head, Owen Library
- J. Head, Technical Services
- K. Coordinator of Special Collections
- L. Head of Public Services for Hillman Library
- M. Head, Bevier Engineering Library
- N. Head, Chemistry Library and Langley Library
- O. Head, Music Library
- P. Head, Frick Fine Arts Library

(Joint Exhibit 1).

11. Individuals serving as Directors (and Associate or Assistant Directors where noted) of the following centers, programs, laboratories and institutes shall be excluded from the voter eligibility list as supervisory or managerial positions under PERA:

Academic Advising Center	Arts and Sciences
Allegheny Observatory	Arts and Sciences
Architectural Studies Program	Arts and Sciences
Discipline Based Science Education Research Center	Arts and Sciences
Film and Media Studies Program	Arts and Sciences
Gender, Sexuality, Women's Studies Program	Arts and Sciences
Less Commonly Taught Languages Center	Arts and Sciences
Pittsburgh Quantum Institute (Co-Directors)	Arts and Sciences
Pymatuning Laboratory of Ecology	Arts and Sciences
Urban Studies Program	Arts and Sciences
Writing Center	Arts and Sciences
Accounting Area Director	Business
Center for Branding	Business
Center for Executive Education	Business
Director of Operations and Analytics	Business
Finance Area Director	Business
Information Systems and Tech Management Area Director	Business
Marketing and Business Economics Area Director	Business
Organizations and Entrepreneurship Area Director	Business
Intelligent Systems Program	Computing and Information
School Inclusion Institute (i3: Imagine, Immerse, Inspire)	Computing and Information
MOMACS (Founding Director and Executive Director)	Computing and Information
Center for Craniofacial and Dental Genetics	Dental
Center for Craniofacial Regeneration	Dental
Center for Urban Education (Director and Associate Director)	Education
Falk Laboratory School (Director and Assistant Director)	Education
Health Lifestyle Institute	Education
Institute for International Studies in Education	Education
Office of Child Development	Education
Center for Faculty Excellence	Engineering
Engineering Education Research Center	Engineering
Human Movement and Balance Laboratory	Engineering
Manufacturing Assistance Center	Engineering
Mascaro Center for Sustainable Innovation (Co-Directors)	Engineering

McGowan Institute for Regenerative Medicine (Director and Executive Director)	Engineering
Musculoskeletal Research Center	Engineering
Radio Frequency Identification (RFID) Center of Excellence	Engineering
University of Pittsburgh Center for Advanced Manufacturing (Co-Directors)	Engineering
Biostatistics Facility of Pitt Cancer Institute	GSPH
Center for Bioethics and Health Law	GSPH
Epidemiology Data Center (Co-Directors)	GSPH
Evaluation Institute for Public Health	GSPH
PA MidAtlantic AIDS Education and Training Center	GSPH
Pitt Men's Study	GSPH
Center for Governance and Markets	GSPIA
Center for Metropolitan Studies	GSPIA
Ford Institute for Human Security	GSPIA
Johnson Institute for Responsible Leadership	GSPIA
Matthew B. Ridgeway Center for International Security Studies	GSPIA
Center for International Legal Education	Law
Center for Research and Evaluation	Nursing
Center for Community Leadership and Innovation in Practice	Pharmacy
Center for Education and Drug Abuse Research	Pharmacy
Center for Pharmacogenetics	Pharmacy
Computational Chemical Genomics Screening Center	Pharmacy
Institute for Cyber Law, Policy and Security	Provost
LRDC	Provost
Center for Balance Disorders	SHRS
Center for Rehab Services	SHRS
HERL	SHRS
Neuromuscular Research Lab	SHRS
Child Welfare Education and Research Program	Social Work
Child Welfare Resource Center	Social Work
Aging Institute	School of Medicine
Alzheimer's Disease Research Center	School of Medicine
Asthma Institute	School of Medicine
Brain Institute	School of Medicine
Center for Sports Medicine	School of Medicine
Center for Vaccine Research	School of Medicine
Clinical and Translational Science Institute	School of Medicine
Clinical Research, Investigation, and Systems Modeling of Acute Illness Center	School of Medicine

Director of Interdisciplinary Biomedical Graduate program	School of Medicine
Director of MD Program	School of Medicine
Director of PhD in Clinical and Translational Science	School of Medicine
Drug Discovery Institute	School of Medicine
Heart and Vascular Institute	School of Medicine
Heart, Lung and Esophageal Surgery Institute	School of Medicine
Inflammatory Bowel Disease Center	School of Medicine
Institute for Clinical Research Education	School of Medicine
Institute for Doctor-Patient Communication	School of Medicine
Institute for Infection, Inflammation and Immunity in Children	School of Medicine
Institute for Precision Medicine	School of Medicine
Institute to Enhance Palliative Care	School of Medicine
Magee-Women's Research Institute	School of Medicine
Ophthalmology and Visual Sciences Research Center	School of Medicine
Peter M. Winter Institute of Simulation Education and Research (WISER)	School of Medicine
Pittsburgh Center for Kidney Research	School of Medicine
Pittsburgh Hearing Research Center	School of Medicine
Pittsburgh Institute for Neurodegenerative Diseases	School of Medicine
Pittsburgh Liver Research Center	School of Medicine
Thomas E. Starzl Transplantation Institute (3 Directors)	School of Medicine
UPMC Hillman Cancer Center	School of Medicine
Vascular Medicine Institute	School of Medicine

(Joint Exhibit 1).

12. The University maintains campuses throughout Pennsylvania in Pittsburgh (Oakland), Johnstown, Greensburg, Titusville and Bradford. (10/26/20 N.T. 37; Union Exhibit 3 at 3).

13. At the University's main campus in Oakland, the Cathedral of Learning is considered the center of campus, and houses several schools, while other schools are located in other buildings within several blocks. (10/26/20 N.T. 54-55, 10/29/20 N.T. 188-189; Union Exhibit 3 at 13).

