COMMONWEALTH OF PENNSYLVANIA
LABOR RELATIONS BOARD
* * * * * * * * *
IN THE MATTER OF THE
* * * * * * * * *
EMPLOYEES OF THE
* PERA-R-17-355-W
UNIVERSITY OF PITTSBURGH * PERA-C-19-95-W
* * * * * * * * *
HEARING TRANSCRIPT
* * * * * * * * *
BEFORE: STEPHEN HELMERICH, Hearing Examiner
HEARING: Wednesday, May 15, 2019
9:07 a.m.
LOCATION: Piatt Place
301 Fifth Avenue, Room 2026
Pittsburgh, PA 15222
WITNESSES: Vaideeswar Vijaykumar, Jeffrey Vipperman, Victoria Lancaster, Amanda Brodish, Amy Tuttle, Peggy King, Stephanie Hoogendoorn, Nathan Urban

Reporter: Valerie B. Gregory
Any reproduction of this transcript is prohibited without authorization by the certifying agency.
APPEARANCES

BRADLEY NANZOLILLO, ESQUIRE
AMANDA M. FISHER, ESQUIRE
U.S. Steelworkers
60 Boulevard of the Allies, Room 913
Pittsburgh, PA 15222
Counsel for the Union

MICHAEL HEALEY, ESQUIRE
Healey, Block & Hornack, PC
247 Fort Pitt Boulevard, Floor 4
Pittsburgh, PA 15222
Counsel for the Union

SHANNON D. FARMER, ESQUIRE
JESSICA FEDERICO, ESQUIRE
Ballard Spahr, LLP
1735 Market Street, 51st Floor
Philadelphia, PA 19103
Counsel for the Employer
INDEX

DISCUSSION AMONG PARTIES  247 - 253
OPENING STATEMENT
    By Attorney Farmer  253 - 259
WITNESS: VAIDEESHWAR VIJAYKUMAR
DIRECT EXAMINATION
    By Attorney Farmer  260 - 264
CROSS EXAMINATION
    By Attorney Manzolillo  265 - 267
REDIRECT EXAMINATION
    By Attorney Farmer  267 - 268
WITNESS: JEFFREY VIPPERMAN, PH.D.
DIRECT EXAMINATION
    By Attorney Manzolillo  269 - 271
CROSS EXAMINATION
    By Attorney Farmer  271
WITNESS: VICTORIA LANCASTER
DIRECT EXAMINATION
    By Attorney Farmer  272 - 283
CROSS EXAMINATION
    By Attorney Fisher  284 - 285
EXAMINATION
    By Hearing Examiner  286
<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>INDEX (cont.)</strong></td>
<td></td>
</tr>
<tr>
<td><strong>WITNESS:</strong> AMANDA BRODISH</td>
<td></td>
</tr>
<tr>
<td><strong>DIRECT EXAMINATION</strong></td>
<td></td>
</tr>
<tr>
<td>By Attorney Farmer</td>
<td>286 - 297</td>
</tr>
<tr>
<td><strong>CROSS EXAMINATION</strong></td>
<td></td>
</tr>
<tr>
<td>By Attorney Fisher</td>
<td>298 - 300</td>
</tr>
<tr>
<td><strong>REDIRECT EXAMINATION</strong></td>
<td></td>
</tr>
<tr>
<td>By Attorney Farmer</td>
<td>300</td>
</tr>
<tr>
<td><strong>DISCUSSION AMONG PARTIES</strong></td>
<td>300 - 303</td>
</tr>
<tr>
<td><strong>WITNESS:</strong> AMY TUTTLE</td>
<td></td>
</tr>
<tr>
<td><strong>DIRECT EXAMINATION</strong></td>
<td></td>
</tr>
<tr>
<td>By Attorney Farmer</td>
<td>303 - 306</td>
</tr>
<tr>
<td><strong>CROSS EXAMINATION</strong></td>
<td></td>
</tr>
<tr>
<td>By Attorney Fisher</td>
<td>307</td>
</tr>
<tr>
<td><strong>EXAMINATION</strong></td>
<td></td>
</tr>
<tr>
<td>By Hearing Examiner</td>
<td>307</td>
</tr>
<tr>
<td><strong>WITNESS:</strong> PEGGY KING</td>
<td></td>
</tr>
<tr>
<td><strong>DIRECT EXAMINATION</strong></td>
<td></td>
</tr>
<tr>
<td>By Attorney Farmer</td>
<td>308 - 311</td>
</tr>
<tr>
<td><strong>EXAMINATION</strong></td>
<td></td>
</tr>
<tr>
<td>By Hearing Examiner</td>
<td>311 - 312</td>
</tr>
<tr>
<td><strong>CROSS EXAMINATION</strong></td>
<td></td>
</tr>
<tr>
<td>By Attorney Fisher</td>
<td>312 - 314</td>
</tr>
<tr>
<td><strong>DISCUSSION AMONG PARTIES</strong></td>
<td>314 - 317</td>
</tr>
</tbody>
</table>
INDEX (cont.)

WITNESS: STEPHANIE HOOGENDOORN

DIRECT EXAMINATION
   By Attorney Farmer  317 - 325

CROSS EXAMINATION
   By Attorney Fisher  325 - 328

WITNESS: NATHAN URBAN

DIRECT EXAMINATION
   By Attorney Farmer  329 - 353

CROSS EXAMINATION
   By Attorney Manzolillo  353 - 358

REDIRECT EXAMINATION
   By Attorney Farmer  358 - 413

DISCUSSION AMONG PARTIES  413 - 417

RECROSS EXAMINATION
   By Attorney Manzolillo  417 - 432

REDIRECT EXAMINATION
   By Attorney Farmer  432 - 433

RECROSS EXAMINATION
   By Attorney Manzolillo  433 - 435

REDIRECT EXAMINATION
   By Attorney Farmer  436 - 437

DISCUSSION AMONG PARTIES  437 - 438
<table>
<thead>
<tr>
<th>Number</th>
<th>Description</th>
<th>Identified</th>
<th>Admitted</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td><strong>EXHIBITS</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td><strong>UNION EXHIBITS</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>Exhibit 22 University Organization</td>
<td></td>
<td></td>
</tr>
<tr>
<td>6</td>
<td>Chart</td>
<td>298</td>
<td>299</td>
</tr>
<tr>
<td>7</td>
<td>Exhibit 23 University Organization</td>
<td></td>
<td></td>
</tr>
<tr>
<td>8</td>
<td>Chart</td>
<td>313</td>
<td>313</td>
</tr>
<tr>
<td></td>
<td><strong>EMPLOYER EXHIBITS</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>13</td>
<td>Exhibit 5 3/20/19 E-mail</td>
<td>349</td>
<td>358</td>
</tr>
<tr>
<td>15</td>
<td>Exhibit 6 3/20/19 E-mail</td>
<td>349</td>
<td>358</td>
</tr>
<tr>
<td>16</td>
<td>Exhibit 7 3/22/19 E-mail</td>
<td>349</td>
<td>358</td>
</tr>
<tr>
<td>17</td>
<td>Exhibit 8 Index Card</td>
<td>349</td>
<td>358</td>
</tr>
<tr>
<td>18</td>
<td>Exhibit 9 Index Card</td>
<td>350</td>
<td>358</td>
</tr>
<tr>
<td>19</td>
<td>Exhibit 10 Index Card</td>
<td>350</td>
<td>358</td>
</tr>
<tr>
<td>20</td>
<td>Exhibit 11 Index Card</td>
<td>350</td>
<td>358</td>
</tr>
<tr>
<td>21</td>
<td>Exhibit 12 4/1/19 E-mail</td>
<td>367</td>
<td>415</td>
</tr>
<tr>
<td>22</td>
<td>Exhibit 13 4/2/19 E-mail</td>
<td>367</td>
<td>415</td>
</tr>
<tr>
<td>23</td>
<td>Exhibit 14 List of Questions</td>
<td>380</td>
<td>438</td>
</tr>
<tr>
<td>24</td>
<td>Exhibit 15 4/8/19 E-mail</td>
<td>389</td>
<td>415</td>
</tr>
<tr>
<td>25</td>
<td>Exhibit 16 4/9/19 E-mail</td>
<td>390</td>
<td>415</td>
</tr>
</tbody>
</table>
### E X H I B I T S (cont.)

**EMPLOYER EXHIBITS**

<table>
<thead>
<tr>
<th>Number</th>
<th>Description</th>
<th>Identified</th>
<th>Admitted</th>
</tr>
</thead>
<tbody>
<tr>
<td>6</td>
<td>Exhibit 17 4/9/19 E-mail</td>
<td>391</td>
<td>415</td>
</tr>
<tr>
<td>7</td>
<td>Exhibit 18 4/9/19 E-mail</td>
<td>396</td>
<td>415</td>
</tr>
<tr>
<td>8</td>
<td>Exhibit 19 4/11/19 E-mail</td>
<td>398</td>
<td>416</td>
</tr>
<tr>
<td>9</td>
<td>Exhibit 20 4/12/19 E-mail</td>
<td>399</td>
<td>416</td>
</tr>
<tr>
<td>10</td>
<td>Exhibit 21 4/17/19 E-mail</td>
<td>401</td>
<td>416</td>
</tr>
<tr>
<td>11</td>
<td>Exhibit 22 4/18/19 E-mail</td>
<td>402</td>
<td>416</td>
</tr>
<tr>
<td>12</td>
<td>Exhibit 23 4/18/19 E-mail</td>
<td>404</td>
<td>416</td>
</tr>
<tr>
<td>13</td>
<td>Exhibit 24 Graduate Student</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Resources</td>
<td>407</td>
<td>416</td>
</tr>
<tr>
<td>14</td>
<td>Exhibit 25 Graduate Student</td>
<td></td>
<td></td>
</tr>
<tr>
<td>15</td>
<td>Unionization</td>
<td>407</td>
<td>416</td>
</tr>
<tr>
<td>16</td>
<td>Exhibit 26 Graduate Student</td>
<td></td>
<td></td>
</tr>
<tr>
<td>17</td>
<td>Unionization</td>
<td>407</td>
<td>416</td>
</tr>
<tr>
<td>18</td>
<td>Exhibit 27 Frequently Asked</td>
<td></td>
<td></td>
</tr>
<tr>
<td>19</td>
<td>Questions</td>
<td>412</td>
<td>416</td>
</tr>
</tbody>
</table>
PROCEEDINGS

HEARING EXAMINER: In an off-the-record discussion, we discussed the steel workers continuing objection to the inclusion of - what are the exhibit numbers?

ATTORNEY FARMER: Three (3) and 4.

HEARING EXAMINER: The University's 3 and 4. The - would you like to state what your objection is?

ATTORNEY MANZOLILLO: Our objection continues to be that since the Union was required to produce the sections of e-mail exhibits that were admitted into evidence that they were planning on using in their brief, that the Employer be required to reference or point to any sections of the Union exhibit - I mean, their Exhibits 3 and 4 that we will - that they are planning on using in their brief.

HEARING EXAMINER: Would the University like to state their response?

ATTORNEY FARMER: Yes, thank you. So the response is that the University's position is not that they were - that the Union needed to identify what portions of a
document it planned to reference in its brief, but
that the Union's only evidence of the allegations,
the specific charges related to the communications
is those communications.

They were not putting on any testimony
about it, objected to me asking questions of a
witness as to what portions were the ULP. And
because the Union is relying solely on those written
communications to establish the various paragraphs
of the ULP, that we needed to know what statements
are claimed to be an unfair practice.

That is entirely different than us
putting in documents which are the questions that
were asked at a forum that was held with engineering
students and the transcript of that.

We are not alleging that the Union
committed a ULP in those documents. Those documents
relate to the context of certain communications and
there will be testimony of that.

But we don't - we're not alleging that
there was an unfair labor practice committed by the
Union.

HEARING EXAMINER: Can you also
summarize your stance that you don't have a shifting
burden under Western Psychiatric?
ATTORNEY FARMER: Correct. We do not believe that we have a burden here under the case law. We believe that it's the Union's burden to show not only that improprieties occurred, but that they interfere with the employees' exercise of free choice to such an extent that they materially affected the election results, which comes out of Kaolin and then the later month over in county case.

HEARING EXAMINER: All right.
Before we go on, would you like to comment on all that?

ATTORNEY MANZOLILLO: Yes.
First of all, the Union does feel that - the Union's position is that the Employer will have the burden. If we've established that this conflict occurred, the Employer will have a burden to demonstrate that it didn't have an impact. And secondly - under Western Psychiatric.

And secondly, to the extent they're going to refer to sections of these transcripts of exhibits to respond to our allegations or to counter their allegations, the logic is no different than their request to have us point out the sections we're going to refer to from our exhibits.

HEARING EXAMINER: All right.
Well, I'm deferring on ruling on these issues at this point in order to hear further testimony from the University to give a greater context on the issues of this case.

Okay.

ATTORNEY MANZOLILLO: One last point on this. Our concern is what they - it isn't - you know, anything they've addressed today, we're not objecting to. It's their ability to refer to sections of these documents.

HEARING EXAMINER: I've only heard an objection, a continuing objection, to 3 and 4?

ATTORNEY MANZOLILLO: Yes.

HEARING EXAMINER: All right.

Understood.

Do you have anything else to say?

ATTORNEY FARMER: We can address it in the brief. We'll be here all day doing argument, and I don't think that's the best use of time.

HEARING EXAMINER: All right.

So we are on. We are continuing now with the University's case in chief.

ATTORNEY FARMER: So you're resting subject to the witness being taken out of order? Is that the -?
ATTORNEY MANZOLILLO: Yes. We would like to clarify once again that the Union's Exhibit 21, essentially the University is agreeing that there are at least 45 recipients of the e-mail that was sent by Dr. Little in Union Exhibit 20.

ATTORNEY FARMER: Actually, so that's - we agree that in Union's Exhibit 21 that those are all chemical engineering graduate students. I actually can't - I don't know who's on that e-mail list that received Union Exhibit 20. So we're not objecting to Union Exhibit 21 and its accuracy.

ATTORNEY MANZOLILLO: I think the issue is - okay. The issue is we subpoenaed Dr. Little. We were going to question him about who this e-mail was sent to. We're saying in lieu of that, if they're willing to agree that Union Exhibit 21 was - is a department - an e-mail sent to the department, then we don't have any issue with Dr. Little -.

HEARING EXAMINER: Hold on. Just let me look at the exhibit. Here it is.

Was this - I actually don't remember this testimony. Plus the Union organizer generated this list -

ATTORNEY FARMER: Yes.
HEARING EXAMINER: - from a database?
ATTORNEY FARMER: Yes.

HEARING EXAMINER: And then it was just people in that department?
ATTORNEY FARMER: Correct.

HEARING EXAMINER: And then an e-mail was sent to a department lister?
ATTORNEY FARMER: Yes.

HEARING EXAMINER: I think I can infer that.

ATTORNEY FARMER: So we're not saying that they didn't. I just don't - we don't know - I don't know who's on that lister. Dr. Little was out of the country. But we're not saying - I just don't have any way of independently verifying, you know, who that went to.

I don't - we're not disputing -.  

HEARING EXAMINER: He's out of the country. That's pretty unavailable.

ATTORNEY FARMER: Yeah.

We're not disputing that it went to that lister.

ATTORNEY MANZOLILLO: We want something -.

HEARING EXAMINER: About all I can
tell you is that I think that the analysis I just did would be fair, in terms of from the record, for a Hearing Examiner to make.

ATTORNEY MANZOLILLO: All right.

HEARING EXAMINER: Okay?

ATTORNEY FARMER: Uh-huh (yes).

HEARING EXAMINER: So you have a witness coming in at 10:00?

ATTORNEY MANZOLILLO: A subpoenaed witness.

HEARING EXAMINER: Maybe 11:00 at this rate.

All right. Go ahead.

ATTORNEY FARMER: Okay.

So we're going to - so we're just going to continue with ours. We will take the witness out of order, if that's okay?

ATTORNEY MANZOLILLO: Yeah. We're resting, subject to rebuttal on that.

ATTORNEY FARMER: Okay. That's fine. We're ready to proceed.

HEARING EXAMINER: Go ahead.

ATTORNEY FARMER: Thank you.

Section 1101.605 of paragraph governs representation elections. Subsection six provides
in relevant part. If the Board determines that the outcome of the election was affected by the unfair practice charged or for any other unfair practice that they deem existed, it shall require corrective action and order a new election.

If the Board determines that no unfair practice existed, or if it existed and did not affect the outcome of the election, it shall immediately certify the election results.

That is the only basis that the statute provides for setting aside election results.

We believe that the controlling cases here, on the request to set aside election results, are Kaolin Mushrooms and Montgomery County, both of which resulted in Commonwealth Court decisions, one in 1997 and then Montgomery County's in 2001, I believe.

They stand for the proposition that the objecting party has a heavy burden to show not only that improprieties occurred, but also that they interfered with the employees' exercise of free choice to such an extent that they materially affected the election results.

We believe that from the Union's case, it's clear that the Union has not met that burden
here. They have not shown impropriety by the PLRB or the University that would warrant setting aside the election.

To the contrary, you've heard testimony from PLRB official who oversees all elections in the Commonwealth since 2011, and all of the elections in the western part of the state since, I believe he said, 2003, that this election was consistent with the Board's processes.

First, on the identity of the watchers, the undisputed evidence is that these individuals had no supervisory role regarding graduate students. None of the watchers were - Union's watchers were familiar with them. There was no coercion in having them serve as watchers, which is the purpose of the role against supervisors serving, nor was Pitt asked at any time to get different watchers, which it would have done had it been asked to do so.

Second, on the keeping of a list, the PLRB has admitted and Union Counsel conceded this, it never adopted the NLRB rule on the keeping of voter lists. It would be inappropriate to retroactively adopt such a rule now. The keeping of a list here was consistent with longstanding
practice before the PLRB. In fact, Dennis testified that both sides typically do it.

And in fact, the PLRB's instructions for watchers tell them to identify voters. They can hardly do so without the list of voters to identify.

There was no evidence that this was intimidating to voters in any way, and knowing who voted tells you nothing about how they voted as the Union's own organizer admitted.

