

**BEFORE THE
NATIONAL LABOR RELATIONS BOARD**

Harvard Graduate Students Union-UAW,
Petitioner

-and-

President and Fellows of Harvard College,
Employer

Case No. 01-RC-186442

**PETITIONER'S OPPOSITION
TO EMPLOYER'S MOTION TO STAY PROCEEDINGS**

Petitioner, Harvard Graduate Students Union-UAW ("Union"), respectfully requests that the Board deny the Employer's Motion to Stay Proceedings Pending the Board's Decision on its Request for Review:

As reasons therefore, the Union states the following:

- 1) The Union filed its petition initiating this representation case on October 18, 2016, the parties entered into a stipulated election agreement on October 21, 2016, and the election was held on November 16-17, 2016.
- 2) The ballots were counted on December 22, 2016, and at that time there were 1272 cast for representation, 1456 cast against representation, and a determinative number of challenged ballots (314).
- 3) The Union filed a timely objection to the election contending that the Employer had not substantially complied with the Board's *Excelsior* rule because of the number of eligible voters omitted from its voter list.
- 4) A hearing was held on the Union's objection and the outstanding challenges over the course of eleven days in February and March, 2017. After briefs were submitted, the Hearing Officer ruled on the challenged ballots and sustained the Union's objection.
- 5) The Employer filed exceptions, briefs were again filed, and the Regional Director substantially affirmed the Hearing Officer's findings including that the names of 533 eligible voters, or 11.91% of the eligible electorate, had been omitted from

the Employer's voter list. This number of omitted voters significantly exceed the 184 vote election margin.

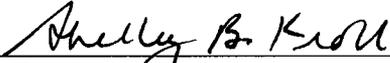
- 6) The Regional Director ordered that the challenged votes cast by eligible voters be opened and, if the tally of ballots does not result in a majority of votes cast for the Petitioner, the election be set aside and a new election conducted.
- 7) The Employer has petitioned for review of the Regional Director's Decision and Direction of Second Election alleging errors of fact, departure from precedent, or in the alternative, compelling reasons for the Board to reconsider the governing precedent.
- 8) For the reasons stated in the Petitioner's Opposition to the Employer's Request for Review, the Employer has failed to demonstrate there are compelling reasons that warrant Board review under 29 U.S.C. §102.67 (d).
- 9) Furthermore, the interests of economy, administrative efficiency, and the fair and timely vindication of employees' Section 7 rights to decide upon representation are served by denying review and allowing the Regional Director's decision to take effect.

Wherefore, the Petitioner respectfully requests that the Board exercise its discretion to deny the Employer's Motion to Stay Proceedings.

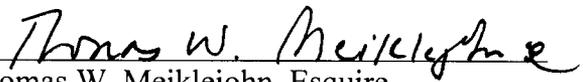
Respectfully submitted,

HARVARD GRADUATE STUDENTS
UNION-UAW,

By their attorneys,



Shelley B. Kroll, Esquire
Jasper Groner, Esquire
Segal Roitman, LLP
111 Devonshire Street, 5th Floor
Boston, MA 02109
(617) 603-1425
skroll@segalroitman.com


Thomas W. Meiklejohn, Esquire
Livingston, Adler, Pulda, Meiklejohn &
Clifford
557 Prospect Avenue
Hartford, CT 06105
LAPM.org

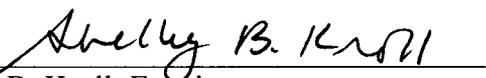
Dated: August 11, 2017

CERTIFICATE OF SERVICE

I hereby certify that on August 11, 2017, a true and accurate copy of the above document was served, by electronic mail, upon the following counsel for Employer and upon the Regional Director for Region One.

Nicholas DiGiovanni, Esquire
Joseph P. McConnell, Esquire
Damian M. DiGiovanni, Esquire
Morgan Brown & Joy, LLP
200 State Street, 11th Floor
Boston, MA 02109-2605
ndigiovanni@morganbrown.com
jmccconnell@morganbrown.com
ddigiovanni@morganbrown.com

John J. Walsh, Jr., Regional Director
Region 1, National Labor Relations Board
10 Causeway Street, No. 601
Boston, MA 02222
Jack.walsh@nlrb.gov


Shelley B. Kroll, Esquire