14. The Oakland campus is divided into numerous schools: Kenneth P. Dietrich School of Arts and Sciences, Joseph M. Katz Graduate School of Business, School of Computing and Information, School of Dental Medicine, School of Education, Swanson School of Engineering, School of Health and Rehabilitation Sciences, School of Law, School of Medicine (SOM), School of Nursing, School of Pharmacy, Graduate School of Public and International Affairs, and the Graduate School of Public Health and School of Social Work. (University Exhibit 3 at 11-17).

15. Faculty in the petitioned-for unit and the School of Medicine are employed by the University of Pittsburgh and work at its primary Oakland campus or one of its satellite campuses. (10/26/20 N.T. 42-44, 56-57; 10/29/20 N.T. 194).

16. Faculty in the petitioned-for unit and the School of Medicine are provided office and classroom space by the University. (10/26/20 N.T. 43-44, 56-57, 10/29/20 N.T. 200-201).

17. Faculty in the petitioned-for unit and the School of Medicine all perform work that is intellectual in nature. Advanced degrees are required for all faculty positions. (10/26/20 N.T. 35-36, 44, 137, 10/29/20 N.T. 195, 201).

18. A faculty member's primary work duties are teaching, research and academic service. Faculty provide instruction for students enrolled in undergraduate, graduate (masters and doctoral), and professional degree programs, as well as a number of certificate programs. With regard to teaching, the general duties are to develop a syllabus, prepare and teach classes, prepare assignments, and provide feedback to students. Full-time and part-time faculty have similar general teaching responsibilities. (10/26/20 N.T. 30-32, 39-40, 10/29/20 N.T. 191-195; Union Exhibit 3 at 4).

19. Faculty in the petitioned-for unit and the School of Medicine are subject to the University-wide Faculty Handbook. The Handbook includes general policies on appointment, promotion, tenure, non-renewal, ranks, qualifications for membership in the graduate faculty, grievances and joint appointments. (10/26/20 N.T. 46-48, 64, 12/4/20 N.T. 38-39, 52-53, 63, 73, 75, 11/11/20 N.T. 23, 62-63, 78-79; Union Exhibit 2 at 23-49, Union Exhibit 29, Union Exhibit 35, University Exhibit 11, University Exhibit 13 at 1).

20. School of Medicine faculty serve alongside faculty in the petitioned-for unit on governing bodies of the University, including the University Senate, Senate committees, and Provost committees, and various initiatives. (12/4/20 N.T. 77; University Exhibits 24 through 39).

21. All faculty are paid a salary on a monthly basis by the University's centralized payroll, regardless of school or campus. (12/4/20 N.T. 24-25, 11/11/20 N.T. 86, 91, 94; Union Exhibit 2 at 93).

22. All faculty are entitled to uniform fringe benefits regardless of school, including education benefits, medical insurance, disability benefits and retirement. (11/11/20 N.T. 102-103; Union Exhibit 2 at 94-109; Union Exhibit 5).

23. Within the faculty, there are various categories of appointments, including tenured, tenure-stream, and appointment-stream/non-tenure stream.

Tenure refers to faculty who have reached a level of distinction among their peers in their area of expertise. Although tenured faculty continue to be evaluated, there is an expectation of lifelong employment, and it is very rare for faculty to be de-tenured. The phrase tenure-stream refers to a faculty member who does not yet have tenure but is eligible for consideration in the future. Appointment-stream, or non-tenure stream, refers to faculty who are not eligible for tenure, but may still be re-appointed in the future. Faculty are further subdivided by rank, such as professor, associate professor and assistant professor. (11/11/20 N.T. 30-34; Union Exhibit 3 at 5).

24. The distribution of time spent on teaching, research and service varies by discipline across the University, but all tenured and tenure-stream faculty must dedicate a certain amount of time to each objective. Appointment stream and part-time faculty do not share in this tripartite mission, and are not expected to engage in all aspects of that mission. (10/26/20 N.T. 39, 81-83, 10/29/20 N.T. 208-209; 11/11/20 N.T. 24-29).

25. Pitt's Board of Trustees ultimately oversees the governance of the University. (10/26/20 N.T. 65; Union Exhibit 3 at 22).

26. The Chancellor reports to the Board of Trustees and acts as Chief Executive Officer for the University. (10/26/20 N.T. 65-66, 11/11/20 N.T. 14; Union Exhibit 3 at 22).

27. The Provost, who is primarily responsible for overseeing the academic endeavors of the University as Pitt's Chief Academic Officer, reports to the Chancellor. (11/11/20 N.T. 14, 129; 12/4/20 13-14; Union Exhibit 3 at 23-25).

28. Reporting to the Provost are various vice provosts, the deans of the different schools and the regional campus presidents. (11/11/20 N.T. 14-15; Union Exhibit 3 at 25-26).

29. The deans and regional campus presidents manage the operation of each school or campus in accordance with University policy and procedure. (11/11/20 N.T. 15-16; Union Exhibit 3 at 25, 28).

30. Each school is typically broken down by departments, led by a chair, and may also include separate academic programs, led by a director. (10/26/20 N.T. 67-68, 12/4/20 N.T. 13).

31. The Health Sciences schools are the School of Medicine, the School of Dental Medicine, the School of Pharmacy, the School of Health and Rehabilitation Sciences, the School of Nursing, and the Graduate School of Public Health. (12/4/20 N.T. 28).

32. The Health Sciences schools report to the Senior Vice Chancellor for the Health Sciences. The Senior Vice Chancellor for the Health Sciences, who is also the Dean of the SOM, exercises administrative authority over all of the Health Sciences schools, which include the School of Medicine. He reports to the Provost, particularly as to academic matters and faculty appointments. (10/26/20 N.T. 62, 11/11/20 N.T. 17-18, 130, 12/4/20 N.T. 13-14; Union Exhibit 3 at 28).