In addition, Pitt keeping its own list aided the PLRB's conduct of the allegation by pointing out students on multiple occasions whom the PLRB official had initially missed and avoided those students being challenged by the PLRB in error.

Even if the PLRB were to adopt a new rule that going forward the list should be kept, it did not impact the outcome of the election where there's no evidence that the statutory standard for doing so has been met, and it would interfere with the choice of the voters.

Third, the alleged inconsistencies in checking IDs do not warrant finding an unfair practice or setting aside the election. The allegations of racial profiling are not credible.

In addition, the Union's watchers
admitted that no voters left because of the alleged misconduct by PLRB officials. Therefore, it could not have impacted the outcome of the election.

Moreover, nearly 70 percent of eligible voters cast ballots. So there's no evidence of suppression of voters as a result of this.

The Union watchers were consistent in their testimony that Pitt watchers did not ask students for ID or interact directly with students. So those portions of the charge are directly rebutted by the evidence.

The Union's allegation of improper surveillance by university watchers was similarly undermined by the evidence presented by its own witnesses.

The evidence will show that the allegations involving Dr. Vipperman are similarly baseless.

So what that then leaves is the Union's allegations about portions of communications that it alleges were threatening and coercive.

Under the relevant case law, the Hearing Examiner must consider the totality of the communications in light of the context in which they
were made to determine if the communications were so threatening or coercive so as to deprive employees of a free and fair election.

For example, safe to say that alleged misstatements must be a substantial departure from the truth. Similarly, misstatements of law, even if proved, don't warrant setting aside an election in the absence of a proven intent to deceive.

The PLRB has long held that it will not overturn election results in the absence of a flagrant violation of a party's rights. The Union can show none of that here.

The communications were not unlawful. They came in the context of responding to student questions about what a union could be or responding to statements by the Union that it believed were not accurate. And the Union had ample opportunity to respond to the statements. And as its own witnesses admitted, it did so.

In sum, the Union has failed to prove misconduct and failed to prove that any alleged misconduct had a material impact on the election to meet its heavy burden to overturn the will of the voters.

And just to address the Western
Psychiatric, given that Western Psychiatric, even if you were to find it applies, has not been regularly or even perhaps at all relied on in later cases. It is, in a sense, asking the University to prove a negative.

How can we possibly prove that something didn't happen? We can't bring in - we're not going to go around and ask voters did you change your vote. We can't ask people and wouldn't ask people how they voted.

So we don't believe that that kind of a burden is appropriate or, in fact, doable. We believe the evidence will show, however, that there was no material impact.

So once you've heard the evidence and you consider the arguments, we ask that the charge and exceptions be dismissed and the results of the election certified.

HEARING EXAMINER: Go off the record for one moment.

---

(WHEREUPON, AN OFF RECORD DISCUSSION WAS HELD.)

---

HEARING EXAMINER: Raise your right hand for me.
HEARING EXAMINER: Spell your name for us.


ATTORNEY FARMER: And your last name?


HEARING EXAMINER: Okay.

Go ahead, ma'am.

ATTORNEY FARMER: Thank you.

HEARING EXAMINER: You can sit down.

DIRECT EXAMINATION

BY ATTORNEY FARMER:

Q. Vaidee, are you a graduate student at the University of Pittsburgh?

A. Yes, ma'am.

Q. What department are you in?

A. Mechanical engineering, material science.
Q. Are you here today voluntarily?
A. Yes.
Q. Have you been promised any benefits for testifying?
A. No.
Q. Have you been threatened with any retribution if you didn't testify?
A. Absolutely not.
Q. Okay.
Who's your academic advisor?
A. Dr. Jeffrey Vipperman.

HEARING EXAMINER: Can you spell that for the court reporter please?

HEARING EXAMINER: Go ahead, ma'am.
ATTORNEY FARMER: Okay.

BY ATTORNEY FARMER:
Q. Did you have an academic appointment in the spring of 2019, for this semester that just ended?
A. Yes.
Q. And what was that?
A. A teaching assistantship.
Q. Was that in a course that was being
taught by Dr. Vipperman?
   A. No.
   Q. On April 17th, were you out with Dr. Vipperman that day on campus?
   A. Yes.
   Q. Okay.
   Why was that?
   A. We just went out for lunch after we had a lab meeting.
   Q. Who else was there?
   A. The whole lab group.
   Q. And can you tell us who else is in the lab?
   A. Yes. So it was Scott Mang, Jacquelyn Sharp, Christopher Dumm, myself, and Dr. Jeffrey Vipperman.
   Q. The other three individuals that you identified, are they also graduate students?
   A. Yes, they are.
   Q. While you were walking on campus, did the subject of voting in the graduate student election come up?
   A. Yes, it did.
   Q. Okay.
   Can you tell - can you tell us what
happened?

A. Yes. So Scott Mang and Dr. Jeffrey Vipperman were ahead of us. And Christopher Dumm, myself, and Jacqueline Sharp were in the back because she - one of - Jacqueline Sharp had to tie her shoe lace. So there was a gap of at least 20 meters.

We were walking back to campus from the restaurant, and we just happened across this voting location and -.

Q. So that was at the - you walked past the O'Hara Student Center?

A. Yes, yes.

Q. Okay.

A. And so that's when I asked - and I have office hours at 2:00 on Wednesdays. And this was about around 1:50 p.m. and we're walking past O'Hara Student Center.

And I asked Jacqueline Sharp if they voted, and they said yes. And they asked me if I voted, and I said not yet. I said I was planning to vote after my office hours because I - I didn't want me going up and voting to interrupt my office hours.

And I asked them how much time it would take, and they said it should take no longer than
two minutes. And that's when I decided to go up, cast my vote, and come down.

And nobody - and everybody just - I decided to go up. Dr. Jeffrey Vipperman was not even aware that I was going to vote in the first place.

Q. Did Dr. Vipperman tell you that you should be voting?
A. No.

Q. Did he wait outside for you while you voted?
A. No.

Q. What happened after you voted?
A. I voted, and I ran to my lab, took my bags, and went to my office.

Q. Did you feel pressured by anybody into voting?
A. Absolutely not.

ATTORNEY FARMER: I have no further questions for this witness.

HEARING EXAMINER: Would you like some time?

ATTORNEY MANZOLILLO: Yeah, we'll take just one minute.

HEARING EXAMINER: All right.
Five minutes.

WHEREUPON, A SHORT BREAK WAS TAKEN.

HEARING EXAMINER: Back on the record.
This is Cross Examination.

CROSS EXAMINATION

BY ATTORNEY MANZOLILLO:

Q. Hi. I just have a few questions for you. You said you were with several other graduate students?

A. Uh-huh (yes).

Q. One was Mr. Dumm, Chris Dumm?

A. Chris Dumm, yes.

Q. And then Jacqueline Sharp?

A. Yes.

Q. Were there any others? Who were the other ones?

A. Scott Mang.

Q. And Mr. Dumm was eligible to vote in the election?

A. I'm sorry.

Q. Mr. Dumm was eligible to vote in the
election?
  A. He was able to vote, yes.
  Q. And Sharp was eligible to vote in the 
election?
  A. She was able to vote, yes.
  Q. How about Mr. Mang?
  A. Mang? No, I don't think he was.
  Q. Okay.
  So when you were - when you went in to 
vote, did Mr. Dumm and Ms. Sharp also enter the 
building?
  A. They did not. They did not.
  Q. So Mr. Mang did not - Mr. Dumm did not go 
into the polling area at all at that point?
  A. Yes. Neither did Jacqueline Sharp.
  Q. So if Mr. Vipperman waited outside for 
Mr. Dumm -
  A. No.
  Q. - you would have no way of knowing that 
if he was with him when he voted?
  A. No. They all left. I saw them leave and 
them I went inside. We just parted ways at that 
time. Everybody just left at that time.
  Q. So you don't know if they came back and 
Mr. Dumm came back and voted and Mr. Vipperman was
with him?

A. No. So they all left and I went in the building alone. And I met them at the lab, and I finished working and I went back to my lab.

Q. What time was this during the day?

A. This was, I would say, about 1:55 p.m. on Wednesday, April 17th.

Q. At any point during the campaign did you indicate support for the Union by signing a petition around the info techs or e-mails from the Union?

A. I did opt for techs, yes.

Q. Okay.

At any time during the election campaign, did you discuss the topic of unionization with Mr. Vipperman?

A. No.

ATTORNEY MANZOLILLO: Nothing further.

HEARING EXAMINER: Redirect?

ATTORNEY FARMER: Yes, very briefly.

---

REDIRECT EXAMINATION

---

BY ATTORNEY FARMER:

Q. When you were talking to Chris and Jacqueline on your walk back about voting –
A. Uh-huh (yes).

Q. - did they say that they had already voted?

A. Yes, they did.

ATTORNEY FARMER: I have nothing further.

ATTORNEY MANZOLILLO: I have nothing further.

HEARING EXAMINER: All right.

You can step down, sir. Thank you for testifying.

Do you have your 10:00 a.m. person?

Off the record while we find the witness.

---

(WHEREUPON, A SHORT BREAK WAS TAKEN.)

---

HEARING EXAMINER: All right. We're back on the record.

And as agreed upon earlier, we're going back to the steelworker's case in chief as they have a witness that has appeared.

Can you raise your right hand for me?

---

JEFFREY VIPPERMAN, PH.D.,
CALLED AS A WITNESS IN THE FOLLOWING PROCEEDING, AND
HAVING FIRST BEEN DULY SWORN, TESTIFIED AND SAID AS
FOLLOWS:

---

HEARING EXAMINER: Say and spell your name.


HEARING EXAMINER: All right.

Your witness, sir.

---

DIRECT EXAMINATION

---

BY ATTORNEY MANZOLILLO:

Q. All right, Mr. Vipperman.

On the afternoon of April 17th, isn't it true you were with several graduate students in the vicinity of O'Hara Center?

A. It is true, briefly.

Q. And those individuals included a Chris Dumm and a Jacqueline Sharp?

A. Correct.

Q. And, Mr. Dumm, at that time, isn't it true that he and another graduate student, Mr.
Vijaykumar, went into the O'Hara Center to vote?

A. So we were coming back from a lunch. I had two students that were leaving. And we all went out to lunch together. And I didn't realize Vaidee was going to vote. But when I looked back to see what had happened, they said Vaidee went in to vote.

Q. How about Mr. Dumm?
A. Mr. Dumm did not vote, no.

Q. He did not vote at that time?
A. No, sir.

Q. And how long did you stay in that area?
A. I don't recall. I mean, we were ahead of that group. So me and one student had kind of peeled off in front, and it was a kind of thing where we looked back and it's what's going on. And they said that Vaidee had stopped to vote.

So I think - I think I waited for Chris and Jackie to catch up to us, and then we continued.

Q. They were with that group, back with Vaidee?
A. Yes, sir. Uh-huh (yes).

HEARING EXAMINER: Did you ask a question?

ATTORNEY MANZOLILLO: Yeah, I was just clarifying were Mr. Dumm and Ms. Sharp back -.
HEARING EXAMINER: And then you said yeah?

THE WITNESS: Yes, that's correct.

HEARING EXAMINER: Okay.

Go ahead.

ATTORNEY MANZOLILLO: We don't have anything further.

HEARING EXAMINER: Cross?

---

CROSS EXAMINATION ---

BY ATTORNEY FARMER:

Q. Did you escort any students to vote on that day?

A. No.

ATTORNEY FARMER: Nothing further.

HEARING EXAMINER: Okay.

You can step down, sir. Thank you for testifying today.

THE WITNESS: You're welcome.

HEARING EXAMINER: We are back to the Employer's case.

Thank you, sir. You're done.

ATTORNEY MANZOLILLO: Thank you very much.
HEARING EXAMINER: Mr. Vipperman, is it still sunny outside?

THE WITNESS: It's wonderful outside.

HEARING EXAMINER: Thank you, sir.

All right. Raise your right hand for me.

---

VICTORIA LANCASTER,
CALLED AS A WITNESS IN THE FOLLOWING PROCEEDING, AND HAVING FIRST BEEN DULY SWORN, TESTIFIED AND SAID AS FOLLOWS:

---

HEARING EXAMINER: Say and spell your name for us.


HEARING EXAMINER: Okay.

Your witness, ma'am.

---

DIRECT EXAMINATION

---

BY ATTORNEY FARMER:

Q. Ms. Lancaster, who do you work for?
A. University of Pittsburgh.

Q. In what position?
A. I'm the director of faculty actions.

Q. Do you have any reporting relationship to Dr. Urban, the vice provost for graduate affairs?

A. I do not.

Q. Do you interact with graduate students as part of your job duties?

A. I do not.

Q. Do you have any role in making any decisions related to graduate students?

A. I do not.

Q. Were you one of the watchers for the University during the election?

A. Yes, I was.

Q. Do you remember what days you were a watcher?

A. Yeah. It was all four days, which I can't remember the start, but Monday, Tuesday, Wednesday, and Thursday.

Q. At various times?

A. Yeah.

Q. Were you at the briefing that occurred before the start of the election on Monday?

A. I was.

Q. Okay.

Can you tell us what you recall about
that briefing?

A. Yeah. I believe it was Dennis or Joe, might have been Joe, who gave us the process of how it would happen. The students would come in, how they would vote, how people couldn't congregate. They mentioned something about, you know, no electioneering, don't wear gear.

If we had questions, we were to ask the PLRB; that we were never to address the students. I can't think of anything else.

Q. Were you asked for your title?

A. Oh, yeah, I'm sorry. Yes. Yes, yes. We were asked for our titles.

Q. Were you asked if you were a supervisor?

A. Yes, we were asked if we're supervisors.

Q. And were you asked if you supervised graduate students?

A. Yes.

Q. And what happened after that?

A. Well, we all affirmed that we did not supervise graduate students. And I believe the Union lawyer -. 

Q. That would be Brad who's sitting right here?

A. Yeah.
Q. Okay.
A. Brad had raised concerns that we were supervisors. And so there was a conversation with Dennis, if that's correct, Dennis, just clarifying whether we supervised graduate students, if we interacted with graduate students, and we did not.
Q. And then what happened?
A. I think he had asked Brad if he had any objections, and I believe that he said that he didn't have enough time to have objections. And we proceeded.
Q. And then Dennis said that you could serve as watchers?
A. Yes, he did.
Q. What did you understand your role was as a watcher?
A. My role was just to observe the election to ensure that there wasn't any impropriety on anybody's part, and just to, you know, act as a watcher. Act as a - not a Union watcher but a vote watcher.
Q. And did you understand that part of your role was to identify the voters and make sure that they were eligible?
A. Yes.
Q. Did the - did having a copy of the voter list come up during that conference?

A. With? Well, I mean, we did talk about having the voter list. It was identified that the list was given to both sides. I don't believe it was really brought up in any other context.

Q. Let's talk about the checking of IDs by the PLRB during the election. What was the PLRB's practice during the election regarding checking student IDs?

A. On Monday and Tuesday, they did not check IDs consistently, at least while I was there. I wasn't there the whole time. They asked for names and we checked the list. They struggled sometimes with names.

On Wednesday, when I took over for my shift, they had instituted a practice of when people hand them IDs, they would check their IDs, so they'd ask for IDs to kind of check the names and make sure that they had the spelling right. So that was more consistent on Wednesday and Thursday.

Q. On Monday and Tuesday, were there instances where students were walking up with their IDs already out?

A. Yes.
Q. And what would happen then typically?
A. They didn't ask for them. They said they could put them away. They just asked them for their name.

Q. And you mentioned that the PLRB people who were working the vote seemed to be struggling sometimes with the spelling of names?
A. Very much so, yes. We have a very diverse population of students, staff, and faculty. And so some of the more complicated names were a challenge for them.

Q. And in that instance, would they sometimes ask students for IDs?
A. They would.

Q. Did it appear to you that there was any pattern of preemptively asking students for IDs because they appeared to be of a particular race or ethnicity?
A. No.

Q. Was there anybody who refused to provide an ID?
A. Not while I was on.

Q. Was there - was there any instance that you saw somebody who came in to the polling area and left without voting? Can you tell us about that?
A. Yeah, there was one. And it must have been Wednesday or a Thursday. They had come up to see if their name was on the list. Their name wasn't on the list, so they had wanted to know what constituted to be able to vote.

So Dennis had taken them aside and was talking to them about, you know, what a GSA is, a GSR, TA, TF. And so when he explained that, the person willingly left and said I'm not part of the bargaining unit.

Q. So they understood that they would be a challenged ballot and decided to leave?

A. Yes. Yeah. And he did give them the option to do a challenge ballot.

Q. Were there any students that you heard raise any question about anonymity?

A. I did initially hear, I think it was a young woman, who was concerned that by giving her name that it wouldn't be an anonymous process, at which point Dennis came over and explained to her what the process was, how the ballot was anonymous. He reminded her not to put any identifying information on the ballot, that it would be anonymous.

We were just checking to make sure that
she was on the list. Or if she wasn’t, she could do a challenge ballot.

Q. And after Dennis provided that explanation, did she vote?
A. She did.
Q. Okay.
When voters came up, did you check their names off of a list?
A. I did.
Q. Why?
A. Just to make sure that they were on the list and just - not make sure. Like, we have a list. We wanted to make sure that everybody could have the opportunity to vote could vote.

Q. And that there was no voting twice?
A. Yeah, no voting twice and - you know.

ATTORNEY MANZOLILLO: That's a leading question.

HEARING EXAMINER: Ms. Farmer, I'm going to caution you against leading questions.

ATTORNEY FARMER: Okay.

HEARING EXAMINER: They undermine the credibility of the witness' answers.

BY ATTORNEY FARMER:

Q. When you were keeping the list, was that
something that was visible?

A. Yes, it was right on the table.

Q. There was testimony yesterday about a conversation that you had with Joe about how to keep the list.

Can you tell us about that?

A. Yeah. So the first day when we had the list, the list was large. And we would struggle to try to get through all the pages to try to find the name.

And so the second day when I came in, I was, you know, thinking maybe I could put little tabs on the list so it was easier to utilize the list.