33. In the Spring Semester of 2019, the School of Medicine had 2,388 dually employed faculty. These faculty are employed by both the University and the University of Pittsburgh Physicians (UPP), a private employer. These faculty receive salaries from both UPP and the University and their appointment must be approved by both UPP and the University. These faculty are subject to the work policies of both the University and UPP. These dually employed faculty have clinical responsibilities in addition to teaching, research and service. They perform work at hospitals in the University of Pittsburgh Medical Center ("UPMC") system and the clinical portion of their time is paid by UPMC. The non-dually employed faculty at the School of Medicine (that are not volunteers) are mostly working in laboratories, and not at UPMC, while carrying out their teaching, research and service duties. UPP was created in 1999. (12/4/20 N.T. 45-46, 82-90, 12/11/20 N.T. 225-226; Union Exhibit 31 at Bates number 2053, Union Exhibit 44, Union Exhibit 47, Union Exhibit 48; Union Exhibit 53; Union Exhibit 57B at 29).

34. During the hearing on December 4, 2020, the University stated that it would not contest the exclusion of the approximately 2,388 dually employed faculty in the School of Medicine from the unit. (12/4/20 N.T. 6-7, 83-84).

35. Not including the dually employed faculty discussed above, the School of Medicine has 2,518 faculty members, which represents 45 percent of the 5,613 total faculty members across the University. These faculty are considered to be "Pitt-only". Of these 2,518 Pitt-only faculty, 1,556 are volunteers. Thus, in the Spring semester of 2019, of 2,518 individuals categorized by the University as faculty at the School of Medicine, 1,077 were not volunteers or dually employed. (12/4/20 N.T. 45-47; Union Exhibit 3 at 78, Union Exhibit 31 at Bates number 2052).

36. The School of Medicine is an "RCM," which stands for "responsibility-centered management" within the University. This means that the School of Medicine has its own independent budget. Because the School of Medicine has an independent budget it is known as a "tub on its own bottom". (11/11/20 N.T. 56-57, 135-136; 12/4/20 N.T. 20, 45).

37. The School of Medicine is the only school in the University, including the branch campuses, with this separate budget structure. (11/11/20 N.T. 139, 12/4/20 N.T. 45).

38. The auxiliary operations of the University including food service, housing, and parking is also an RCM with an independent budget. (11/11/20 N.T. 56).

39. The E&G budget is the education and the general budget. It includes all other schools and campuses except the School of Medicine and the auxiliary operations discussed above. (10/26/20 N.T. 150-151).

40. The School of Medicine keeps all of its revenues and is also responsible for all of its own costs. It is budgeted as if it were an independent organization. For example, tuition received from School of Medicine students are kept by the School and the School pays for its own utilities and its own space. This means that if the School of Medicine uses central services from the University it has to reimburse the University for those costs. For example, the School of Medicine has to pay the University's Office of Research for the cost of processing grants. (10/26/20 N.T. 151, 11/11/20 N.T. 56-59, 12/4/20 N.T. 20).

41. The School of Medicine pays the University for the cost of the benefits of its faculty members. With regard to salaries, there is a separate budgetary "bucket" for faculty in the School of Medicine. (11/11/20 N.T. 137-138).

42. The University's salary increase policy does not apply to faculty in the School of Medicine due to the fact that the School of Medicine budget is independent from the rest of the University. (11/11/20 N.T. 122, 12/4/20 N.T. 26-27; Union Exhibit 6).

43. In contrast the School of Medicine, the E&G budget - which is all other schools and campuses - pools all of the revenues from research, tuition and the Commonwealth and then has all of their costs allocated as a single budget. (10/26/20 N.T. 151-52).

44. The School of Medicine was set up as the only school in the University with an independent budget because its budget pressures were viewed as distinctly different from the rest of the University and it made sense to carve them out that way. The RCM or "tub on its own bottom" structure gives the School of Medicine more direct control over its budget status. With this model, the school is "siloed off." (11/11/20 N.T. 57-59.)

45. UPMC provides significant support to the School of Medicine for the school's general academic mission, research, new programs, and faculty recruitment; and to augment operating budgets for certain departments that do not generate sufficient revenues to meet their academic and research costs. Additionally, UPMC provides financial support to the School of Medicine through the Children's Hospital of Pittsburgh, which supports pediatric programs. The University and UPMC have an agreement where UPMC provides annual funding for the School of Medicine. This support from UPMC to the School of Medicine started being disclosed in the University's financial statements approximately 15 to 20 years ago. In 2019, UPMC provided over \$130 million in such support directly to the School of Medicine. (12/18/20 N.T. 20-23; Union Exhibit 57B at 29-30).

46. There is a separate Commonwealth appropriation for the School of Medicine. (Union Exhibit 57B at 5).

47. In 1976, the School of Medicine faculty voted to certify the Faculty Association of the School of Medicine ("FASM") as its exclusive bargaining representative. University of Pittsburgh, 7 PPER 162 (Final Order, 1976).

48. FASM was in place until 2019, when it was decertified without an election. University of Pittsburgh, 51 PPER 3351 (Proposed Decision and Order, 2019).

49. There are other existing bargaining units of employees at the University. Service Employees International Union Local 32BJ represents several hundred cleaners, groundskeepers, mechanics and other classifications at the Pittsburgh campus. Service Employees International Union Local 32BJ Johnstown represents approximately 50 janitorial, maintenance and groundskeeping employees at the Johnstown campus. International Union of Operating Engineers, Local 95-95A-Pittsburgh represents operating engineers licensed by the City of Pittsburgh as well as other related employees. International Union of Operating Engineers, Local 95-95A-Regionals represents

employees at the University's regional campuses. Building and Construction Trades Council of Pittsburgh and Vicinity represents seven trade shops: carpenter, electrician, laborer, paint, plumbing and sheet metal and steamfitter. International Brotherhood of Teamsters, Local 240 represents drivers at the Pittsburgh campus. University of Pittsburgh Police Association represents the commissioned police officers, security guards and communications specialists at the Pittsburgh campus. University of Pittsburgh at Johnstown Police Advisory Committee represents commissioned police officers at the Johnstown Campus. (Union Exhibit 56; University Exhibit 81).

50. The University's unions all negotiate and work with the University's centralized labor relations office which is overseen by the Vice Chancellor of Human Resources. (11/11/20 N.T. 91-99).