And Joe had a book and he was explaining to me his process and how his system was really good and, you know, maybe I'd want to get a binder and this is how they do it. And he was just showing me their process of how they keep their list and how they alphabetize.

Q. Did anyone from the PLRB suggest to you at any time that there was any problem with you checking off voters as they came in?

A. No, not at all.

Q. There was testimony yesterday that on
Wednesday, the seating arrangements were changed.

How did that come about?

A. I wasn't there when they changed them, but it was my understanding that there was some difficulty -.

ATTORNEY MANZOLILLO: Objection. Foundation for answering this.

HEARING EXAMINER: What was the question?

ATTORNEY FARMER: How did it come about that the seating arrangements were changed?

HEARING EXAMINER: And what were you saying? What was she saying?

THE WITNESS: I wasn't there.

HEARING EXAMINER: Hold on, ma'am. What was she saying, Brad?

ATTORNEY MANZOLILLO: She said she wasn't there, but it was her understanding.

HEARING EXAMINER: How is it did you come to understand how the changes were made?

THE WITNESS: When I showed up for my shift, the - Nathan from the PLRB explained to me what had happened.

HEARING EXAMINER: All right.

Go ahead.
THE WITNESS: So when I got there -.

HEARING EXAMINER: Overruled. Sorry.
Go ahead.

THE WITNESS: When I had got there, Nathan had explained to me that they had moved us closer to the PLRB to be able to hear what the names were so that it was - it was very loud in the room, and people couldn't hear and were often asking the PLRB if they could repeat the names.

BY ATTORNEY FARMER:

Q. Did Nathan say anything to you about - about checking voters where he couldn't find them on the list?

A. Yeah. He actually said to me, you know, if you could be a second set of eyes in case we miss somebody and they're on your list, would you let us know.

Q. And did that happen?

A. It did.

Q. Can you tell us about that?

A. So there would be a name that would come up. And sometimes they would give their last name and they might have had a hyphenated name or a surname before their name. And so they would be looking on one part of the list. I would find them
on a separate part of the list and I would just say
to Nathan that they are on my list, and Nathan would
check.

Q. While you were serving as a watcher, did
you hear any objections to you keeping track of who
voted?

A. Yeah. The final day when I came in in
the morning, the Union watcher had voiced a concern
that we were keeping track of voters, and he
expressed that concern to Dennis.

Q. And what did Dennis say in response?

A. Dennis said that, you know, that I'm
correct. Dennis had said that the Union could also
have kept a list and that, you know, he could
discuss it. He could have Brad discuss it with him.

Q. Did you ever speak directly to any
voters?

A. No.

Q. Did you ever ask any voters for their ID?

A. No.

ATTORNEY FARMER: I have nothing
further.

HEARING EXAMINER: Would you like some
time?

ATTORNEY MANZOLILLO: Yes, please.
HEARING EXAMINER: All right.
Off the record.
---
(WHEREUPON, AN OFF RECORD DISCUSSION WAS HELD.)
---
HEARING EXAMINER: Back on the record with Cross Examination.
---
CROSS EXAMINATION
---
BY ATTORNEY FISHER:
Q. Hi, Ms. Lancaster. I'm Amanda, one of the Union's attorneys.
   What office do you work in?
A. I work in the office of faculty records.
Q. And is that - is that in the provost's office?
A. It's a suboffice of the provost's office.
Q. Do you know if Mr. Urban works in the provost's office?
A. Yes.
Q. And do you know if Ms. Ann Cudd works in the provost's office?
A. Yes.
Q. And do you know if Peggy King also works
in the provost's office?
   A. Yes.

Q. Do you know what Ms. King's title is?
   A. Senior assistant to the provost.

Q. You mentioned the pre-election meeting that occurred on April 15th?
   A. Yes.

Q. And that is the meeting where the Union watchers and the university watchers had the opportunity to introduce themselves?
   A. Yes.

Q. Isn't it true that the introductions of watchers occurred within a few minutes before the polls opened?
   A. Fifteen (15), 15 minutes before the polls opened. 8:45.

Q. Okay.
   Is that when the meeting started?
   A. Yes.

Q. And at what time - isn't it true that the introductions were at some point during that meeting?
   A. Correct.

ATTORNEY FISHER: That's all.

THE WITNESS: Okay.
HEARING EXAMINER: How were you selected to be a watcher?

THE WITNESS: I was asked by Stephanie Hoogendoorn.

HEARING EXAMINER: Thank you.

Anything else?

ATTORNEY FARMER: No.

HEARING EXAMINER: You may step down.

Next witness. This will be your third witness, I believe?

ATTORNEY FARMER: Yes.

---

AMANADA BRODISH,

CALLED AS A WITNESS IN THE FOLLOWING PROCEEDING, AND HAVING FIRST BEEN DULY SWORN, TESTIFIED AND SAID AS FOLLOWS:

---

HEARING EXAMINER: Spell your name for us.


HEARING EXAMINER: Your witness, ma'am.

---

DIRECT EXAMINATION
BY ATTORNEY FARMER:

Q. Were you one of the University's watchers during the graduate student election?
A. I was.

Q. What's your title?
A. I'm the director of data analytics and pathways for students success.

Q. What does that mean?
A. I lead a team in the provost's office who does data analysis, and I'm leading the implementation of an advising platform for undergraduate students at the University.

Q. Is that the pathways to student's success?
A. Yes.

Q. Okay.

There's always those names, you don't know what they mean.
A. Yes.

Q. Okay.

Do you have any reporting relationship with Dr. Urban, the vice-provost for graduate affairs?
A. I do not.
Q. Do you have any interaction with graduate students as part of your job?
A. I do not.

Q. Do you have any role in setting graduate student policy?
A. No, I do not.

Q. Can you - so the provost office has been referred to - Is the provost officer a single physical office?
A. There is the provost's office. We have -.

Q. Of the actual provost, you mean?
A. Yes.

Q. Okay.
A. Yeah. Are you talking about the physical space that we inhabit or the organizational structure?

HEARING EXAMINER: That's a good question.

BY ATTORNEY FARMER:
Q. It is a good question. Exactly.
So there were questions that were asked about is somebody, like, in the provost's office. And so can you explain the physical layout of where the office of the provost is?
A. So the office of the provost is on the eighth floor of the Cathedral of Learning. There is one office in which the provost sits, along with other vice-provosts and other staff within the office.

There are three other suites within the eighth floor that also houses vice-provosts and other office staff.

My team is also part of the office of the provost. We inhabit some suites on the third floor of the Cathedral of Learning.

Q. Okay.

So you're considered to be part of the office of the provost but you're not in the physical space with the provost's office?

A. That's right.

Q. Okay.

And the vice-provost for graduate affairs, Dr. Urban, is his office in a different suite than the office of the provost?

A. I am trying to remember where Nathan sits right now. I think he's in a different suite than the provost is in.

Q. Okay.

A. But still on the eighth floor of the
Cathedral of Learning where most office of the provost staff reside.

Q. You're answer that you're trying to remember where Dr. Urban sits suggests that you don't go to his office very often.

Is that true?

ATTORNEY MANZOLILLO: A leading question.

HEARING EXAMINER: Yeah, I know.

There again, I'll warn you about the leading questions.

ATTORNEY FARMER: How else - first of all, it doesn't suggest the answer. But how else would I ask - I know how to adjust this. Fine.

HEARING EXAMINER: Okay.

BY ATTORNEY FARMER:

Q. Do you go to Dr. Urban's office frequently?

A. Not that frequently. On occasion.

Q. Okay.

What did you understand your role as a - actually - strike that.

Were you at the pre-election conference that occurred on the morning of April 15th?

A. I was.
Q. What days did you serve as a watcher?
A. I was there Monday, Tuesday, Wednesday, and Thursday.

Q. At various times?
A. At various times, yeah.

Q. How long generally were the shifts?
A. Two hours on Monday through Wednesday, and then a little bit longer on Thursday because one of the election watchers wasn't able to serve a shift on Thursday. So we all had to go a little bit longer. So I think about two and a half hours that day. Two and a half to three hours.

Q. And there were - were there - how many of the - how many election watchers were there for the University total?
A. Four.

Q. What did you understand your role as a watcher to be?
A. To make sure the election was conducted according to the rules set out by the PLRB, specifically that there wasn't any electioneering happening within the room where ballots were being cast, that voters weren't congregating in that area. And part of it was the University had a couple of challenges that we were going to be making, students
who had been on a part of the University when the list was generated but had subsequently left the University.

Q. Did you understand whether you had a role regarding identification of voters?
A. I was not to ask a voter for his or her ID. I wasn't supposed to interact with the voter. But it was my understanding that I could check a person off of the list that the University had.

Q. Where did that understanding come from?
A. From both Dennis and Joe, as well as the University about what I was - why I was there.

HEARING EXAMINER: Can I just stop you for a moment?
When you said from the University, who specifically were you learning information from?

THE WITNESS: Probably from Stephanie, that one of the things that we would have to do is check people off the list who were voting.

HEARING EXAMINER: Okay. Go ahead.

BY ATTORNEY FARMER:
Q. During the election, what was the PLRB's practice regarding checking student IDs?
A. On the first two days, they didn't ask
for student IDs. If a student presented one, they wouldn't - they would just ask for their name and they would look for the student on their list. The student might be asked to spell their name if they struggled with a name. And they might be asked to show an ID if they really struggled with a name.

Q. Did that happen frequently during the time you were there the first two days?

A. Occasionally there would be a situation where a student would spell her name - his or her name, and it would be very hard to understand what the spelling was, and they might be asked to present an identification.

But it was clear that the identification wasn't to certify whether they should or shouldn't be allowed to vote, but clearly to check a spelling of the name.

Q. Did - while you were there, did students - did you hear any students say anything about being asked to show ID?

A. On either Monday or Tuesday, a student said, oh, don't I need to show my ID or something about I thought I needed to show ID. And I believe Joe said oh, no, you don't. You don't need to.

Q. And did the PLRB's practice regarding
checking of IDs change?

A. Yes. When I got to my shift on Wednesday, they were now taking IDs from all students.

Q. Do you know why it changed?

A. My understanding - I don't actually know why it changed.

Q. During the period of time where the PLRB was not checking every student ID, did there appear to you to be a pattern of when the PLRB asked for IDs?

A. The only pattern I would notice is when they struggled with a name.

Q. Did it appear tied to the racial or ethnic background of the student?

A. To the extent that there was more struggling with names of students who were of other backgrounds, sure. But there were -.

HEARING EXAMINER: When you say other backgrounds, what do you mean?

THE WITNESS: Racial ethnic backgrounds.

HEARING EXAMINER: Other than white people?

THE WITNESS: Yeah. But there were
certainly white folks who they struggled with their names and asked to see their ID as well.

BY ATTORNEY FARMER:

Q. You mentioned checking off the names of the students on the list. Can you tell us what you did?

A. When a student would come to vote, they would say their name and I would check their name off the list.

Q. Was anything said to you or in your presence about doing that during the voting?

A. By students or the PLRB or -?

Q. By the - I'm sorry. I should have been more clear.

By the Union's watchers or the PLRB?

A. Not that I recall.

Q. Do you recall Dennis making any statement about whether it was okay to keep a list?

ATTORNEY MANZOLILLO: Leading question.

HEARING EXAMINER: What was the question? What was the question, ma'am?

ATTORNEY FARMER: Do you recall Dennis making any statement about whether it was okay to keep the list?
HEARING EXAMINER: Overruled.
Go ahead.
THE WITNESS: I do recall him at one point saying that if this were a national election, it would not be okay to keep a list. But according to Pennsylvania regulations, it is.

BY ATTORNEY FARMER:

Q. Were you present when the seating arrangements for the watchers were changed?
A. I wasn't there when it changed. I came in, I think, the afternoon on Wednesday. And when I came in, the seating arrangement had been changed.

Q. Were you - actually, strike that. Were you there on Tuesday around lunchtime when the Union's watcher was Caitlyn?
A. Yes.

Q. Do you recall a situation where Joe was abrupt or snapped at her?
A. I don't recall.

Q. Do you recall there being any discussion between Joe and Caitlyn regarding her ability to speak in front of voters or to voters?
A. I don't recall that.

HEARING EXAMINER: Do you recall them
interacting at all?

THE WITNESS: Yeah, I don't recall one way or the other.

BY ATTORNEY FARMER:

Q. Did you - were there any situations while you were serving as a watcher where a student who was on the eligible list left without voting?

A. No. That didn't happen while I was there.

Q. Did you observe any students complaining about being asked to show ID?

A. No.

Q. Did any students make any complaints about the anonymity of the process?

A. Not while I was there, no.

ATTORNEY FARMER: I have nothing further.

HEARING EXAMINER: Would you like some time, Brad?

ATTORNEY MANZOLILLO: Yes, please.

HEARING EXAMINER: All right.

Off the record.

---

(WHEREUPON, AN OFF RECORD DISCUSSION WAS HELD.)

---
HEARING EXAMINER: On the record with Cross Examination by Ms. Fisher.

Go ahead.

---

CROSS EXAMINATION

---

BY ATTORNEY FISHER:

Q. Hi, Ms. Brodish.

You testified about the office of the provost and the structure of that office. So I'm going to show you what's been marked as Union Exhibit 22.

---

(Whereupon, Union Exhibit 22, University Organization Chart, was marked for identification.)

---

BY ATTORNEY FISHER:

Q. Would you agree that this chart is representative of the management structure of the provost's office?

A. Could you clarify your question?

HEARING EXAMINER: Is this the University org chart for your office?

THE WITNESS: Sure.
HEARING EXAMINER: Any objections to this?

ATTORNEY FARMER: No.

HEARING EXAMINER: Admitted. Go ahead.

---

(Whereupon, Union Exhibit 22, University Organization Chart, was admitted.)

---

BY ATTORNEY FISHER:

Q. Did Stephanie Hoogendoorn ask you to serve as an election watcher?

A. Yes.

Q. Do you know what Stephanie Hoogendoorn's title is?

A. I believe she's a senior assistant to provost.

Q. Okay.

What was your conversation with Ms. Hoogendoorn when she asked you to be a watcher?

A. She just asked me and I said sure, of course.

Q. Earlier you testified that you had a conversation with Dennis during the election where...
he said that if this were a national election, you
would not be able to keep a list.

Do you remember what day that
correspond took place?

A. I would say it was either Monday or
Tuesday because it happened in the Posvar suites,
and that's where we were on those days. So I
couldn't say if it was Monday or if it was Tuesday,
but it was definitely one of those days.

ATTORNEY FISHER: That's all we have.

HEARING EXAMINER: Redirect?

---

REDIRECT EXAMINATION

---

BY ATTORNEY FARMER:

Q. Looking at Union Exhibit 22, do you
appear on this anywhere?

A. No.

Q. Okay.

Which box on this do you report to?

A. I would be under the vice provost for
data and information box, Steven Wisneski. It's on
the third row, third one from the left.

Q. Okay.

ATTORNEY FARMER: Okay. Thank you.
Nothing further.

HEARING EXAMINER: Off the record.

---

(WHEREUPON, AN OFF RECORD DISCUSSION WAS HELD.)

---

HEARING EXAMINER: Back on the record.

In an off-the-record discussion, we addressed the parties Employer's Exhibits 3 and 4. They're previously admitted by me subject to steel workers' objections.

In an off-the-record discussion, I reviewed with the parties PA Rule of Evidence 106. Pursuant to review of PA Rule of Evidence 106, I'm requesting now to the extent that they have not done so that the University make a showing that those documents, 3 and 4, should be included because, in fairness, they ought to be considered at the same time with Steel Workers 20.

ATTORNEY FARMER: Thank you.

Union - I'm sorry. Employer Exhibits 3 and 4 are the attachments to Union Exhibit 20, and they are actually specifically referenced in the body of Union Exhibit 20. And therefore, we believe it's necessary that they be included in order to consider what was being communicated in Union...
Exhibit 20.

HEARING EXAMINER: All right.
And then I will - I've already admitted them. They will keep being admitted.
Go ahead, Brad, with your objection.
ATTORNEY MANZOLILLO: Yes.
The Union's admission or introduction for Exhibit 20 was for reference to the first paragraph in the count of employees who had voted, the department chair indicated had voted by that point. It was in no way being introduced to deal with the attachments.

To the extent the University is given an opportunity to reference those - any content of those attachments without indicating what those sections will be to the Union beforehand, we find it inconsistent and a prejudicial determination considering that the Union's required to point out the sections of the e-mails it was going to - it introduced as evidence to the University.

HEARING EXAMINER: All right. Thank you.

All right. So next witness, ma'am.
ATTORNEY FARMER: Thank you. Amy.

---
AMY TUTTLE,
CALLED AS A WITNESS IN THE FOLLOWING PROCEEDING, AND
HAVING BEEN FIRST DULY SWORN, TESTIFIED AND SAID AS
FOLLOWS:

---

HEARING EXAMINER: State and spell your name for us.

THE WITNESS: Amy Tuttle, A-M-Y,
T-U-T-T-L-E.

HEARING EXAMINER: Go ahead, ma'am.

---

DIRECT EXAMINATION

---

BY ATTORNEY FARMER:

Q. Ms. Tuttle, who do you work for?
A. The University of Pittsburgh.

Q. Just for the record so it's in the transcript. What's your title?
A. Senior assistant to the provost.

Q. And what does that mean?
A. It means I work for the vice provost in charge of faculty, and so - and she reports to the provost.

Q. Do you have any reporting relationship with Dr. Urban, the vice provost for graduate
affairs?
   A. No.
Q. Do you interact with graduate students as part of your job duties?
   A. No.
Q. Do you have any role in setting graduate student policy?
   A. No.
Q. Did you attend the pre-election briefing the morning of the election?
   A. Yes.
Q. What did you - were you a watcher for the University during the graduate student election?
   A. Yes.
Q. And what days did you attend as a watcher?
   A. I attended all four days.
Q. What did you understand your role as a watcher to be?
   A. I understood my role as to sit next to the - sit at the table where the people were coming up to sign in. And I was to check off the names on our list. And if there was anybody who was not on our list, I was to let the PLRB administrator know.
Q. What was the PLRB's practice regarding
checking the IDs of voters?

A. Well, the first two days that were in Posvar, they didn't check anybody's ID unless the person insisted and held it out for them. But the second two days, they tended to just start checking everybody's ID.

Q. During the first two days, were there instances where the PLRB official was struggling to find students on the list?

A. Yes.

Q. What would happen then?

A. Well, he would ask them to spell their names. And a couple times he did say that, you know, if you have your ID, I can - it would be easier for me. I think this is the way he put it.

HEARING EXAMINER: Did you notice in those first two days when ID checks were inconsistent -

THE WITNESS: Uh-huh (yes).

HEARING EXAMINER: - that Joe or Kathy, the PLRB employees, ever asked an ID of a student voter before they had approached the table and announced their name?

THE WITNESS: No.

HEARING EXAMINER: Okay.
Go ahead.

BY ATTORNEY FARMER:

Q. Did there appear to you to be any pattern of any - and, again, speaking to those first two days, did there appear to you to be any pattern of when students were asked for ID based on their race or ethnicity of the student?

A. No.

Q. Did any students complain about being asked to show ID?

A. No.

Q. Were any students who were on the eligible list turned away from voting?

A. No.

Q. Did any students who were on the eligible list leave without voting?

A. No.

ATTORNEY FARMER: Nothing further.

HEARING EXAMINER: Cross?

ATTORNEY MANZOLILLO: Can we just take a short break?

HEARING EXAMINER: Sure, sure. A short break or a long break?

ATTORNEY MANZOLILLO: This will be short.
HEARING EXAMINER: All right.
I'll keep everybody here.
Off the record.
---
(WHEREUPON, AN OFF RECORD DISCUSSION WAS HELD.)
---
HEARING EXAMINER: Back on the record.
Cross Examination.
---
CROSS EXAMINATION
---
BY ATTORNEY FISHER:
Q. Hi, Ms. Tuttle.
A. Hi.
Q. Could I ask, which vice provost do you report to?
A. Vice Provost Laurie Kirsch. She's the vice provost for faculty affairs, development, and diversity.
Q. Okay.
ATTORNEY FISHER: That's all.
HEARING EXAMINER: Who asked you to serve as a watcher?
THE WITNESS: Stephanie Hoogendoorn.
HEARING EXAMINER: Okay.
You can step down. Thank you for testifying.

Next witness, and then we'll break for lunch after this witness.

ATTORNEY FARMER:  Okay.

Peggy.

HEARING EXAMINER:  Raise your right hand.

---

PEGGY KING,

CALLED AS A WITNESS IN THE FOLLOWING PROCEEDING, AND HAVING FIRST BEEN DULY SWORN, TESTIFIED AND SAID AS Follows:

---

HEARING EXAMINER:  Have a seat. Spell your name for us.


HEARING EXAMINER:  Go ahead, ma'am.

---

DIRECT EXAMINATION

---

BY ATTORNEY FARMER:

Q.  Who do you work for?

A.  I work for the University of Pittsburgh.
Q. What's your title?
A. Senior assistant to the provost.
Q. Are there a lot of seniors - a lot of people with the title of senior assistant to the provost?
A. There are.
Q. Were you a watcher for the University graduate student elections?
A. I was.
Q. Do you have any reporting relationship to Dr. Urban?
A. I don't.
Q. Do you interact with graduate students as part of your job duties?
A. I don't.
Q. Do you have any role in setting graduate student policy?
A. No.

HEARING EXAMINER: A little louder please.

THE WITNESS: No.

BY ATTORNEY FARMER:
Q. Did you attend the pre-election briefing the morning of the first day of the election?
A. I did not.
Q. Did you serve as a watcher all four days?
A. I did not.
Q. What days were you there?
A. I was there Monday, Tuesday, and Wednesday.
Q. For how long each day?
A. Two-hour blocks each day.
Q. What did you understand your role as a watcher to be?
A. To check the names on the list. And if there were people who were not listed on that list, I was to bring it to the attention of the PLRB.
Q. What was the PLRB's practice regarding checking the IDs of voters while you were there?
A. In the beginning, they weren't checking IDs at all. And on Wednesday, they seemed to check more.
Q. Were there instances where the - where whomever was checking in students for the PLRB seemed to struggle with finding a student on the list?
A. Yes.
Q. And what would happen then?
A. There were times where I would tell the PLRB that I saw the name and where it was on the list.
list. Yeah.

Q. During those first two days, did the PLRB sometimes ask students for IDs when they couldn't find the names on the list?

A. Yes.

Q. Did there appear to you to be any pattern of when students were asked for IDs based on the race or ethnicity of the student?

A. No.

Q. Did any students complain about being asked to show IDs while you were there?

A. No.

Q. Were any students who were on the list turned away from voting?

A. No.

Q. Did any students who were on the list leave without voting?

A. No.

ATTORNEY FARMER: No further questions.

HEARING EXAMINER: So when - just thinking of the first two days and just thinking about the instances when IDs were asked for, okay, what would happen in those instances? And I'm talking about the student would approach the table
and then what would happen?

THE WITNESS: A lot of times it was because they were very soft spoken and the watchers or the PLRB weren't able to hear or understand the name.

HEARING EXAMINER: Did it ever occur that as the student was approaching and before they had said a word that the PLRB agent would ask for an ID?

THE WITNESS: No.

HEARING EXAMINER: All right.

Cross Examination.

ATTORNEY MANZOLILLO: We'll need a couple minutes.

HEARING EXAMINER: All right.

You can step down, Miss.

Off the record.

---

(WHEREUPON, AN OFF RECORD DISCUSSION WAS HELD.)

---

HEARING EXAMINER: Okay.

Back on the record for Cross Examination.

---

CROSS EXAMINATION
BY ATTORNEY FISHER:

Q. Hi, Ms. King.
A. Hi.

Q. I'm going to show you what's been marked as Union Exhibit 23.
A. Okay.

(Whereupon, Union Exhibit 23, University Organizational Chart, was marked for identification.)

BY ATTORNEY FISHER:

Q. Would you agree that this is representative of the management structure of the provost office?
A. Yes.

HEARING EXAMINER: Any objection to 23?

ATTORNEY FARMER: Nope.

HEARING EXAMINER: Admitted.

(Whereupon, Union Exhibit 23, University Organization Chart, was admitted.)
BY ATTORNEY FISHER:

Q. Do you have a reporting relationship to Ann Cudd?
A. Yes.
Q. And in fact, you work directly with Dr. Cudd?
A. Yes.
Q. I'm sorry. What was that?
A. Yes.
Q. Who asked you to be an election watcher?
A. Stephanie Hoogendoorn.
Q. Do you remember anything about how that conversation occurred or what was said during that conversation?
A. She mentioned that they needed people to watch, and could I make myself available to do that. And I agreed.

ATTORNEY FISHER: That's all we have.

HEARING EXAMINER: Okay.

Redirect?

ATTORNEY FARMER: No questions.

HEARING EXAMINER: You can step down,
Miss.

We're off the record for lunch.

---

(WHEREUPON, A LUNCH BREAK WAS TAKEN.)

---

HEARING EXAMINER: On the record.

Continue with your objection to 4, University 4.

ATTORNEY MANZOLILLO: To the extent it is used as a representation of anything that was stated at the meeting, I'm not sure who produced the - at these meetings with Mr. Urban and I - Dr. Urban and I both attended.

But there are a lot of misspellings and inaccuracies in the transcript itself. So that's a concern I would raise as well. That it's not a true and accurate representation of the recording.

HEARING EXAMINER: Well, do you have anything specific?

ATTORNEY MANZOLILLO: I can say there's one point where it has me representing the Employer, for example. Wagering at another point.

Yeah, there's a point where it has Emily quoted as saying I just lie, which is captured
from where there's percentage -.

HEARING EXAMINER: Let me drag it out. Let me grab it.
I think if I use it for anything, I would probably just correct the misspellings in brackets. You know, use brackets around the -. ATTORNEY MANZOLILLO: I think what we would like is if it is going to be used for any purposes, that you also be provided - for purposes of accuracy of what was said at these meetings, that there be a recording provided with it.

HEARING EXAMINER: A what?
ATTORNEY MANZOLILLO: That you be offered a copy of the recording that it was transcribed from.

ATTORNEY FARMER: There's a video. They videotaped it.

HEARING EXAMINER: Do you think this transcript was done automatically using some kind of program? They have Vet.com. I don't know what that is.

ATTORNEY MANZOLILLO: It wasn't something we were involved with, so I wouldn't have any proof.

HEARING EXAMINER: Well, let's see if
any part of that transcript comes up and we can just
add it at the end of the day.

ATTORNEY MANZOLILLO: Okay.

HEARING EXAMINER: Let's get to your
testimony.

ATTORNEY FARMER: Okay.

Stephanie.

HEARING EXAMINER: The woman who's
been mentioned about 100 times.

---

STEPHANIE HOOGENDOORN,
CALLED AS A WITNESS IN THE FOLLOWING PROCEEDING, AND
HAVING FIRST BEEN DULY SWORN, TESTIFIED AND SAID AS
FOLLOWS:

---

HEARING EXAMINER: Spell your name for
us.

THE WITNESS: Stephanie,
S-T-E-P-H-A-N-I-E. Hoogendoorn,
H-O-O-G-E-N-D-O-O-R-N.

HEARING EXAMINER: Your witness,
ma'am.

ATTORNEY FARMER: Thank you.

---

DIRECT EXAMINATION
BY ATTORNEY FARMER:

Q. Stephanie, who do you work for?
A. The University of Pittsburgh.
Q. And what position?
A. I'm a senior assistant to the provost.
Q. What does being a senior assistant to the provost mean?
A. In my case, I report directly to Nathan Urban and Joe McCarthy. Joe McCarthy's our vice-provost for undergraduate studies. And I specifically manage a staff of, I think there's five people, who handle academic affairs for the two vice-provosts.
Q. Did you have a role in connection with the graduate student election?
A. Yes. I helped — I helped find locations. I showed Dennis and Joe specific — there were four different locations that we thought could be good candidates for the election. And then once they selected those locations, I helped them facilitate whatever their needs were for the election.
Q. And did you go to the election location at the beginning and ending of each day?
A. Yes. I needed to make — and for Posvar,
I had to unlock and lock up the doors. And I needed to check in with Dennis to make sure that whatever they needed for the election was there.

Q. Were you present for the pre-election briefing on the morning of the election?
A. Yes.

Q. Have you been present for the testimony here the last two days?
A. Yes.

Q. Did you hear the testimony about Dennis' questioning of the University's watchers about being supervisors?
A. Yes, I did.

Q. If Dennis had asked you to get other individuals as watchers, what would you have done?

ATTORNEY MANZOLILLO: Objection, hypothetical.

HEARING EXAMINER: Say the question again.

ATTORNEY FARMER: I said if Dennis had asked you to get other watchers, what would you have done?

HEARING EXAMINER: So you're asking her was there a potential pool of additional people that she would ask?
ATTORNEY FARMER: I'm asking her what she would have - yeah, and essentially what she would have done if Dennis had said you needed different watchers.

HEARING EXAMINER: Overruled.

Go ahead.

THE WITNESS: I can answer?

BY ATTORNEY FARMER:

Q. Yes.

A. Okay.

I would have gone back to the office. I would have looked for additional staff members who could have helped or called different people who I know on campus. So I would have - I would have found other watchers.

Q. And could you have done that within a few hours?

A. Yes.

Q. Did you - during the course - so you said you went every day, beginning and end of the day?

A. Correct, yes.

Q. During the course of the election, were you present for any discussions with any officials of the PLRB about checking of student IDs?

A. Checking IDs. Yes. When I was in Posvar
Hall the second morning, before it was - it was early in the morning, Joe and Dennis were there. The other two, Kathy and - not Rebecca. Either way, Joe and Dennis were at Posvar, and I overheard Dennis talking to Joe telling him that if students come up with an ID in their hand, that he - instead of - instead of, like, not looking at it or instead of saying I don't need to see that, he should accept the ID.

ATTORNEY MANZOLILLO: I'm going to object to hearsay.

HEARING EXAMINER: Overruled. Go ahead.

THE WITNESS: And then the second point that I overheard Dennis say was that if you - if you're not sure of how to spell a name from a student, then you could simply ask the student for the ID.

BY ATTORNEY FARMER:

Q. There has been testimony about the voter list that was being kept by the University. Were you involved in the coordination of that?

A. I was.

Q. What was your role?

A. I had the list and I helped facilitate it
because I was going to be at the event in the morning or at each of the locations in the morning and the evening. And our poll watchers were not necessarily the same person.

I would collect the - I would collect the list from the last watcher. I would make sure that whatever needed to be done with the room was done. It was locked. I would return the list to my office in the cathedral.

And then in the morning, I would pick up the list and I would bring it to the next poll watcher the next day.

Q. Did the list have any information on it other than the name of the student?
A. No, just names.

Q. Did you run any analytics on the list to determine where students were voting or in what department?
A. No.

Q. Did you see any - let me strike that. Did you see the Union's attorney, Brad at the polling locations each day?
A. I did.

Q. Did you hear any conversations between Brad and Dennis?
A. No, other than - other than the preconference on Monday morning.

HEARING EXAMINER: So wait. Just to go back to the list you took to the Cathedral of Learning, your office, and you just put it in your office and locked the door or locked the -?

THE WITNESS: Our suites are locked, yes.

HEARING EXAMINER: All right. And then you just went home?

THE WITNESS: Correct.

HEARING EXAMINER: You didn't give the list to anybody else?

THE WITNESS: Correct.

HEARING EXAMINER: All right. Go ahead.

BY ATTORNEY FARMER:

Q. At any point during the election did you have any conversation with any representatives of the PLRB about the composition of the unit?

A. Yes. Also Tuesday morning at Posvar before, you know, it was like 7:30, 8:00, Dennis asked me for clarification on what the titles were of the types of graduate appointees who were included in the list, and what - and what those
names are not on the list.

So essentially, I just wrote down for him the four titles who are eligible academic appointees. Teaching assistant, graduate student assistant, graduate student researcher -

HEARING EXAMINER: And teaching fellow.

THE WITNESS: - and teaching fellow. Thank you.

And then the two who are off are our certificate trainees and our pre-doctoral fellows. He just wanted to know what those names were.

BY ATTORNEY FARMER:

Q. And was that - had there been confusion about challenge ballots and whether people were challenged or not?

A. Correct. Dennis was planning to talk to the four staff members from the PLRB about the challenge ballots and what those titles were.

Q. While you were - at any time while you were there during the election, did you hear any objections raised to - by the Union to the University keeping a list of voters?

A. I did not hear any objections. The morning, the Monday morning, during the
pre-conference, the pre-hearing meeting with the
watchers, I did hear Brad say that this was the
first time that he had heard the names of the
watchers. That was the one comment that I had
heard.

Q. And at any point during the election did
Dennis tell you that the University should not be
keeping a list of voters?

A. No.

ATTORNEY FARMER: I have nothing
further.

HEARING EXAMINER: Would you like some
time, Brad?

ATTORNEY MANZOLILLO: Yeah.

HEARING EXAMINER: All right.

Off the record.

---

(WHEREUPON, AN OFF RECORD DISCUSSION WAS HELD.)

---

HEARING EXAMINER: Back on the record
for Cross.

---

CROSS EXAMINATION

---

BY ATTORNEY FISHER:
Q. Hi.
A. Hello.
Q. So how did you determine who would serve as watchers for the University?
A. So we needed staff members who would be available for those four days. And we needed enough people who could sort of take some shifts.

And we - it was my understanding that those folks should not be - like, I first thought about my own staff that I manage. But all of those people are - all but one worked directly with graduate students. They know graduate students, so it didn't seem like it should be someone who works with graduate students.

So then I started talking to our other team leads, as we call ourselves. And they all have flexibility to cover those days.

It ended up that - it ended up that if we have four people, that that could cover the shifts and they were available. And none of those people worked with graduate students at Pitt, really knew graduate students.

So that's how we came up with those four people.

Q. Did you ask anyone else to be a watcher
other than the four people who ultimately served?

A. No. I did not ask my direct staff because I figured they weren't good choices.

Q. So did you approach anyone else and ask could you be a watcher at any point?

A. No, just the four.

Q. Okay.

So how were you certain that you could have found four new watchers for the election within a few hours to cover whatever specific shifts were needed?

A. There are other - there are other staff members in the provost's office. We're a pretty large office. So we had other staff members who could.

And, you know, because there was a question about the supervisors, those people do not supervise people. The people I have in mind who could alternatively have stepped in.

Q. Okay.

And those people that you had in mind, were you aware of what specific hours they would have been available?

A. I think not - not immediately, but I'm sure there's enough people in the office that we
could have carved together some options.

Q. And how would you be certain that these other people that you had in mind would have said yes?

A. Because I would have - I mean, they're - the four people who are here were their supervisors. This was a provost's office initiative.

I also know a lot of people at the University. I'm sure there are other people who - I mean, I've been here a long time. I think I could have carved together some folks.

Q. And isn't it true that you first provided the names of the watchers to the PLRB and the Union a few minutes before the opening of the polls?

A. Yes.

ATTORNEY FISHER: That's all.

HEARING EXAMINER: Redirect?

ATTORNEY FARMER: Nothing.

HEARING EXAMINER: Step down, Miss. On to the vice-provost then?

ATTORNEY FARMER: Yes.

HEARING EXAMINER: All right. Come on up here.

---

NATHAN URBAN,
CALLED AS A WITNESS IN THE FOLLOWING PROCEEDING, AND
HAVING FIRST BEEN DULY SWORN, TESTIFIED AND SAID AS
FOLLOWS:

---

HEARING EXAMINER: Spell your name for us.

Urban, U-R-B-A-N.

HEARING EXAMINER: Your witness, ma'am.

---

DIRECT EXAMINATION

---

BY ATTORNEY FARMER:

Q. Who do you work for?
A. University of Pittsburgh.

Q. In what position?
A. I'm vice-provost for graduate studies and strategic initiatives, and a faculty member in the School of Medicine.

Q. How long have you held the position as vice-provost?
A. Approximately two years. A little less.

Q. Did you share or direct anyone in your office to share with anyone in the schools,
colleges, or departments of the University the names
of students who had voted?