### DISCUSSION

The Union is petitioning for a unit that includes 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 employes, non-faculty professionals, and all non-professionals, guards, supervisors, managerial and confidential employes as defined in the Act. The petitioned-for unit is approximately 3,000 employes. The parties have disagreements and agreements over the scope of this unit.

The parties agree that there is an identifiable community of interest in the petitioned for faculty. The parties disagree that the faculty in the School of Medicine have an identifiable community of interest with the faculty in the petitioned for unit.

Section 604 of PERA provides, in relevant part, as follows:

The [B]oard shall determine the appropriateness of a unit which shall be the public employer unit or a subdivision thereof. In determining the appropriateness of the unit, the [B]oard shall:

(1) Take into consideration but shall not be limited to the following: (i) public employes must have an identifiable community of interest, and (ii) the effects of over fragmentation.

43 P.S. § 1101.604.

When determining whether employes share an identifiable community of interest, the Board considers such factors as the type of work performed, educational and skill requirements, pay scales, hours and benefits, working conditions, interchange of employes, grievance procedures, bargaining history, and employes' desires. West Perry School District v. PLRB, 752 A.2d 461, 464 (Pa. Cmwlth. 2000). An identifiable community of interest does not require perfect uniformity in conditions of employment and can exist despite differences in wages, hours, working conditions, or other factors. Id.

Differences among employees in a unit may reflect the division of labor at an employer and do not destroy a clearly identifiable community of interest. See In the Matter of the Employees of Wissahickon School District, 47 PPER ¶ 26 (Order Directing Submission of Eligibility List, 2015); In the Matter of the Employees of Temple University Health System Episcopal Hospital, 41 PPER 177 (Order Directing Submission of Eligibility List, 2010), citing Pennsylvania State University v. PLRB, 24 PPER ¶ 24117 (Court of Common Pleas of Centre County, 1993) (holding that the Board need not find an identical community of interest but merely an identifiable community of interest).

Section 301(7) of PERA provides as follows:

“Professional employe” means any employe whose work: (i) is predominantly intellectual and varied in character; (ii) requires consistent exercise of discretion and judgment; (iii) requires knowledge of an advanced nature in the field of science or learning customarily acquired by specialized study in an institution of higher learning or its equivalent; and (iv) is of such character that the output or result accomplished cannot be standardized in relation to a given period of time.

43 P.S. § 1101.301(7). The test is conjunctive, and all four parts must be met in order for an employe to be deemed professional under PERA. In the Matter of the Employees of Luzerne County Community College, 37 PPER 47 (Final Order, 2006). The same factors (such as work performed, educational and skill requirements) that support professional status also support the conclusion that the employes in a proposed professional bargaining unit share an identifiable community of interest with the existing professional employes in the unit. In the Matter of the Employees of Temple University, 47 PPER ¶ 54 (Order Directing Submission of Eligibility List, 2015); In the Matter of the Employees of Temple University Health System Episcopal Hospital, 41 PPER 177 (Order Directing Submission of Eligibility List, 2010); In the Matter of the Employees of Riverview Intermediate Unit, 37 PPER 106 (Final Order, 2006).

The record in this matter is clear that the faculty in the petitioned-for unit and the faculty in the School of Medicine share an identifiable community of interest. Faculty in the petitioned-for unit and the School of Medicine share the following working conditions: 1) they are employed by the University of Pittsburgh and work at its primary Oakland campus or one of its satellite campuses; 2) they perform work that is intellectual in nature and advanced degrees are required for all faculty positions; 3) their primary work duties are teaching, research and academic service with the common exception that part-time faculty do not always fully perform teaching, research and academic service duties; 4) they instruct students enrolled in undergraduate, graduate (masters and doctoral), and professional degree programs, as well as a number of certificate programs; 5) their general teaching duties are to develop a syllabus, prepare and teach classes, prepare assignments, provide feedback to students; 6) they are subject to the University-wide Faculty Handbook which includes general policies on appointment, promotion, tenure, non-renewal, ranks, qualifications for membership in the graduate faculty, grievances and joint appointments; 7) they serve together on governing bodies of the University, including the University Senate, Senate committees, and Provost committees, and various initiatives; 8) they are paid a salary on a monthly basis by the University; 9) they are entitled to similar fringe benefits including education benefits,

medical insurance, disability benefits and retirement; 10) they are provided office and classroom space.

The above shows that the faculty in the petitioned-for unit and the faculty in the School of Medicine share a clear identifiable of community of interest. They are all professional employes of a large university that perform similar teaching, research and service duties and experience similar working conditions including being salaried and having similar fringe benefits and work polices.

The analysis in this matter next moves to the question of dually employed faculty in the School of Medicine. The Board will not include employes of joint employers in a bargaining unit with employes who are employed by only one employer. Harbor Creek School District, 20 PPER ¶ 20187 (Final Order, 1989). The record in this matter is clear that these faculty are employed by both the University and the University of Pittsburgh Physicians (UPP), a private employer. These faculty receive salaries from both UPP and the University and their appointment must be approved by both UPP and the University. These faculty are further subject to polices from each employer. Therefore, it would not be proper to include them in a unit of public employes.

Next, the parties agreed to exclude certain employes as supervisory or management pursuant to PERA. These agreed-to exclusions are included in the findings of fact above and will be included in the conclusions of law below.

Finally, the last issue to address in this matter is whether to include the School of Medicine faculty in the petitioned-for unit. The parties do not agree on this issue. The Union does not believe they should be included and the University does.

As background, the School of Medicine faculty had a certified unit in the past. The unit was decertified towards the end of 2019. This decertification happened after the Union in this matter filed its petition, thus the School of Medicine employes were properly not included in the petition as they already had a certified (though defunct) unit. However, even after the School of Medicine unit was decertified, the Union still did not request their inclusion in the petitioned-for unit.

The Board has long favored a policy of certifying broad-based units. Athens Area School District, 10 PPER ¶ 10128 (Order and Notice of Election, 1978). The general policy of the Board is "to certify units as broadly as possible in order to avoid the deleterious effects of over fragmentation." Berks County, 27 PPER ¶ 27110 (Final Order, 1996). The Board favors unit descriptions that use "including" language "so that unit clarification petitions need not be filed whenever an employe within the coverage of the unit is hired." Beaver County Community College, 23 PPER ¶ 23070 (Final Order, 1992), *aff'd* 24 PPER ¶ 24110 (1993).

In City of Philadelphia, 10 PPER ¶ 10059 (Final Order, 1979), the Board held:

The public policy of the Commonwealth and the purpose of the Act as set forth in Section 101 is to promote orderly and constructive relationships between public employers and their employes and to preserve at the

same time the rights of the citizens of the Commonwealth to keep inviolate the guarantees for their health, safety and welfare. **It is our considered judgment that the public policy of the Act will best be effectuated by avoiding the dangers of overfragmentization inherent in the certification of a bargaining unit limited to a small number of employes from among a much larger group. The whipsaw effect bargaining with a myriad of fragmented bargaining units has on an employer undermines rather than fosters harmonious employer-employer relations and the rights of the public.**

Id. at 97 (emphasis added).

With the above broad-based bargaining unit policy in mind, unions are not required to petition for the most appropriate unit, but rather an appropriate unit. The law is well settled under the Act that the Board is obliged to certify an appropriate unit and not the most appropriate unit. Allegheny County, 11 PPER ¶ 11031 (Court of Common Pleas of Allegheny County, 1979); City of New Castle, 15 PPER ¶ 15023 (Court of Common Pleas of Lawrence County, 1984), rev'd on other grounds 498 A.2d 485; Friendly Ice Cream Co. v. NLRB, 705 F.2d 570 (1st Cir. 1983); Philadelphia County, 27 PPER ¶ 27236 (Order Directing Submission of Eligibility List, 1996). The fact that a union does not make representation claims on additional employes of those employes does not make existing units inappropriate. City of Bethlehem, 22 PPER ¶ 22094 (Final Order, 1991).

The Union has not petitioned for the School of Medicine faculty, has not submitted cards from School of Medicine faculty, and - after the defunct School of Medicine unit was decertified by the Board - has remained steadfast in its desire to exclude the School of Medicine faculty from its petitioned-for unit. The Union does not want the School of Medicine faculty in its unit. The question for me to decide is, given that the Union does not want to include the School of Medicine faculty in its unit, is the petitioned-for unit still an appropriate unit? I find that the exclusion of the School of Medicine faculty results in an appropriate unit and does not abrogate the Board's policy on overfragmentization. Thus, this order will exclude faculty from the School of Medicine. I find that excluding the School of Medicine is appropriate for the following reasons.

The unit requested by the Union is a large percentage of the faculty eligible to be included in a unit and this fact mitigates any risk of overfragmentization. The Union is petitioning for a unit of approximately 3,000 full-time and regular part-time faculty at the University. This is all faculty eligible to be in a unit except for the faculty at the School of Medicine. The School of Medicine has approximately 1,000 faculty that are neither dually employed or volunteers (and thus not eligible to be in a unit). Thus, of the approximately 4,000 eligible faculty at the University, the Union is petitioning to represent approximately 75% of that number. The Union therefore is not requesting to represent "a small number of employes from among a much larger group" but a substantially large percentage of a large group. This fact mitigates against any risk of overfragmentization.

The risk of overfragmentization is also mitigated by the fact that the School of Medicine, in many important aspects, exists separately from the rest of the schools at the University. The School of Medicine is an "RCM"

which stands for "responsibility-centered management" within the University. This means that the School of Medicine has its own independent budget. The School of Medicine keeps all of its revenues and is also responsible for all of its own costs. It is budgeted as if it were an independent organization. The School of Medicine pays the University for the cost of the benefits of its faculty members. With regard to salaries, there is a separate budgetary "bucket" for faculty in the School of Medicine. Because the School of Medicine has an independent budget it is known as a "tub on its own bottom" and is "siloed off" from the rest of the University. Importantly for this case, the School of Medicine is the only school in the University with this separate budget structure. The School of Medicine was set up as the only school in the University with an independent budget because its budget pressures were viewed as distinctly different from the rest of the University and it made sense to carve the School out. The RCM or "tub on its own bottom" structure gives the School of Medicine more direct control over its budget status. In addition to being "siloed off" from the rest of the University, the School of Medicine receives its own dedicated funding from other institutions. UPMC provides significant support to the School of Medicine for the school's general academic mission, research, new programs, and faculty recruitment; and to augment operating budgets for certain departments that do not generate sufficient revenues to meet their academic and research costs. Additionally, UPMC provides financial support to the School of Medicine through the Children's Hospital of Pittsburgh, which supports pediatric programs. The University and UPMC have an agreement where UPMC provides annual funding for the School of Medicine. In 2019, UPMC provided over \$130 million in such support directly to the School of Medicine. Thus, the independent nature of the School of Medicine mitigates against any risk of overfragmentization since the School of Medicine and its faculty exist as a "tub on its own bottom" and are "siloed off" from the other schools and faculty who exist in the petitioned-for unit. The risk of overfragmentization is remote because the School of Medicine and its faculty have already been fragmented away from the rest of the School by University policy.

Additionally, the risk of overfragmentization is also lessened due to the fact that if the School of Medicine faculty were organized, they could potentially be included in the petitioned-for unit through a Westmoreland election. Westmoreland Intermediate Unit, 12 PPER ¶ 12347(Order and Notice of Election, 1981) (a representation election must be conducted among the employees if the additional positions would increase the existing unit by more than fifteen (15) percent). If the School of Medicine faculty were to vote to join the other faculty in the petitioned-for unit, there is no concern with overfragmentization or a "whipsaw effect" as there would be one unit of faculty. Further, if no unit of School of Medicine faculty ever is certified, either as part of large unit of all faculty following a Westmoreland election, or as its own unit, the concern of overfragmentization is muted by the fact that the petitioned-for unit is very large and encompasses a substantial percentage of the faculty including ALL of the eligible faculty outside of the School of Medicine.