A. No, I did not.

Q. And was the names of who had voted shared
with anyone during the election?

A. No.

Q. Since the election ended, have you shared
that information with anyone?

A. No.

Q. During the election, did you communicate
with faculty encouraging - about encouraging
students to vote?

A. Yes.

Q. What form did that take?

A. Several different forms. I had sent
e-mails to faculty in the University, including some
department chairs, associate deans of various
schools, e-mails indicating that the University
really wanted to make sure that voter turnout was
high and encouraging them to relay this kind of
message to their students in their programs.

In some cases, that included an e-mail,
sort of template e-mail, that - you know, with that
message. And that template e-mail also included
both a link to the University's website and also to
the Union organizer's website in most cases. I can't say that was in all cases. I think I either did it with both links or either link.

Q. And when you were reaching out to people in these programs, did you provide numbers to them of how many students in their programs had voted?

A. I did not.

Q. Did you know who in their programs had voted?

A. No, I did not.

Q. In front of you should be a series of exhibits.

Can you turn to Union Exhibit 19?

HEARING EXAMINER: Are you on 19?

ATTORNEY FARMER: Yes, Union 19.

BY ATTORNEY FARMER:

Q. Have you ever seen this e-mail before?

A. I have not seen this e-mail before.

Q. What is EXO?

A. EXO is the engineering graduate student organization. That's a student organization that is at the School of Engineering that involves graduate students at the School Engineering.

Q. Who is the head of EXO?

A. A graduate student by the first name of
Kevin. I forget Kevin's exact last name. It's Moasin. It starts with an M. I don't remember his exact last name.

Q. In that e-mail, it makes reference to a 30 percent number. Do you see that?
A. Yes.
Q. Okay.

Do you know where that number came from?
A. I do not.
Q. Did you have any communications with Kevin about the percentage of students in engineering who had voted?
A. No, I did not.
Q. And did you communicate a 30 percent number to anyone during the election?
A. No, no.
Q. And I'll take that back.

HEARING EXAMINER: I'll show him - if you want to refer to others, I'll show him.

ATTORNEY FARMER: Okay.

That would be - okay. Union Exhibit 20.

HEARING EXAMINER: Okay.

He's got it.
BY ATTORNEY FARMER:

Q. Have you seen this before?
A. Yes, I have.
Q. Okay.

And when did you first see this?
A. I saw this after the - we got information about the subpoena to Dr. Little. I can't remember if I did directly or - but either I or someone else asked to Dr. Little and people in the School of Engineering about an e-mail that was referenced in that subpoena. And so in that context that I - like I said, either directly or indirectly, I obtained this e-mail and read it at that time.
Q. And Dr. Little, he's the - is he the chair of Chemical Engineering?
A. That's correct. He's the chair of the Department of Chemical and Petroleum Engineering within the School of Engineering.
Q. Okay.

Union Exhibit 21. This was represented by the Union to be a list of the students who were in chemical engineering who were eligible voters?
A. Yes.
Q. You heard that testimony?
A. I heard the testimony, yeah.
Q. And you're not disputing that?
A. No, I don't dispute that.
Q. You were here for - were you here for the
testimony of the Union's witnesses yesterday?
A. Yes.
Q. After hearing the testimony yesterday,
did you have the opportunity to go back and look at
how many students in chemical engineering voted in
the election?
A. Yes, I did.
Q. And how many was that?
A. I believe that number was 46.
HEARING EXAMINER: How did you
determine that?
THE WITNESS: So I went to the
information that we had from the lists that were -
had been mentioned throughout, and looked on those
lists to see how many students had voted in chemical
engineering.
HEARING EXAMINER: The University's
watchers list?
THE WITNESS: Yes, that's correct.
And so the number - maybe I misspoke.
The number of students in chemical engineering was
46. The number who had voted was 40. I think I - I
may have misspoke.

HEARING EXAMINER: It's clear now.

BY ATTORNEY FARMER:

Q. And was that information that was known to you during the election?

A. It was not something that I was aware of during the election.

Q. In -.

HEARING EXAMINER: And just so we're all clear, we don't know if the University's list was accurate?

THE WITNESS: Correct. Right.

ATTORNEY FARMER: Correct.

HEARING EXAMINER: So that - we're all clear that information he's got there was from consulting the University's list?

THE WITNESS: That's correct.

HEARING EXAMINER: And not the official binder that we have in the office upstairs.

THE WITNESS: That's right.

HEARING EXAMINER: Go ahead.

ATTORNEY FARMER: Yes.

BY ATTORNEY FARMER:

Q. And in looking at this after yesterday's testimony, did you look at how many of those
students voted on the first two days of the
election?

A. I did. I'm trying to remember the number
now. So I think it was - I'd have to go back and
look. I think it was 12 students who had voted in
the first two days of the election. And so then 28
additional students voted on the third and fourth
days.

Q. And when was - when was Dr. Little's
e-mail sent?

A. It was sent the morning - Wednesday
morning.

Q. So that's the morning of the third day?

A. That's correct.

HEARING EXAMINER: Let's go off the
record for a second.

---

(WHEREUPON, AN OFF RECORD DISCUSSION WAS HELD.)

---

HEARING EXAMINER: Back on the record.
Continue with Direct.

BY ATTORNEY FARMER:

Q. Were you involved in drafting and sending
a series of e-mails to graduate students in the
period leading up to the election?
A. Yes. Yes, I was.

Q. And were you also involved in comparing the content of University webpages devoted to graduate students' unionization?

A. Yes, I was.

Q. And what was the purpose of these communications?

A. There were multiple purposes. I would say early on it was critical - well, early on, meaning after the election was originally ordered, it was critical to be able to get information to students out about the fact that an election had been ordered.

Once we got - and so that included providing information to students who were part of the bargaining unit. Also, students who were PhD students who were not part of the bargaining unit. We wanted to make sure that there was clarity about those things.

Once the location - dates and locations of the election had been specified, we provided information to students about those dates and locations with the purpose of trying to make sure the students were as aware as possible that an election was occurring, when, you know, where, all
those kinds of factors.

We were also interested in providing information to students about the process of how to - you know, what this whole unionization issue was about, you know, what the process would be of going forward.

We also got a lot of questions from students about a whole variety of topics, including questions about eligibility, questions about the possible implications of unionization, about the possible consequences of unionization, questions about the voting process. And so we provided a whole - a large number of e-mails across that time period trying to cover those topics.

And certainly in many, many cases, and that's both for the e-mails and also for the information on the University's websites, providing information in response to questions that students were asking.

Q. Approximately how many e-mails were sent to graduate students following the Hearing Examiner's March 7, 2019 Decision through the end of the election?

A. I hadn't gone back and counted so it's somewhat of an estimate. But certainly in the last
couple of weeks, we were sending at least one e-mail a day. In some cases, multiple e-mails a day. And over the intervening period, certainly e-mails on many days, multiple days a week. So I would guess, you know, 50 or 60 e-mails over that time period.

HEARING EXAMINER: Fifty (50) or 60?

THE WITNESS: Fifty (50) or 60, including e-mails to different groups.

BY ATTORNEY FARMER:

Q. Were there also in-person sessions that you participated in where students had an opportunity to ask questions?

A. Yes. I participated in quite a number.

The first one was a university-wide, sort of open information session around March 26th or 27th, somewhere in that time frame. There were a couple the week of - well, I remember the dates. April 4th and 5th. April 4th, I believe that was with the chemistry department. April 5th, I believe that was with the School of Computing Information.

The following week, I did information sessions for the physics department, the School of Engineering. The graduate student organization organizes the session. The physics department, the School of Medicine graduate students, in addition to
a second university-wide information session on, I think it was, April 8th or 9th. It was the week before the election, around about Wednesday of the week before.

Q. And these sessions, were they all open to students to come and ask questions if they chose to?

A. Most of them. The one that was a little bit different was the engineering graduate student organization. They solicited questions from students in the School of Engineering in advance. They compiled a list of questions and then asked those questions. A small group of students who were representatives from the various departments within the School of Engineering were present for those questions being asked by Kevin, the AGSO president.

So that was not open to all students in person, but they did record it on video and provided the transcript that has been discussed already. And they provided the complete list of questions as well.

Q. And that list of questions that were provided to be answered on the video, is that what was marked -?

ATTORNEY FARMER: Can you show him Employer Exhibit 3?
HEARING EXAMINER: Yes.

THE WITNESS: Yes. This is the list of questions with red annotations that were made by AGSO to indicate when in the video - the two videos, one of me and one of Brad and Emily Ackerman, one of the previous witnesses, when in the video-recording those questions were being answered.

But the questions here are the ones that I was asked during the information session, and I assume the same - I didn't attend the information session that involved Brad and Emily. But I did watch it on video, so I assume, you know, I can represent that the same questions seemed to be answered - asked and answered.

BY ATTORNEY FARMER:

Q. You mentioned that you had an information session around March 26th?

A. Yeah.

Q. Were students offered the opportunity to submit anonymous questions through the website in advance of that?

A. Yes. We had set up a website, had a lot of students to submit questions. We got a large number, 50 or 60 questions, in advance of that information session.
Q. And at the information session, were students also given the opportunity to submit questions in some form?

A. Yes. We had index cards. And students were asked to submit questions by writing them on index cards that then could be handed to the front. And then a selection of those questions were read and answered.

Q. Did you also - you mentioned that some other information sessions that you attended in various schools and colleges. Did you get questions submitted in advance of those as well?

A. For chemistry and physics, there were questions that were provided to me, an advance list of questions. And in those information sessions, I would say those information sessions were largely based on those questions, although there were also questions that came up more spontaneously.

In the case of school computing information, information session, it was sort of an unusual event in that it was half social event and half information session. Literally, there some students in the back of the room drinking beer and eating chips. And then there was a portion of the room where there was a group of students who were
interested in getting information about unionization. And so I spoke in that form.

That was not one where they provided me – they provided me with some maybe very general topics that they wanted me to address, but not specific questions.

And then in the information session for School of Medicine students that was put on, there were not questions that were provided in advance of that. I just answered questions. I provided a little bit of context at the beginning and then answered questions from the audience.

Q. Did you get questions from students in other forms as well?

A. Yes. We got a lot of questions just via e-mail to an account that's vice-provost for graduate studies account. It's not my personal e-mail account, but one that I monitor.

I got questions from students to my direct personal e-mail in some cases, especially with students who knew me in some other capacity or knew me in some way.

I got questions, you know, literally walking down the street, standing in line at Starbucks. Graduate students would come up to me
and, you know, ask if they could ask me questions about unionization because of something that they were more concerned about. And so I would do my best to answer those questions in whatever - you know, whatever time and whatever format.

Q. And did you attempt to answer the questions that you were receiving from students?

A. Yes. We did a couple of things. One is that in most cases, I can't say that we did it in all cases because we might have missed one, but in most cases, we provided a direct reply.

If a question came in by e-mail, for example, and I would say there's a couple different versions of that. So there were questions that came in by e-mail where it was not anonymous, where students just sent an e-mail so we could reply. And so when possible, we would reply directly to that student's e-mail with an answer to that question.

In other cases, we had set up a more anonymous system, a system where somebody could go in and type a question into a - I didn't actually ever submit a question so I don't know exactly what it looked like, but into some sort of text box and hit submit and then we would get that in an e-mail account, but it was anonymous so that we couldn't -
you know, we didn't know who sent it.

So obviously, in those cases, we couldn't then reply to that student specifically, but rather we used those questions - we saw those different kinds of questions as the basis for providing information on the website that we had set up about graduate student unionization. That website, you know, we kept adding to that website as more and more questions came in.

And often - most of that ended up in the F and Q section of that website specifically.

ATTORNEY FARMER: Could you show the witness Union Exhibit 2?

HEARING EXAMINER: Are you going to go into it here a little bit?

ATTORNEY FARMER: Yes.

HEARING EXAMINER: All right.

ATTORNEY FARMER: There might be a couple that I jump out of order.

HEARING EXAMINER: There seems to be 2 through 16. Okay.

ATTORNEY FARMER: Okay.

BY ATTORNEY FARMER:

Q. Do you recognize this document that's been marked as Union Exhibit 2?
A. Yes. It looks like an e-mail that I sent out early on this - well, not so early on, but around the time the information - yeah. It says the last time I hosted the information session. So that's an e-mail I sent out the day after the first of the university-wide information sessions.

Q. And what was the purpose of sending this e-mail?

A. There had been a number of issues that had come up in that information session. There were - and I would say we got reasonable attendance. I would say 60 or 65, maybe 70 students in total, at that information session.

But clearly, that represents a very small fraction of the overall number of graduate students, not overall number of students in the bargaining unit.

So this was, one, to provide information under the assumption that the questions that were being asked by students at that information session were ones that other students would be interested in as well. We wanted to provide that information about some of these issues to the broader group of graduate students. So that was the purpose of sending out this e-mail.
A lot of questions that came up with that information session had to do with who can vote and what - and how that decision about how was in the unit - how that decision was made. There were a lot of questions about membership in the bargaining unit versus membership in the union and what the difference was. And so that was something that was addressed here.

There were a lot of questions about the potential consequences or impact of unionization. And so, you know, I think those were the three things that I focused on in this particular e-mail.

Q. Okay.

Turning your attention to page two?

A. Yeah.

Q. The Union has raised an objection to the second paragraph under number three that begins we also believe that students could lose the ability to work directly.

Do you see that paragraph?

A. Yes.

Q. Okay.

Why was this included in this communication?

ATTORNEY MANZOLILLO: Objection to
relevance. This is - what the intention was is irrelevant to the objective standard -.

HEARING EXAMINER: Overruled.
Go ahead.

THE WITNESS: So the reason that this was included is because students had a lot of questions about the impact of unionization and in particular about the - how it might affect some of the issues that are mentioned here.
For example, the ability to work directly with a faculty advisor or with a department or with a graduate program director on some of these issues that are mentioned here, like stipends, the assignment of assistantship opportunities, work hours, et cetera.

And so those were questions that had arisen at that information session and in other conversations and e-mails. And so it seemed like it was something that was important to address.

HEARING EXAMINER: I just want to - Brad, I understand your objection completely. I'm just interested in creating as full a record as possible at this time.

ATTORNEY MANZOLILLO: I'll just have a standing objection to any of these similar
ATTORNEY FARMER: Just give me a second to write those.

HEARING EXAMINER: Sure.

ATTORNEY FARMER: Are you okay if I do these all at once to be more effective?

HEARING EXAMINER: Yeah.

ATTORNEY FARMER: If we just put them in all at once?

HEARING EXAMINER: Show them to -.

ATTORNEY FARMER: Yes.

HEARING EXAMINER: Let's go off the record for one moment.

---

(Whereupon, Employer Exhibit 5, 3/20/19 E-mail, was marked for identification.)

(Whereupon, Employer Exhibit 6, 3/20/19 E-mail, was marked for identification.)

(Whereupon, Employer Exhibit 7, 3/22/19 E-mail, was marked for identification.)

(Whereupon, Employer Exhibit 8, Index
BY ATTORNEY FARMER:

Q. I'm handing you what we're marking for identification as Employer Exhibits 5 through 11. So starting with Exhibit 5, can you explain what this is?

A. Sure. Exhibit 5 is an e-mail. It's the - it's what we saw when a student submitted a question via this anonymous system which is called - it's called Wufoo. So this is a system by which a student could directly - as I mentioned, directly enter text into a text box, hit submit. That would come to us and allow students to maintain anonymity if they so chose.

And so that's - that's why the Wufoo, no reply at Wufoo.com is the e-mail at the top. And it was - yeah, that's the way in which these questions came in.
Q. Okay.

     And the two-line, the e-mail grad student at Pitt.edu, what's that?
     A. So that's the e-mail account that received the - the way the system was set up that when somebody entered it into Wufoo, then it came to us as an e-mail to this account. So it appeared in a standard, sort of, Outlook mailbox.

Q. And Dan Camarda, is that somebody who works in the University communication section?
     A. That's correct. Yeah, he works in the University communications. He was involved in setting this up.

Q. Okay.

     And what's Exhibit 6?
     A. Exhibit 6 is the same kind of thing. It's a different question, different topic. Yeah.

Q. Okay.

     Was there - in this system, was there any way for you to respond directly to these questions?
     A. No, there was not.

Q. And were these submitted in advance of that information session that you previously testified about?
     A. Judging this based on the date, they were
submitted in advance. And we set up the Wufoo system. The first use of it was in the context of the information session. So yes.

Q. Okay.

And what's 7?

A. Seven (7) is the same kind of thing. I mean, it looks like - the numbers here, number 21 indicates this was the 21st question that was submitted in this instance of Wufoo. And, again, it's a different question, different topic, but the same kind of thing.

Q. And what's 8?

A. Eight (8). So 8 is a question that was submitted on index cards, a photocopy of a question that was submitted on an index at the first information session event on the 26th.

Q. And what about 9?

A. Nine (9) is the same. I mean, a different question, different topic. But it's the same kind of idea.

Q. And for 8 and 9, were they submitted anonymously?

A. Yes.

Q. What about Number 10?

A. Yes, same kind of thing. Also submitted
anonymously. And unless somebody signed their name to it, we have no idea who sent it or who provided it.

Q. Number 11, is that the same?
A. Same.

ATTORNEY FARMER: I'm done with the questions about these, about these questions. But the Union wants to ask on voir dire.

HEARING EXAMINER: Go ahead, Brad.

---

CROSS EXAMINATION

---

BY ATTORNEY MANZOLILLO:

Q. Dr. Urban, can you tell us - so you didn't play any role in creating these - in creating the e-mail system you referred to? That's the IT department?

A. It's a commercial system that we subscribe to. It was something that was set up by the communications department at the University.

Q. So you have no way of knowing who actually submitted these questions?

A. I do not. The intent was to keep it as anonymous as possible.

Q. So you have no idea - you have no idea if
the people who submitted were bargaining unit members or -?

A. I don't. I mean, we sent information about the information session and the link to the system to the bargaining unit, to the e-mail list that we had that was the e-mail list of all the people who are in the bargaining unit.