The risk of overfragmentization is also mitigated by the fact that the University has a large and sophisticated managerial structure that is already experienced with dealing with multiple employe units. A Vice Chancellor for Human Resources has a dedicated staff which manages the unions currently on campus.

Further, the petitioned-for unit of employees is a subset of all professional public employees at a Commonwealth university and the Board's policy with respect to professional employees at higher education institutions in the Commonwealth has been to allow units more refined than an extremely broad unit of all professional public employees. I infer that this is because the Board recognizes that units of professional employees at higher education institutions may be more nuanced in scope in order to reflect the contexts and realities of the working conditions of those professional public employees in higher education. For example, at Temple University the Board has certified a unit of graduate students represented by Temple University Graduate Students Association (TGUSA). (TGUSA was certified at PERA-R-99-58-E). This unit is a subset of a potentially larger unit of "all professional employees". Indeed, at Temple there is a separate unit of other professional faculty employees represented by Temple Association of University professional (TAUP). (TAUP was certified at PERA-R-1123-E). If the unit in this matter is certified, it would also be a subset of a potentially larger unit of "all professional employees". Likewise, the State System of Higher Education has multiple units of professional employees. The State College and University Professional Association (SCUPA) represents professional employees classified as State College University Administrators and not faculty, who are represented by the Association of Pennsylvania State College and University Faculties (APSCUF), a separate union. (SCUPA is certified at PERA-R-11,447-C. APSCUF is certified at PERA-R-775-C.) SCUPA was certified after the adoption of the broad-based bargaining unit policy in 1978. The Board has been flexible with units at institutions of higher learning and has found units that are subsets of "all professionals" to be appropriate.

Finally, in reaching my conclusion above, I agree with the Union's argument in its Post-Hearing Brief. The Union argues:

[T]he School of Medicine is a unique part of the University. The vast majority of faculty in the School of Medicine are considered either "dually employed" by the University and UPP, or are considered to be "volunteers," and the parties have already agreed that the PLRB cannot exercise jurisdiction over people in either of those categories. The "dually employed" faculty make up 2,388 of the total number of faculty in the School of Medicine. Then, for the remaining "Pitt-only" faculty, 1,556 of those are considered to be "volunteers." The "Pitt only" faculty consists of 1,077 individuals who are neither dually employed nor volunteers.

The bargaining unit proposed by the Union does not create the danger of over fragmentation under the statute. The proposed unit consists of fifteen schools at four distinct geographical locations (Oakland, Johnstown, Greensburg, and Titusville) with approximately 3,000 faculty members. The "Pitt only" faculty at the School of Medicine consists of approximately 1,000 faculty members and is consistent with a unit previously certified by the PLRB. Both the petitioned-for unit and the "Pitt only" faculty in the School of Medicine consist of numbers much larger than any of the current bargaining units at the University. The School of Medicine is not a small fragment of a



larger group—it is, in and of itself, a large, complex and unique group of employees.

. . . .

From a bargaining perspective, it is highly relevant that the School of Medicine maintains its own budget separate and apart from the University. For this reason alone, the Board's concern with "[t]he whipsaw effect that bargaining with a myriad of fragmented bargaining units has on an employer" is not at issue. . . . Certainly, an entities' budget—or the amount of money it has to spend—is a relevant, and perhaps is the most relevant, piece of the bargaining process.

(Union's Post-Hearing Brief at 15-17) (citations omitted).

The University raises many arguments in its briefs, many of which are addressed above. At pages 27-31 of its Post-Hearing Brief, the University makes arguments that the School of Medicine Faculty should be included because of the Board's broad-based bargaining unit policy. I address the Board's broad-based bargaining unit policy above. In summary, the risk of overfragmentization in this case is mitigated by the relatively independent nature of the School of Medicine within the University and the large number of faculty included in the petitioned-for unit which includes all eligible faculty except the School of Medicine faculty.

At pages 33-36 of its Post-Hearing Brief, the University argues that prior unionization efforts and Board precedent at the University supports the inclusion of the School of Medicine in a faculty-wide unit. The University argues:

In 1985, after hearings, the Hearing Examiner issued an Order Directing Amendment of or Request to Withdraw Petition for Representation, finding that the petitioned-for unit was not appropriate, because full-time faculty in the Health Sciences schools and the School of Law shared an identifiable community of interest with the Provost area faculty. University of Pittsburgh, 16 PPER 16205 (Order Directing Amendment of or Request to Withdraw Petition for Representation, 1985). This determination was primarily based on the fact that all faculty (i) had the same functions of teaching, research and service; (ii) worked similar hours; (iii) were all salaried with uniform fringe benefits; (iv) hiring procedures were the same and went through the Provost; and (v) fit the broad-based bargaining unit policy. Id.

Thus, United Faculty was forced to amend its petition to include faculty from the Health Sciences schools because they shared a community of interest with the faculty of the Provost-area schools. The only reason the SOM faculty were not included at that time was because they were already represented by FASM. As such, the only bar to the SOM's inclusion in the

petitioned-for bargaining unit no longer exists. Instead, the SOM should be treated like all of its peers in the Health Sciences schools. . . .

(University's Post-Hearing Brief at 33-34) (footnotes omitted). I find that the case cited by the University, University of Pittsburgh, 16 PPER 16205, is distinguishable from the current case. That case did not include the School of Medicine faculty into the unit under discussion because they were represented at the time by FASM. The record in University of Pittsburgh, 16 PPER 16205 is therefore not as developed with respect to the School of Medicine as this matter and on that basis is distinguishable. In addition, the order in University of Pittsburgh, 16 PPER 16205, was from over 35 years ago and I infer from the record that even if detailed findings of fact with respect to the School of Medicine had been made in 1985, those findings of fact would likely not reflect the current reality of the University with respect to the School of Medicine, UPMC, UPP and School of Medicine faculty.