So there's - that would suggest that those were the people who were most likely to be submitting questions. But I can't, you know, in any individual case say with certainty.

Q. And in terms of - first of all, Exhibit 10, there seemed to be two sides. Is that the exact same question on each side?

A. It looks like it's just two copies of the same card.

ATTORNEY FARMER: Yeah, that's just a copy.

ATTORNEY MANZOLILLO: Okay.

And we've had our share of those.

BY ATTORNEY MANZOLILLO:

Q. Now, these cards, what are they? They're copies of actual note cards?

A. So at the information session - at the first information session, in order to - well, as a
mechanism for soliciting questions from members of the audience, we distributed note cards. We brought note cards. We may have even brought pens. I honestly don't remember. I think we did.

And provided those to people in the audience who were interested in asking questions. Those questions were then collected, brought up to the front. They were - some of those questions were then read to me.

There was a moderator at this particular event, faculty of School of Law, Vivian Curran. Vivian would read to me questions that came in from the audience.

Q. And who would collect the cards?
A. There were a couple people in the audience. I don't remember exactly who it was. Stephanie was certainly there and was involved in that process.

Q. And so you believe these to be cards that were - copies of cards that were submitted by people who were in the audience?
A. Yes.

Q. And you - you did not have any basis for knowing who the people in the audience were that submitted these questions?
A. We didn't take attendance at the event. There's some people in the audience that I didn't particular recognize, and I, you know, could remember a few people that were there. But, you know, we did not have a list of attendees of the event.

Q. And you wouldn't know if those people you recognized were the ones who submitted these cards?

A. I don't - I can't think of any particular case where I could say yes, I, you know, saw this person hand in a card, for example. No.

ATTORNEY MANZOLILLO: We're going to object to the relevance of these documents.

HEARING EXAMINER: What's the relevance, ma'am.

ATTORNEY FARMER: So the case law, when it comes to communications during a campaign where the Union is objecting to those communications, is that the communications have to be looked at in the totality of the circumstances in context.

So the context here is that the Union is objecting to e-mails that were sent by the University and things that were put on a webpage. The context is the University was responding to
questions that it was receiving from a number of
different forums from students addressing these
topics.

HEARING EXAMINER: Is that why we have
a selection here and not the entire group?

ATTORNEY FARMER: Yes.

HEARING EXAMINER: You're alleging
that these particular ones led to the responses?

ATTORNEY FARMER: They address - all
of the things that are contained here are addressed
- are questions that address topics that are
addressed in the communications the Union is
challenging.

HEARING EXAMINER: Well, you're
hopefully going to say that.

Go ahead, Brad.

ATTORNEY MANZOLILLO: Mr. Urban's
response, I heard his response was that they were -
he doesn't know who sent these. We have no idea if
they were students, bargaining unit members.

That certainly impacts the relevance
to the context of the response, of the University
responding.

THE WITNESS: Can I -?

ATTORNEY FARMER: No.
I mean, they're anonymous questions.

We were doing it so students -.

HEARING EXAMINER: Brad, her argument was enough for me to overrule.

ATTORNEY FARMER: Thank you.

HEARING EXAMINER: Go ahead.

They're admitted.

---

(Whereupon, Employer Exhibit 5, 3/20/19 E-mail, was admitted.)

(Whereupon, Employer Exhibit 6, 3/20/19 E-mail, was admitted.)

(Whereupon, Employer Exhibit 7, 3/22/19 E-mail, was admitted.)

(Whereupon, Employer Exhibit 8, Index Card, was admitted.)

(Whereupon, Employer Exhibit 9, Index Card, was admitted.)

(Whereupon, Employer Exhibit 10, Index Card, was admitted.)

(Whereupon, Employer Exhibit 11, Index Card, was admitted.)

---

ATTORNEY FARMER: Thank you.

---
REDIRECT EXAMINATION
---

BY ATTORNEY FARMER:

Q. I think you said that there were - over the course of this, that there were a number of questions that were submitted. Was that in the hundreds?

A. Certainly there were hundreds of questions across all different forums.

ATTORNEY MANZOLILLO: I just want to -.

HEARING EXAMINER: Go ahead and make your objection to my ruling.

ATTORNEY MANZOLILLO: Yeah. I'm going to object to that ruling based on that we see no relevance to these documents when they can't establish that any of them came from any bargaining unit member. I should say from graduate students, much less bargaining unit members.

And as such, they provided no context for the University claiming it's responding to graduate students or bargaining unit - particularly bargaining unit questions.

HEARING EXAMINER: Okay. Thank you.

Sorry to interrupt you, sir, but go
ahead if you remember the question.

THE WITNESS: Something about the number of questions.

HEARING EXAMINER: Re-ask it.

ATTORNEY FARMER: Yeah. That's fine.

BY ATTORNEY FARMER:

Q. Approximately how many questions were submitted either at that initial information session or through the anonymous portal?

A. So, I mean, at the time of that information session and a few days thereafter, like I said, I think there were about 80 or so questions that were in play at the time of the information session and a few days thereafter in terms of things that had come in either directly as e-mail or through the anonymous system.

Plus, there were another, I would guess, 40 or so cards that were submitted on the - at the actual information session. Plus there were questions that were just verbal at the information session.

So, you know, as of the end of March, there were at least 100 questions that had been asked in one form or another since the early March date when the order was first made.
Q. Turning your attention back to Union Exhibit 2, was this the first communication that went out to students following that information session?

A. Yes, I believe it is.

Q. And were you - what was the intention about, if any, about trying to address questions that had been raised by students?

A. The intent was that I thought it was very important for students to be informed about the issues related to the upcoming election. I thought it was therefore useful to provide to students information about questions that had been raised from - you know, from any source, that in order to help orient them to begin to understand what the election was going to be about, what the process was going to be, and what issues they might be concerned with.

Q. Taking a look at Employer Exhibit 8.

HEARING EXAMINER: Employer 8.

THE WITNESS: Yes.

HEARING EXAMINER: You just gave us that one.

ATTORNEY FARMER: Yes.

HEARING EXAMINER: Okay.
Go ahead.

BY ATTORNEY FARMER:

Q. You testified previously about this and this paragraph at the bottom of page two of Union Exhibit 2, which was that March 27th communication?

A. Yes.

Q. Was Employer - that paragraph in part intended to address questions like Employer Exhibit 8 that you had received?

A. Yes, absolutely.

Q. In what way?

A. Well, I mean, the Exhibit 8 talks about the - raises the question of how union would impact my current work schedule, such as standardizing hours, time in lab. Currently the student indicates that his or her PI is flexible, interested in maintaining, you know, aspects of that. And essentially asking the question of whether that would be possible if there was a union.

And so therefore, the response - the second paragraph of point three in the March 27th e-mail tries to directly address some of those issues.

Q. Okay.

Did other questions also address what the
impact would be, for example, on research hours?

A. Yes. Certainly other questions that came in, other questions that were raised at the event, and certainly, you know, questions that I had been - although in some ways early March, March 6th or 7th, when the order was made, initiated a certain stage of this.

There had been questions and, you know, information. I had been talking to students for more than a year about these issues. And so that was - all of that was relevant, in my mind, to the kind of information the students were seeking about this process.

Q. And then in Employer Exhibits 9 and 10, did they also address questions about what the impact would be on working hours?

A. Yes. So, I mean, Exhibit 9, the question specifically mentions pay benefits and hours. Talks about strikes.

Question 10 or Exhibit 10 asks about working hours and restrictions on working hours. So all very tied to the response.

Q. Let's now turn to Union Exhibit 3.

Do you recognize that?

A. Yes. This is an e-mail that I sent on
March 29th about the upcoming election.

Q. And what was the genesis of this e-mail?

A. So the - the genesis was that we, once again, were seeing questions come in from one source or another about stipend levels. And in particular, there were claims that were being made by union organizers and others about stipend levels. And students were asking me questions then about those claims that were being made.

And so in particular, they were asking the questions about whether having a union would increase stipend levels.

And this is something that we keep track of and we've been sort of looking at ever since I came into the role. And so we provided them with information that actually had been - maybe it was an update of things that had previously been on webpages about our stipend increases over the last five years being 13.2 percent, which was both higher than the rate of inflation and higher than the stipend increases that had been - had occurred over the same time period at other institutions, including the ones that were mentioned, which were institutions with unionized graduate students.

Q. And had students been specifically asking
for information about what the impact was at other universities?

A. Yes, absolutely. This was a common question that came up. There were many examples of it in the questions that were submitted.

Q. And is Employer Exhibit 9 one of those?

A. Yes. Yes, absolutely.

Yeah. Employer Exhibit 9, I mean, very specifically asks about similar universities. And so I picked Michigan, Illinois, UDUB. I forget who else. Those were some of the ones that I went and found out. Michigan State.

HEARING EXAMINER: University of Washington.


Those are ones that I specifically found out about because I thought that they were, you know, similar peer institutions, which I thought that the information about those would be particularly relevant.

BY ATTORNEY FARMER:

Q. And the Union has - in Union Exhibit 3, the Union has objected to the paragraph on page three that begins over the last five years,
A. Yes.
Q. - the stipend levels. The paragraph you were just talking about.
    Did anyone ever suggest to you during this process that the information you provided about, either the increases at Pitt or these other universities was inaccurate?
    A. No. No one did.

HEARING EXAMINER: How did you determine what the level - oh, in the last five years, stipend levels of graduate students, TAs in particular. Okay.
    How did you determine the stipend level increases of TAs at Michigan, Michigan State, Illinois, Washington, and others?

THE WITNESS: So I went and looked at their collective bargaining agreements. And it's in those collective bargaining agreements what those stipend increases would be for particular classes of students.

HEARING EXAMINER: Go ahead, ma'am.

BY ATTORNEY FARMER:
    Q. I'm showing you what we're marking as Employer Exhibit 12.
    ---
(Whereupon, Employer Exhibit 12, 4/1/19 E-mail, was marked for identification.)

---

BY ATTORNEY FARMER:

Q. Do you recognize this?

A. Yes. It's another e-mail that I sent to graduate students in this case, on April 1st.

Q. And why was this sent?

A. This was sent because there were questions that came up. In particular, there was a question that came up at the first information session that I distinctly recall because I know the student who raised it about the secrecy of the ballot and how it is that the secrecy of the ballot would be protected or would be ensured in this case.

Q. I'm showing you what we're marking as Exhibit 13.

---

(Whereupon, Employer Exhibit 13, 4/2/19 E-mail, was marked for identification.)

---

BY ATTORNEY FARMER:

Q. Do you recognize this?
A. Yes. This is another e-mail that I sent. Again, this one's on April 2nd. And it's the topic of possibility of opting out of a negotiated contract or CBA.

HEARING EXAMINER: Have you seen these before, Brad?

ATTORNEY MANZOLILLO: No, I have not.

BY ATTORNEY FARMER:

Q. Was this sent to all - or who was it sent to?

A. It was sent to all graduate students in the bargaining unit, I believe. I mean, that's what we intended to send these e-mails to.

Q. Were these e-mails all sent through the same mechanism?

A. Yes. They were sent through a mechanism, sort of, again, a university-wide system for doing such things. Yes.

HEARING EXAMINER: How did you determine who was in the bargaining unit?

THE WITNESS: I mean, we provided the original list of students who were in the bargaining unit. And we so then went and found the e-mails for all of those students.

HEARING EXAMINER: So you had someone
in your staff just put those e-mail names into a group in an e-mail program?

THE WITNESS: Yes. In this particular e-mail program, we can set it up so that you can have it actually directly linked to particular other university databases. And so that's how we did it.

HEARING EXAMINER: So it was an ad hoc group basically?

THE WITNESS: Yes.

HEARING EXAMINER: Had not previously been defined?

THE WITNESS: Had not previously been defined before.

HEARING EXAMINER: All right.

Go ahead, ma'am.

ATTORNEY FARMER: Okay.

BY ATTORNEY FARMER:

Q. Can you turn your attention to Union Exhibit 4?

A. Yes.

Q. Do you recognize this document?

A. Yes. This is an e-mail describing or advertising, if you will, a second university-wide information session in town hall. I guess we call it town hall here, that would be attended by the
provost and Cudd. I mean, it doesn't - I don't know if it says it here, but I was also at that event.

Q. And did you continue to receive additional questions from students after this e-mail?
A. Yes, we did.
Q. Can you turn your attention to Union Exhibit 18? We're going chronologically. Sorry.
A. I don't have -.

HEARING EXAMINER: Yeah, I got it.
THE WITNESS: Yes.

BY ATTORNEY FARMER:
Q. Who is - do you recognize this document?
A. Yes. This is an e-mail that I sent, again, through the same system in this case to all STEM students, students we identified as being in the fields of science, technology, engineering, and math fields.
Q. Why was this one sent?
A. So this was sent because, again, there were questions that had come up that had arisen in one form or another about this opting out issue, about - questions about stipend increases that I, again, addressed previously.

And also the reason that this went
specifically to STEM students was because of questions that had arisen about how is research opportunities, research activities would potentially be affected by unionization if unionization were to happen.

ATTORNEY MANZOLILLO: I'm going to once again raise the objection about the foundation of the question came from bargaining unit members.

HEARING EXAMINER: Understood.

Go ahead.

ATTORNEY FARMER: For a second, I thought you were going to object to your document.

HEARING EXAMINER: I think that would be up for me to determine. So go ahead.

Now, just, so again with to go back to my question on the ad hoc e-mail list, you directed whatever staff member that was to - you gave them a listing of the schools that you considered to be STEM?

THE WITNESS: Yes. We defined a set of, in some cases, schools and in some cases departments that were in schools. So arts and sciences, you know. Chemistry would be a STEM department and English not.

HEARING EXAMINER: And then that staff
member, do you know what staff member it was?

THE WITNESS: It was sort of a team effort. Stephanie certainly was involved in it, but there was - because of the way in which we had to get the e-mails, which was somewhat cumbersome, it involved people from the University communications office and also from the, sort of, computing service as part of the -.

HEARING EXAMINER: And so then that team member put together for you, excuse me, a STEM subset e-mail - an e-mail -

THE WITNESS: I mean, it's a distribution list of sorts.

HEARING EXAMINER: - distribution list. Thank you.

So you created a separate STEM distribution list?

THE WITNESS: Correct, yeah.

HEARING EXAMINER: Go ahead, ma'am.

ATTORNEY FARMER: Thank you.

BY ATTORNEY FARMER:

Q. Turning your attention to page two - wait. Actually, -.

Turning your attention to page two of Union Exhibit 18?
A. Uh-huh (yes).

Q. The Union has objected to the numbered paragraph three?

A. Yes.

So this is something that came up in the...

HEARING EXAMINER: Hold on, sir.

THE WITNESS: Oh, go ahead.

BY ATTORNEY FARMER:

Q. Yeah, let me ask the question.

A. Oh, sure.

Q. Can you explain - can you explain why this paragraph was included?

A. This is something that came up in the context of talking with graduate students, especially students supported on GSRs about the potential impact of unionization.

Again, there were questions that were asked about how - what have been the impacts at other institutions. Questions about the impact on graduate students who are in GSR roles. And those roles are much more common in STEM disciplines than in others, so it made sense to put this information in the STEM specific e-mail.

And so we provided information, in this
case, about one particular university, the only other university in the State of Pennsylvania with graduate student union, Temple. And then also some information about potential impacts.

Q. And why did you include Temple?

A. Because Temple is the only other - the only other university in the - public university within the State of Pennsylvania that has a graduate student union. And so in terms of the structure of the law and the laws under which the Union has been operating, it seemed relevant to provide information about Temple, in addition, you know, to the fact that it - because Temple is a state-related university. It's got similar structure as it relates to the Commonwealth of Pennsylvania. It seemed like a reasonable comparison.

Q. Why do you believe that a union could impact a relationship between student's academic research and that performed on assistantships?

ATTORNEY MANZOLILLO: I'm going to object. I mean, I'm not seeing the relevance of that answer connecting to the language in the e-mail.

HEARING EXAMINER: Hold on. Don't answer that. I don't have the e-mail in front of
me. Is that question on what he wrote?

ATTORNEY FARMER: Yes.

HEARING EXAMINER: Where is it? Can you point it out to me?

ATTORNEY FARMER: It's the three bullet points.

HEARING EXAMINER: All right.

Overruled.

Go ahead and answer the question if you can remember it.

THE WITNESS: So at Temple, the standard that's been applied and which is described on the website on pages of the graduate student union at Temple is that you can't be in the bargaining unit if you receive any direct academic benefit for work that's being done.

And so work that's being done towards a thesis, if it's going to count towards your thesis, it can't be done while you're in the bargaining unit.

That seems like a very important constraint. And so I thought it was important for graduate students to be aware of the situation that occurs at a university that has, you know, many similarities to Pitt and is subject to the same
HEARING EXAMINER: Let me see that.

ATTORNEY FARMER: I have a follow-up question. Do you want me to ask it first?

HEARING EXAMINER: Yeah. I just need to have this in my brain while you're asking it.

ATTORNEY FARMER: Okay.

BY ATTORNEY FARMER:

Q. Even apart from the standard that was in place at Temple, did you have questions or concerns about how bargaining related to research could work for students where their academic research and their appointment of research are related?

A. Yes, absolutely. So there were comments that were coming from students in many cases referencing specific information that was provided by union organizers or by the Steel Workers.

ATTORNEY MANZOLILLO: I'm going to object once again just there's no evidence that they were coming from the students.

HEARING EXAMINER: I understand. It's a standing objection.

Let's just get through the testimony.

Go ahead.

THE WITNESS: So there were comments
and questions being asked about this issue. And one of the - a common response or a common issue raised by the students is that the Steel Workers were saying things like they only wanted to regulate or control the students' activities as an employee and not as a student. And I believe this is actually in - I believe Brad said this in the engineering - at the engineering event. So it's on video.

And so that separation, which is a separation which, in my opinion, would be very difficult and complicated to achieve, is something that I think could have a significant impact on the ability of students to perform the kind of research that's needed for them to complete their degrees and to gain the kind of training that's expected of graduate students.

BY ATTORNEY FARMER:

Q. And those questions that you mentioned, in addition to being raised anonymously, as you've described, were those also questions that were being raised directly with you with students?