Next the University argue that its shared governance structure would be "upended" if the School of Medicine faculty were not included in the unit. Id. at 35. The University argues:

SOM faculty participate equally in the University's shared governance system alongside all other faculty. The University Senate, the main governing body of the University, includes all full-time faculty, part-time tenured and tenure-stream faculty, and faculty librarians, regardless of where they teach. Each subordinate body of the University Senate is equally diverse in terms of categories of faculty and school representation. The Council of the Senate includes faculty from all the schools, the Faculty Assembly includes faculty from all the schools, and membership on all the Senate standing committees is equally open to faculty from all schools. Together, all of these bodies make recommendations to the Chancellor and Board of Trustees on University-wide policies, including those that affect faculty from every school.

This collective service to the University's shared governance model creates substantial ties between SOM faculty and the faculty in the Health Sciences schools and Provost area schools. These bodies meet regularly, leading to steady interaction between SOM faculty and all other faculty. Thus, SOM faculty work side-by-side with all other Pitt faculty to shape Pitt's trajectory in all areas of shared governance. If all but the SOM faculty are unionized, there would be faculty working side by side with one another, yet subject to very different representation structures, which is entirely inconsistent with the purposes of PERA. For example, in the future, any grievances for faculty in the bargaining unit would have to go through the Union, whereas SOM faculty would bring their grievances under the existing Pitt policy. The faculty member in the Union would likely have their grievance resolved by a third party, who is not associated with Pitt. The SOM

faculty member, by contrast, would have her concerns addressed by a group from within the Pitt community. This would inevitably result in differential treatment between faculty at the SOM and faculty at every other school and regional campus. Such differential treatment will inherently sow discord among the represented and non-represented faculty, and be contrary to the labor peace and uniformity that PERA was designed to promote.

Id. at 35-36. While the University refers to a shared governance model, it is clear that, in the specific context of public employment law in this Commonwealth, the faculty only make recommendations with respect to policies and the record shows that the University is actually managed by the Board of Governors and a robust administration of chancellors, provosts and deans. Additionally, I disagree with the University's argument that having some employes in a union and some not would lead to a situation that is "entirely inconsistent" with PERA. There are many public employers in the Commonwealth who have some employes represented by unions and some that are not. Indeed, this order and the litigation of this case has gone through great effort to determine which faculty are out of the petitioned-for unit based on their status as supervisory, managerial, casual, etc. Assuming a unit of faculty at the University is certified after an election, it would always be the case that some faculty at the University are unionized and some are not based on their status. For example, the relatively enormous number of dually employed faculty would never be part of a unit under PERA though they work at the University as faculty similar to the faculty in the petitioned-for unit. Finally, I cannot find in this record any support for the conclusion that that there would necessarily be "differential treatment between faculty at the School of Medicine and faculty at every other school and regional campus [which would] inherently sow discord among the represented and non-represented faculty."

For the above reasons, I find that the unit appropriate for the purpose of collective bargaining is a subdivision of the employer unit comprised 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 Public Employe Relations Act

The University shall have up to 20 days to submit the eligibility list in this matter due to the number of employes covered and the complexity of this order with respect to qualifications for eligible employes.

#### **CONCLUSIONS**

The Hearing Examiner, therefore, after due consideration of the foregoing and the record as a whole, concludes and finds as follows:

1. The University is a public employer within the meaning of Section 301(1) of PERA.
2. The Union is an employe organization within the meaning of Section 301(3) of PERA.

3. The Board has jurisdiction over the parties.

4. The 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 share an identifiable community of interest are included in the appropriate unit herein.

5. Faculty in the School of Medicine share an identifiable community of interest with the faculty in the petitioned-for unit.

6. Faculty in the School of Medicine shall be excluded from appropriate unit herein as their exclusion does not violate the Board's broad-based bargaining unit policy.

7. Any employe whose primary employment type is not "Faculty" shall be excluded from the voter eligibility list, including individuals with faculty appointments who are classified as "Executive" or "Staff" or "Post-Docs".

8. Any employe whose status with the University is as an unpaid volunteer or dually employed shall be excluded from the voter eligibility list.

9. Part-time faculty shall be eligible to vote by meeting either of the two following criteria:

A. Employment in any two (2) of the three (3) most recent Fall, Summer and Spring semesters [e.g. the semester in which the election takes place and the two previous semesters];

OR

B. Meeting both of the following:

i. Employment in any one (1) of the three (3) most recent Fall, Summer and Spring semesters [e.g. the semester in which the election takes place and the previous semesters];

AND

ii. Employment in any one (1) of the six (6) most recent Fall, Summer and Spring semesters preceding the semesters in criterion (B)(i).

10. Employes on long-term disability shall be excluded from the voter eligibility list as casual employes. Any other employe on a leave of absence shall be included.

11. Individuals serving in the following positions anywhere in the University shall be excluded from the voter eligibility list as supervisory or managerial pursuant to PERA:

A. Department Chair

- B. Division Chief
- C. Division Chair
- D. Vice Chair
- E. Provost
- F. Vice Provost
- G. Vice Chancellor
- H. Associate Vice Provost
- I. Associate Vice Chancellor
- J. Deans
- K. Senior Associate Dean
- L. Vice Dean
- M. Associate Dean
- N. Campus President
- O. Regional Vice President
- P. Assistant Dean

12. Individual serving in the following positions in the University Library System ("ULS") shall be excluded from the voter eligibility list as supervisory or managerial pursuant to PERA:

- A. Associate University Librarians
- B. Director of ULS
- C. Director of Administrative Services
- D. Director of Assessment and Quality Assurance
- E. Director of Communications and Web Services
- F. Director, Millstein Library and Coordinator, Regional ULS Libraries
- G. Director, Hanley Library
- H. Head, Haskell Memorial Library
- I. Head, Owen Library
- J. Head, Technical Services
- K. Coordinator of Special Collections
- L. Head of Public Services for Hillman Library
- M. Head, Bevier Engineering Library
- N. Head, Chemistry Library and Langley Library
- O. Head, Music Library
- P. Head, Frick Fine Arts Library