A. Absolutely.

So at the chemistry graduate student information session, that was a large source of discussion, a large topic of discussion. And
certainly also at the physics information session. The physics information session occurred the day after an information session that had been provided by the Union that was sponsored by the graduate professional student government organization. People directly referenced comments that had been made at that information - that union information session and asked me about how that would - my sort of views of those statements about the separation between employment and educational- related activities.

Q. And when approximately was that chemistry information session?

A. Chemistry -. 

HEARING EXAMINER: The first time the air goes on in days.

Go ahead. Ask the question again. I interrupted.

BY ATTORNEY FARMER:

Q. I said when approximately was that chemistry information session?

ATTORNEY MANZOLILLO: I'm objecting. Dr. Urban said physics.

ATTORNEY FARMER: No, he referenced chemistry too.
THE WITNESS: I referenced both chemistry and physics. The physics information -. 

HEARING EXAMINER: Hold on. Hold on. What was your objection? 

ATTORNEY MANZOLILLO: I thought that he was not -. 

HEARING EXAMINER: All right. You withdraw your objection? 

ATTORNEY MANZOLILLO: I didn't hear him say chemistry and physics. If he did, I withdraw at this time. 

HEARING EXAMINER: Can you just ask it again? 

BY ATTORNEY FARMER: 

Q. Was there an information session that you had with students from the chemistry department? 

A. Yes. 

Q. When was that? 

A. The chemistry department, I believe, was April 4th. Yeah. 

Q. And were you provided questions - actually, let me rephrase that. Who organized that? 

A. The chemistry graduate students have some sort of student organization, and they organized it.
Q. Did they provide you with a set of written questions in advance?
A. Yes, they did.

HEARING EXAMINER: You can have 18 back. Thank you.

BY ATTORNEY FARMER:
Q. I'm showing you what we have marked, I'm marking, as Exhibit 14.

---

(Whereupon, Employer Exhibit 14, List of Questions, was marked for identification.)

---

BY ATTORNEY FARMER:
Q. Is this what you received from chemistry in advance?
A. Yes.
Q. Do you know approximately when you received it?
A. I think it was probably the day before the information session.
Q. Turning your attention to Union Exhibit 5?
A. Yes.
Q. Do you recognize this?
A. Yes. It's an e-mail that I sent to students on April 5th, again, addressing a set of issues related to the evening session.

Q. The Union has objected to the first full paragraph on page two that begins what we do know is. Actually, it's not the first sentence, but the what we do know is.

Do you see that?

A. I'm sorry. I'm not seeing it.

Q. At page two under the heading nothing is guaranteed.

HEARING EXAMINER: What exhibit, ma'am?

ATTORNEY FARMER: Exhibit 5.

THE WITNESS: Yes, I see it. Sorry.

ATTORNEY FARMER: Union Exhibit 5.

HEARING EXAMINER: Yep.

ATTORNEY FARMER: Okay.

BY ATTORNEY FARMER:

Q. Why did you include this about stipends being frozen under status quo?

A. So there was a student - well, there was a question on the - in the questions that a chemistry student sent me. And there was a student at that event who then followed up on that question,
specifically on this particular issue, and on the issue of status quo and what status quo provisions would mean for stipend increases.

And that student in person - and he had sent me an e-mail about this previously as well. The student referenced the fact that union organizers were describing the State of Pennsylvania law such that the University would be compelled to increase stipends at a particular rate, at a rate similar to previous years during this - during a period between a vote and a first contract.

And so I felt that it was important to clarify this issue for that student and for students more generally because clearly the issue of stipends is one that's important to students and we wanted to make sure that they had accurate information.

Q. And does what's included in Union Exhibit 5 reflect your understanding of the State of Pennsylvania law in this issue?

A. Yes.

Q. After that, did you get asked by students for a citation to Pennsylvania law for this?

A. Yes. I don't remember - I don't remember the first time I was asked for that citation, but I was definitely asked for that citation at the School
of Medicine information session, which occurred the following week.

Q. Can you take a look at Union Exhibit 14?

HEARING EXAMINER: You should have that.


BY ATTORNEY FARMER:

Q. Okay.

And in Union Exhibit 14, is this – first of all, what is Union Exhibit 14?

A. So it's a document that was created and was posted on the provost's office website related to unionization. This is a document that we called the facts check document.

Q. And on Union Exhibit 14, did you provide a citation –

A. Yes.

Q. – for that issue?

Where is that?

A. It's the second – well, it's the paragraph that begins a primer on PA law. So that's the paragraph that directly addresses the issue.

Q. You mentioned speaking to - you mentioned speaking to physics and chemistry and the engineering event and School of Medicine. You also
said that you attended an event at SCI?

A. Yes.

Q. What's that?

A. SCI is the School of Computing Information. It's school that's created a couple years ago at Pitt that includes the computer science department, for example, the department of information sciences, et cetera.

Q. I believe that's the one that you said there were people drinking beer in the back?

A. Yeah.

Q. When was - what week was that?

A. That was the second - wait. If we think of the week of the vote as - the week of the vote started on the 15th. It was not the week before that, but the week - the week before that. And it was towards the end of that week, Thursday or Friday.

I think it was Friday because I think it was a happy hour event. It was a Friday event. So it's like -.

Q. So roughly April 5th, if I'm doing the math correctly?

A. Yeah, April 5th. Yeah, that's right.

Q. Okay.
Were there Union organizers who were also at that event?

A. Yes. When I showed up and met with people there, there were a couple of Union organizers. And they were obviously Union organizers. They were wearing shirts and buttons. I should say they're union supporters. They were wearing shirts and buttons. Later - they are people who sort of appeared at other events later. So they were certain union supporters who were there at that event. Yes.

Q. And did they respond in front of the group to statements that you made at that event?

A. Yeah. So, I mean, as I said, it was relatively informal event. And so I was sort of in one part of the room with a group of students and there was a microphone. And so I was talking to students and answering questions in that setting.

And then after I don't know how long, 45 minutes or something like that, I was - I'd answered all the questions the students had. I said I'd be happy to stick around for some, you know, additional questions that people might ask one on one. And at that point, the union organizers -.

ATTORNEY MANZOLILLO: Objection.
Establish they may have been union supporters.

THE WITNESS: I'm sorry. Union supporters. I'm sorry.

The union supporters came up to the front of the room and picked up the microphone and started making claims and, in our case, counter to claims that I had made about the potential implications of unionization.

BY ATTORNEY FARMER:

Q. Let's talk for a minute, again, about that engineering session. My understanding is the format was you were both given the same set of questions and both sides answered them separately on video?

A. Correct.

Q. Okay.

And at some point, you saw a video of that?

A. Yeah. I mean, the whole purpose of recording on video was that then got distributed to engineering students. They could see what was going on and sort of see the responses to questions themselves. And the links to that, to the video and to the transcript that was created were also sent to me. And so, you know, I was curious. So I watched
the video, focusing on the sort of Union's presentation that's part of it.

Q. Were questions about maintaining the status quo related to stipends raised in that forum as well?
A. Yes.

Q. And during that session, did one of the union representatives, specifically Brad, give a different interpretation?
A. Yes, he gave a different interpretation than what was my understanding of Pennsylvania law.

ATTORNEY FARMER: Do you have -

HEARING EXAMINER: Four (4)?

ATTORNEY FARMER: - 4? Yeah.

HEARING EXAMINER: Oh, the pages are numbered.

ATTORNEY FARMER: Yes. In order to speed this up, can I direct the witness to the page?

BY ATTORNEY FARMER:

Q. Turning your attention to page 30 of Employer Exhibit 4.
A. Sure. I screwed up my exhibits here, so give me a second.

HEARING EXAMINER: I just handed you 4.
THE WITNESS: Okay.

You said page 30?

BY ATTORNEY FARMER:

Q. Yes.

A. Yeah, okay.

Q. Okay.

Can—is that where you were referring to about a discussion about maintaining status quo on stipends?

A. Yes. I mean, this is the description here, yes.

Q. Okay.

Can you, just for the record, point us to where?

A. So there's a reference to a couple different places. There's no mention of a freeze. So everything you have in place at that point is this term freeze. I assume what we're talking about here, everything at that point cannot change your insurance benefits, et cetera. It cannot change normal work processes.

In the next paragraph, if they have regularly scheduled raises that have been established, then if they withhold those raises because you formed a union, that's considered
retaliation. I was looking at case law and it cites a case, Mt. Carmel Junction.

Q. And you can follow in this form. Did there continue to be questions from students raised about this issue?

A. Yes. The specific example that I definitely recall was at the School of Medicine event, which was the week before the election.

HEARING EXAMINER: May I have 4 back?

THE WITNESS: Yeah.

ATTORNEY FARMER: So this will be 15.

---

(Whereupon, Employer Exhibit 15, 4/8/19 E-mail, was marked for identification.)

---

BY ATTORNEY FARMER:

Q. Okay.

I'm showing you what we've marked as Exhibit 15. Can you identify what this is?

A. Yes. So 15 is another e-mail that I sent in this case on April 8th, dealing with questions about how the election would be determined and generally encouraging students to vote.

ATTORNEY FARMER: This will be 16.
---
(Whereupon, Employer Exhibit 16, 4/9/19 E-mail, was marked for identification.)
---

BY ATTORNEY FARMER:

Q. I'm showing you what we're marking as 16. Can you identify this?
   
A. Another e-mail that I sent. This one, April 9th, giving the locations, the fact that it was an important decision, advertising the information session that was to be held the next day.

Q. You mentioned that there were e-mails that you sent that were specifically addressed to STEM students. Were there also e-mails that you sent that were specifically addressed to international students?

A. Yes.

Q. And how did you go about doing that?

A. You mean mechanically, how did we go about?

Q. Yes. Similar to the Hearing Examiner's questions about creating the STEM list.

A. So we had the list of students in the
bargaining unit. We know which students have visas because we help students obtain those visas, and so we have records of students who have visas of various kinds.

And so we sent an e-mail based on the overlap of those two lists essentially, by creating a distribution list as described before.

ATTORNEY FARMER: This will be 17.

---

(Whereupon, Employer Exhibit 17, 4/9/19 E-mail, was marked for identification.)

---

BY ATTORNEY FARMER:

Q. I'm showing you what we've marked as Employer Exhibit 17. Can you identify this?

A. Yeah. So this is an e-mail also sent on April 9th, specifically raising concerns about some claims that were being made by union supporters related to what the University might do with respect to international students and specifically raise -.

ATTORNEY MANZOLILLO: I'm going to raise a foundation - what do you mean, union supporters? We want to have some foundation of what union supporters raised what if we're going to
HEARING EXAMINER: Hold on. Do not answer please.

I didn't hear what he said. What did he say?

ATTORNEY MANZOLILLO: He said that he was responding - this e-mail was a response to something that some union supporters had raised. There's no evidence that anybody raised it, much less it was union supporters.

HEARING EXAMINER: Ms. Farmer, can you ask him about that please?

ATTORNEY FARMER: Sure.

BY ATTORNEY FARMER:

Q. Can you - can you provide information about what you're referring to?

A. Sure. There were a couple of things. One is at the first information session, there were people that I identified as union supporters because of t-shirts and badges that they were wearing, which were provided in the form of a written handout information along the lines of, again, making sort of claims that the University was likely to threaten international students in some way.
There were social media posts from the graduate student organizing site raising this issue as well. And so those are the things that triggered us to want to respond.

Q. Was this e-mail that's been marked -?

HEARING EXAMINER: Hold on.

Does that satisfy your objection?

ATTORNEY MANZOLILLO: I mean, without the documents or the e-mails, I question the foundation of what he's referencing.

HEARING EXAMINER: The foundation?

ATTORNEY MANZOLILLO: I guess I'm questioning the - I'm questioning the foundation for the claim that union supporters -.

HEARING EXAMINER: Well, you can explore that on Cross.

Go ahead, ma'am.

BY ATTORNEY FARMER:

Q. Was Employer Exhibit 17 sent to all eligible graduate students?

A. I don't remember specifically, but based on the fact that it was just says dear graduate students, I believe it was sent to all graduate students and graduates in the bargaining unit.

Q. Turn your - if you could take a look at
Union Exhibit 6.

A. Yes.

Q. Do you have that in front of you?

A. Yes.

Q. Okay.

Can you identify what this is?

A. This is an e-mail that I sent April 10th, again, addressing questions related to what is – what potentially could be changed if there was a graduate student union.

Q. And the Union has objected to – starting with the second full paragraph, the second paragraph on page one, the under Pennsylvania law through the paragraph that says in addition, the Pennsylvania Labor Board and Pennsylvania Courts have never defined what's covered under working conditions?

A. Yes.

Q. Why did you include in this e-mail a discussion of what can and cannot be bargained as it relates to graduate students?

A. Because there were – a lot of questions that were raised in a variety of different forms about what things might change or might or might not change if there was a – if there was a union, what kinds of things the union would be able to influence
or have sort of control over.

And so I thought it was important to indicate to students that there's a level of uncertainty about this because this has not been determined, it hasn't been defined under Pennsylvania law as it relates to graduate students.

Q. When was this e-mail in relation to the timing of the EXO forum?

A. This was - let me do the math. This was the day after the engineering - the EXO forum.

Q. And had questions about what could and could not be bargained come up at that EXO forum?

A. Yes. The number of questions and the questions that were sent and that were, you know, answered by me and also by the representatives from the Union as part of that forum.

Q. In - on the second full paragraph on page two, where it says we don't know how the Union could affect research hours or other core components of the educational experience because this is uncharted territory?

A. Yes.

Q. Why did you say that?

A. Because it's my understanding that the PLRB has never had the - in substance, the
opportunity to clarify these issues in the context of any graduate student union. The Temple Union being the only case that's in existence, that was not something that the - that went through the Court in a way that would allow this determination to have been made.

Q. Is the definition of the bargaining unit at Temple different than what was ordered by the Hearing Examiner here?
A. Yes, yes.

Q. In what way?
A. Our bargaining unit includes GSRs. The equivalent does not in Temple Union.

Q. You mentioned that you also attended an information session with the physics department?
A. Yes.

Q. And were you provided with questions in advance of that?
A. Yes, I was.

ATTORNEY FARMER: Eighteen (18).
---

(Whereupon, Employer Exhibit 18, 4/9/19 E-mail, was marked for identification.)
---
BY ATTORNEY FARMER:

Q. I'm showing you what we've marked as Employer Exhibit 18. Can you identify this?
A. Yes. This is an e-mail that contains a list of questions that have been provided by the graduate students in the physics department.

Q. And for the record, it looks like this is addressed to Dr. Hoock. Who is that?
A. It's Holger Hoock. He's the associate dean for graduate studies in the Dietrich School of Arts and Sciences. He was also - he also attended the information session and was also, you know, a participant in it.

Q. Did you provide answers to these questions at the physics event?
A. Yes, I did.

Q. And did you have an interest in making sure that these answers were provided more broadly to the students in the bargaining unit?
A. Yes. Once again, I mean, this information session was probably 20 or 25 students. That didn't even represent the majority of students in the physics department, much less overall in the bargaining unit. But, again, many of these...
questions were relevant to students other than the ones in physics and certainly other than the ones who happened to be available at lunch that day, which is when we did the information session.

Q. I'm showing you what we've marked as Exhibit 19.

---

(Whereupon, Employer Exhibit 19, 4/11/19 E-mail, was marked for identification.)

---

BY ATTORNEY FARMER:

Q. Can you identify this?

A. Yep. This is another e-mail that I sent. This was dealing with issues of what - a number of things - ways in which the University's sports graduate students. The issue of Pennsylvania law is again mentioned and the issue of the Steel Workers not representing graduate students at other - any other university, in addition to raising - the concern that was raised at an information session about the potential conflict of interest by the Steel Workers.

Q. And at this point, had you seen the video of the answers by the union representatives at the
EXO event?

A. Yes, yes, I would have.

Q. I'm showing you what was marked as Employer Exhibit 20.

---

(Whereupon, Employer Exhibit 20, 4/12/19 E-mail, was marked for identification.)

---

BY ATTORNEY FARMER:

Q. Can you identify this?

A. This is another e-mail encouraging — primarily encouraging students to vote. I say here regardless of whether you share our skepticism of unionization, we want you to make a plan to vote, giving information about voting locations and times, description of the ID — mentioning you should bring your ID, addressing the issue of whether international students can vote, addressing the issue of anonymity, of describing that we provided shuttles to take people, make it more convenient for people to get to the polls.

There were a number of graduate students who are at remote sites that were, again, a 10 minute, 15, even 20 minute drive away from the
polling places. And so we arranged shuttles to run continuously through the voting days.

Q. Turning your attention to Employer - I'm sorry, Union Exhibit 7.

A. Yes. Okay.

Q. And what is this?

A. So this is an e-mail message from the provost that was sent the day before the first day of voting.

Q. Okay.

Union Exhibits 8 and 9.

A. Yes.

Q. Were these both sent to all graduate students?

A. Yes.

Q. And is it fair to characterize these as basically get-out-the-vote e-mails?

ATTORNEY MANZOLILLO: Objection. Leading question.

HEARING EXAMINER: We're just trying to get through testimony. If you want to have time to Cross.

ATTORNEY MANZOLILLO: I got to keep myself. I got to keep myself.

ATTORNEY FARMER: Really? You need to
HEARING EXAMINER: Just keep going.

ATTORNEY FARMER: All right.

Thank you.

THE WITNESS: Yes, they were get out and vote e-mails.

BY ATTORNEY FARMER:

Q. Okay.

I'm showing you what I've marked as 21.

---

(Whereupon, Employer Exhibit 21, 4/17/19 E-mail, was marked for identification.)

---

BY ATTORNEY FARMER:

Q. Can you identify what this is?

A. Yes. So this is an e-mail that was sent out during the week of the election. The 17th would have been the Wednesday of the election, so the third or the fourth days, specifically to STEM students.

Q. And what was the purpose of it?

A. So this - I had received e-mails from a number of students, all of them happened to be STEM students, expressing some specific concerns and
asking - and also raising the issue that most of the e-mails that they had been getting was from students who were supportive of the Union. And they wanted to find some way of indicating to fellow students that there - that there were students who had concerns about the Union.