13. Individuals serving as Directors (and Associate or Assistant Directors where noted) of the following centers, programs, laboratories and institutes shall be excluded from the voter eligibility list as supervisory or managerial positions under PERA:

Academic Advising Center	Arts and Sciences
Allegheny Observatory	Arts and Sciences
Architectural Studies Program	Arts and Sciences
Discipline Based Science Education Research Center	Arts and Sciences
Film and Media Studies Program	Arts and Sciences
Gender, Sexuality, Women's Studies Program	Arts and Sciences

Less Commonly Taught Languages Center	Arts and Sciences
Pittsburgh Quantum Institute (Co-Directors)	Arts and Sciences
Pymatuning Laboratory of Ecology	Arts and Sciences
Urban Studies Program	Arts and Sciences
Writing Center	Arts and Sciences
Accounting Area Director	Business
Center for Branding	Business
Center for Executive Education	Business
Director of Operations and Analytics	Business
Finance Area Director	Business
Information Systems and Tech Management Area Director	Business
Marketing and Business Economics Area Director	Business
Organizations and Entrepreneurship Area Director	Business
Intelligent Systems Program	Computing and Information
School Inclusion Institute (i3: Imagine, Immerse, Inspire)	Computing and Information
MOMACS (Founding Director and Executive Director)	Computing and Information
Center for Craniofacial and Dental Genetics	Dental
Center for Craniofacial Regeneration	Dental
Center for Urban Education (Director and Associate Director)	Education
Falk Laboratory School (Director and Assistant Director)	Education
Health Lifestyle Institute	Education
Institute for International Studies in Education	Education
Office of Child Development	Education
Center for Faculty Excellence	Engineering
Engineering Education Research Center	Engineering
Human Movement and Balance Laboratory	Engineering
Manufacturing Assistance Center	Engineering
Mascaro Center for Sustainable Innovation (Co-Directors)	Engineering
McGowan Institute for Regenerative Medicine (Director and Executive Director)	Engineering
Musculoskeletal Research Center	Engineering
Radio Frequency Identification (RFID) Center of Excellence	Engineering
University of Pittsburgh Center for Advanced Manufacturing (Co-Directors)	Engineering
Biostatics Facility of Pitt Cancer Institute	GSPH
Center for Bioethics and Health Law	GSPH
Epidemiology Data Center (Co-Directors)	GSPH
Evaluation Institute for Public Health	GSPH
PA MidAtlantic AIDS Education and Training Center	GSPH

Pitt Men's Study	GSPH
Center for Governance and Markets	GSPIA
Center for Metropolitan Studies	GSPIA
Ford Institute for Human Security	GSPIA
Johnson Institute for Responsible Leadership	GSPIA
Matthew B. Ridgeway Center for International Security Studies	GSPIA
Center for International Legal Education	Law
Center for Research and Evaluation	Nursing
Center for Community Leadership and Innovation in Practice	Pharmacy
Center for Education and Drug Abuse Research	Pharmacy
Center for Pharmacogenetics	Pharmacy
Computational Chemical Genomics Screening Center	Pharmacy
Institute for Cyber Law, Policy and Security	Provost
LRDC	Provost
Center for Balance Disorders	SHRS
Center for Rehab Services	SHRS
HERL	SHRS
Neuromuscular Research Lab	SHRS
Child Welfare Education and Research Program	Social Work
Child Welfare Resource Center	Social Work
Aging Institute	School of Medicine
Alzheimer's Disease Research Center	School of Medicine
Asthma Institute	School of Medicine
Brain Institute	School of Medicine
Center for Sports Medicine	School of Medicine
Center for Vaccine Research	School of Medicine
Clinical and Translational Science Institute	School of Medicine
Clinical Research, Investigation, and Systems Modeling of Acute Illness Center	School of Medicine
Director of Interdisciplinary Biomedical Graduate program	School of Medicine
Director of MD Program	School of Medicine
Director of PhD in Clinical and Translational Science	School of Medicine
Drug Discovery Institute	School of Medicine
Heart and Vascular Institute	School of Medicine
Heart, Lung and Esophageal Surgery Institute	School of Medicine

Inflammatory Bowel Disease Center	School of Medicine
Institute for Clinical Research Education	School of Medicine
Institute for Doctor-Patient Communication	School of Medicine
Institute for Infection, Inflammation and Immunity in Children	School of Medicine
Institute for Precision Medicine	School of Medicine
Institute to Enhance Palliative Care	School of Medicine
Magee-Women's Research Institute	School of Medicine
Ophthalmology and Visual Sciences Research Center	School of Medicine
Peter M. Winter Institute of Simulation Education and Research (WISER)	School of Medicine
Pittsburgh Center for Kidney Research	School of Medicine
Pittsburgh Hearing Research Center	School of Medicine
Pittsburgh Institute for Neurodegenerative Diseases	School of Medicine
Pittsburgh Liver Research Center	School of Medicine
Thomas E. Starzl Transplantation Institute (3 Directors)	School of Medicine
UPMC Hillman Cancer Center	School of Medicine
Vascular Medicine Institute	School of Medicine

14. The unit appropriate for the purpose of collective bargaining is a subdivision of the employer unit comprised 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 Public Employe Relations Act.

**ORDER**

In view of the foregoing and in order to effectuate the policies of the Act, the Hearing Examiner

**HEREBY ORDERS AND DIRECTS**

that the University shall within twenty (20) days from the date hereof submit to the Board a current alphabetized list of the names and addresses of the employes eligible for inclusion in the unit set forth above.



**IT IS HEREBY FURTHER ORDERED AND DIRECTED**

that any exceptions to this decision and order may be filed to the order of the Board's Representative to be issued pursuant to 34 Pa. Code § 95.96(b).

SIGNED, DATED and MAILED at Harrisburg, Pennsylvania this sixteenth day of April, 2021.

**PENNSYLVANIA LABOR RELATIONS BOARD**

/s/ Stephen A. Helmerich  
Stephen A. Helmerich, Hearing Examiner