And so - so going back and forth with these students about a number of possibilities, we decided to create a webpage which compiled some of the concerns that they had. And so this e-mail provided a link to that particular page.

Q. Is that where it sort of looks like a different text quote that says compiled then -

A. Yes, that's correct.

Q. - at the bottom of the first page?

ATTORNEY FARMER: Twenty-two (22).

---

(Whereupon, Employer Exhibit 22, 4/18/19 E-mail, was marked for identification.)

---

BY ATTORNEY FARMER:

Q. Okay.

I'm showing you what we've marked as 22. Can you identify this?
A. This is an e-mail that I sent on the last day of the election, again, sort of encouraging students to vote, saying that we want to make sure that every eligible student votes, indicating that they - oh, this was sent actually - I remember it was sent in the morning, so the polls had already opened. So the only information that we were really provided was when do the polls close. So encouraging students to head to the polls.

Q. Can you take a look at Union Exhibit 10?
A. Yes. Got it.

Q. Okay.

So Employer 22, Union Exhibit 10, were they both sent to all graduate students that day at different times?

A. That's - I mean, I believe that whenever we sent an e-mail specifically to STEM students, we said dear STEM students. And so I believe they were both sent to all graduate students.

Q. But at different times during the day?
A. But at different times, yeah. I mean, yeah, different times.

Q. Okay.

I'm showing you what we've marked as 23.

---
(Whereupon, Employer Exhibit 23, 4/18/19 E-mail, was marked for identification.)

---

BY ATTORNEY FARMER:

Q. Can you identify what this is?

A. This is another e-mail sent on the last day of the election, this one specifically to international graduate students, referencing a previous message in which I'd described the ways in which Pitt supports international students and also encouraging students to vote, and giving some other information that was specific to international students, including about services in our office of international services and providing some information about visa issues.

Q. Why was there a specific e-mail sent to international students?

A. Again, there were some concerns that were raised because of information that was being provided. What I remember specifically is on social media about making claims about the University's lack of support and the possibility the University would threaten graduate students, international graduate students.
Q. Had there been complaints that you were aware from international students specifically about the voting process?
A. I don't - I had not heard any complaints about international - from - I don't remember any complaints from international students about the voting process, no. No.

ATTORNEY FARMER: Could we have a quick bathroom break before we finish with this witness?

HEARING EXAMINER: Are you almost done?
ATTORNEY FARMER: Pretty soon.
HEARING EXAMINER: Off the record.
---
(WHEREUPON, A SHORT BREAK WAS TAKEN.)
---
HEARING EXAMINER: Back on the record.
A continuation of Direct.

BY ATTORNEY FARMER:
Q. I believe there's also been some testimony that materials were also posted on the website?
A. Yes.
Q. Okay.
And there's been, I think, Union Exhibits
11 through -

**ATTORNEY FARMER:** - please correct me
I'm wrong, Brad or Amanda, -

**BY ATTORNEY FARMER:**
Q. - 11 through 17 are all from the website?
11 through -?

**ATTORNEY MANZOLILLO:** Eleven (11) through 16. Yeah, 17.
**ATTORNEY FARMER:** Eleven (11) through 17. Okay.

**BY ATTORNEY FARMER:**
Q. In addition to those materials, did the website also have other information for graduate students at the same website?

A. Yes. It provided information about resources for graduate students. It talked about some of the improvements that the University had made in policies and resources for graduate students over the recent years. It provided information about ways in which students can be involved in collective governance across the - you know, shared governance across the University.

A lot of information was on that website.

Q. Did it also include links to other -
other locations, other websites?

A. Yes. There was a page of links with that were intended to provide information about unionization and the unionization process. It included a link to the Union organizers website. It included a link to the GPSG, the graduate professional student government website where there was some information about unionization, including links to news articles, other things that were about unionization efforts at other institutions.

ATTORNEY FARMER: This is 24, 25, 26. I'm just going to do them all together.

---

(Whereupon, Employer Exhibit 24, Graduate Student Resources, was marked for identification.)

(Whereupon, Employer Exhibit 25, Graduate Student Unionization, was marked for identification.)

(Whereupon, Employer Exhibit 26, Graduate Student Unionization, was marked for identification.)

---

BY ATTORNEY FARMER:

Q. Okay.
I am showing you what we're marking as Exhibits 24, 25, and 26. Can you identify them please?

A. Yeah. These are some of the webpages that I was referring to describing graduates from the resources, providing information about teaching support research, academic resources, health and wellness, mental health, information about the ways in which the University had - has improved things for graduate students, the information I had mentioned on some of the committees on which - the University of all the committees on which graduate students served, and then the page of links about unionization activities and information about unionization in the graduate student context.

Q. Okay. Can you turn your attention Union Exhibit 11?

A. Yes.

Q. That was one of the - the formatting looks a little bit different, but that was on the website?

A. Yes. We - at various times, the website went through a couple of different revisions. So the formatting wasn't always consistent.
Q. The Union has objected to the chart which is on the top of page two.

A. Okay.

Q. Is this essentially the same as what was contained in Union Exhibit 6?

A. Let me find Union Exhibit 6. We certainly provided this information a couple different ways.

Yes, this is - this is the same - essentially the same information is on the chart as was provided in Union Exhibit 6, which is essentially our description of some things that can and can't be bargained over.

Q. And was this posted for the same reason that you testified as to why it was included in the e-mail?

A. Yes. In many cases, the discussion around what e-mail to send out in a given day or on a given day also resulted in the generation and creation of text for the website that usually appeared a couple days later.

Q. Turn your attention to Union Exhibit 14.

A. Yes. Got it.

Q. This is from the website?

A. Yes.
Q. The Union has objected to the section on page two under the heading a contract is a contract?
A. Okay.
Q. Do you see that?
A. Yes, I see it.
Q. Okay.

Why was this included?
A. Because, again, we're getting questions from students about asking for examples of other places that they might look at to gain some a better understanding of some of the consequences of unionization as it's occurred in other places. And so we provided, you know, two examples here.

One, Temple, which I believe was relevant because in the State of Pennsylvania and other state-related university, in many respects similar, and the University of Washington, although it had a different state, it's still a public institution and had strong - had strong research activity. And it's one of the few places that has graduate - what we would call graduate student researchers as part of their bargaining unit.

Q. And did this - when you went on the website, did it actually have links to the actual documents of those contracts?
A. Yes, yes. Those links, you could click through them to get to the CBAs of - yeah, the CBAs of both.

Q. Going back actually just for one second to Union Exhibit 11, the collective bargaining basics.

A. Okay.

Q. Was that something that was posted well before the election?

A. Sorry. I'm having a hard time finding 11 here. One second.

Q. It's the fact check.

A. Yeah.

Q. I can just show it to you. I'm sorry. It's the collective bargaining basics page.

A. Yes, I got it.

Q. Okay.

Was this posted before the election?

A. Yes. I mean, this has been - in one version or another, this has been posted for many months.

Q. Okay.

And the Union Exhibit 14, that fact check?

A. Yes.
Q. Was that also posted before the election?
A. Yes.

Q. And did the Union have an opportunity to respond to these?

ATTORNEY MANZOLILLO: Objection.

HEARING EXAMINER: All right. Noted.

Go ahead.

THE WITNESS: The Union had the opportunity to respond to a number of these claims and, in fact, in some settings did respond to some of these claims.

For example, the primer on PA law example. There were - there was information that sort of - sort of a rebuttal to this that was provided by the Union that were - those were provided to students.

BY ATTORNEY FARMER:

Q. I'm going to show you what we're going to mark as 27.

---

(Whereupon, Employer Exhibit 27, Frequently Asked Questions, was marked for identification.)

---

BY ATTORNEY FARMER:
Q. Okay.
   Can you identify what this is?
A. This is a printout of webpage on the provost's office site about frequently asked questions related to graduate student unionization.
Q. So is this a full set of what there are with the questions and answers where their excerpt says Union Exhibits 12, 13, 15, 16, and 17?
A. Yes. This is the most complete version, the full version, of what was shown previously, yeah.

ATTORNEY FARMER: I'll give you yours.
HEARING EXAMINER: Thank you.
ATTORNEY FARMER: Can I - can we go off the record?
HEARING EXAMINER: Yes, ma'am.
Off the record.
---
(WHEREUPON, AN OFF RECORD DISCUSSION WAS HELD.)
---
HEARING EXAMINER: Back on the record. Are you finished with this witness?
ATTORNEY FARMER: Yes.
HEARING EXAMINER: All right. We're going to break so that -.
ATTORNEY MANZOLILLO: Question. Did she move to admit all of her exhibits?

ATTORNEY FARMER: Oh, I'm sorry. I did not.

I move the admission of Employer Exhibits 5 through 27.

ATTORNEY MANZOLILLO: I just have a question about 14 before it's admitted.

HEARING EXAMINER: Fourteen (14), okay.

ATTORNEY MANZOLILLO: If we can just explain, since this is kind of a stand-alone piece of paper, I think if we can have an explanation as to how it's generated or where it's from?

HEARING EXAMINER: He's asking you, sir.

THE WITNESS: So this was, if I remember correctly and I'm pretty sure I do, it was an attachment to an e-mail message that came to me from the chemistry graduate student who organized the event. I'm happy to provide the e-mail with the attachment.

ATTORNEY MANZOLILLO: You have no knowledge of who wrote these questions?

THE WITNESS: I mean, as represented
in the e-mail, it was chemistry - it was compiled
from a set of questions that were from chemistry
graduate students compiled by the organizers of the
graduate student organization.

ATTORNEY MANZOLILLO: Yeah. I mean, I
think we can - do not object to this. We would want
a copy of the e-mail.

ATTORNEY FARMER: Yeah. We can - I'm
sure while you're preparing, we can find it and
forward it.

HEARING EXAMINER: Everything is
admitted except 14.

---

(Whereupon, Employer Exhibit 12, 4/1/19 E-mail, was admitted.
(Whereupon, Employer Exhibit 13, 4/2/19 E-mail, was admitted.)
(Whereupon, Employer Exhibit 15, 4/8/19 E-mail, was admitted.)
(Whereupon, Employer Exhibit 16, 4/9/19 E-mail, was admitted.)
(Whereupon, Employer Exhibit 17, 4/9/19 E-mail, was admitted.)
(Whereupon, Employer Exhibit 18, 4/9/19 E-mail, was admitted.)
(Whereupon, Employer Exhibit 19, 4/11/19 E-mail, was admitted.)
(Whereupon, Employer Exhibit 20, 4/12/19 E-mail, was admitted.)
(Whereupon, Employer Exhibit 21, 4/17/19 E-mail, was admitted.)
(Whereupon, Employer Exhibit 22, 4/18/19 E-mail, was admitted.)
(Whereupon, Employer Exhibit 23, 4/18/19 E-mail, was admitted.)
(Whereupon, Employer Exhibit 24, Graduate Student Resources, was admitted.)
(Whereupon, Employer Exhibit 25, Graduate Student Unionization, was admitted.)
(Whereupon, Employer Exhibit 26, Graduate Student Unionization, was admitted.)
(Whereupon, Employer Exhibit 27, Frequently Asked Questions, was admitted.)

---

ATTORNEY FARMER: Okay.

HEARING EXAMINER: Off the record.
---

(WHEREUPON, A SHORT BREAK WAS TAKEN.)

---

HEARING EXAMINER: The record in this case will be left open pending the eventual conclusion of today's activities, to include a redacted version of the University's list and a digital format of the video referenced in Union 20 and through various testimony which the parties and I will negotiate in further conversations after the close of this hearing.

Are you finished with Direct Examination of this witness now?

ATTORNEY FARMER: Yes.

HEARING EXAMINER: All right.

Cross Examination.

---

RECROSS EXAMINATION

---

BY ATTORNEY MANZOLILLO:

Q. All right.

Mr. Urban, you mentioned that you did some analysis of the number of chemical and petro engineering graduate assistants who were eligible bargaining unit members who voted?
A. Yes.

Q. And did you do a similar analysis of number of - total number of engineering graduate assistants who voted?

A. I did not, no.

Q. Are you aware of how many graduate engineering or engineering graduate assistants who were eligible to vote?

A. It was approximately 400, 398 or 397, something like that.

Q. It will be reflected - 398 is the number you recorded in the transcript in Employer's Exhibit 3.

A. Okay.

Q. And the engineering meeting that's the transcript, Employer's Exhibit 3 is in that, that took place on April 9th? Is that -?

ATTORNEY FARMER: Do you mean 4? Four (4) is the transcript.

ATTORNEY MANZOLILLO: Oh, I'm sorry. Employer's Exhibit 4.

THE WITNESS: It took place on a Tuesday. If Tuesday's April 9th, then yes.

BY ATTORNEY MANZOLILLO:

Q. Yes. That would be the Tuesday before
the election occurred?
   A. Yes.
   Q. Yes.

And you mentioned that the group who ran
that meeting is the EGSO, that there were a small
number of graduate students in there who recorded
and who were involved in the recording and observing
the recorded session?
   A. There certainly were a small number of
graduate students there, and the session was
recorded. I don't actually know who arranged for
the recording - for the recording person to be
there.
   Q. Were you aware that that's - the people
who were there were the executive board of EGSO, who
were present?
   A. I guess. I'm not sure that I know what
the executive board consists of. I knew that there
were representatives from each department, but it's
possible that that makes up the executive board.

HEARING EXAMINER: Is EGSO a
University-sponsored group?

THE WITNESS: Yes.

HEARING EXAMINER: Go ahead.
Q. Now, the Union, to your knowledge, was not involved in distributing the exhibits, University or Employer Exhibits 3 or 4. Correct? That was the University that distributed those, those exhibits?

A. I'm still not seeing those exhibits right here.

ATTORNEY FARMER: The list of EXO questions on the transcript.

THE WITNESS: My understanding, my recollection, is that that was distributed by the - by Kevin, the EGSO president. That's my recollection.

BY ATTORNEY MANZOLILLO:

Q. And also by Mr. Little's e-mail?

A. Yes. Yes, Mr. Little did provide a link or a - yes, he - I believe he linked to those documents, is my recollection.

Q. But to your knowledge, the Union never distributed those exhibits?

A. Not to my knowledge.

Q. So Employer's Exhibits 8 through 11 were referenced. You referenced those were in late March open forum meeting?

A. Yes.
Q. And those were a sample of a few question cards that were presented to you?

A. Yes. A sample of, yeah, the number of question cards that were provided that were submitted as part of that information session.

Q. And who were the people who gathered those cards from the audience?

A. I don't remember specifically. There were a couple people in the audience. I don't know specifically who they were, who actually collected them from the individuals in the audience. I'm sure that I could figure that out. They provided them then to Stephanie who handed them to the faculty under Vivian Curran, law school faculty, Vivian Curran, who is the moderator for the event.

Q. And these cards were - these cards were reviewed by, I believe, by Ann Cudd as well at some point in that process?

A. No. Certainly not in that evening. No, she wasn't present.

Q. Okay.

So who - who, to your knowledge, selected which questions were asked?

A. So, I mean, maybe I can describe the
process by way of answering that question.

So people in the audience who wanted to submit cards wrote on the index cards. They raised their hands or in some other way indicated that they had a question. Someone, as I said, I don't remember specifically who it was, collected those cards from the students, brought them up to the front, handed them to Stephanie.

Stephanie would look at them and sort through them to organize them so that similar questions might be together, and would hand them to Vivian Curran. And Vivian then looked at those cards and decided which of them to read.

Q. Weren't there literally 100 or more cards that were -?

A. I wouldn't doubt that there were 100. I would say my estimate would have been closer to 50 or 60, but I didn't count them so I don't - I don't actually know.

HEARING EXAMINER: So Vivian was the one who chose which ones to read?

THE WITNESS: Yes, she was the one who was -

HEARING EXAMINER: She moderated?

THE WITNESS: - the moderate and so
she read the questions.

HEARING EXAMINER: Go ahead.

BY ATTORNEY MANZOLILLO:

Q. So okay.

Hold on just one second.

So it would be - it would be true that the majority of the cards in question was never asked? A majority of the cards submitted?

A. At that event, the majority of the cards submitted were not - were not read allowed and were not responded to directly.

I can't speak to the degree to which there were answers to questions similar to ones that were on a given card. There were a lot of repeated questions. And so I can't speak to whether or not a particular card was - had its question answered in part because, quite frankly, I never systematically went through those cards to try and, you know, determine which questions were - you know, are represented how many times on those cards.

Q. Isn't it true you selected cards or cards were selected with questions that were - it was expected that the response would support the anti-union campaign more effectively than questions that were ignored?
A. I would say that I wasn't involved in selecting the cards, so I can't really speak to the state of mind of the individual selecting the cards. I can state that there was certainly some difficult, challenging questions which were asked of me at that event.

Q. Okay.

So have you ever been a member of a union?

A. I have not, no.

Q. Have you ever practiced labor law?

A. I have not.

Q. Have you ever been involved in the bargaining of contracts on behalf of Pitt with any of the existing unions there?

A. No, I have not.

Q. Do you know the difference between retaliation and status quo's legal terms?

HEARING EXAMINER: Say that question again.

BY ATTORNEY MANZOLILLO:

Q. Do you know the difference between retaliation and status quo as two distinct legal terms?

A. I'm not quite sure. I mean, I recognize
them as different terms. Do I recognize them - do I have specific information? I've never been educated about the difference between those terms in a legal context.

I don't know. If that's not responsive to the question, I'd ask you to re-ask it.

HEARING EXAMINER: No, you answered it.

BY ATTORNEY MANZOLILLO:

Q. Are you aware of the legal difference - a difference between the legal terms permissive and mandatory subjects of bargaining?

A. I have an understanding of those terms, yes.

Q. What is your understanding of those two terms?

A. A mandatory subject of bargaining is something that must be addressed in the context of the collective bargaining agreement. And a permissive subject is one that may be addressed, according to the law of the controlling - the controlling law relevant to that bargaining unit and relevant to that contract.

Q. So permissive subjects are subjects that can be bargained, if the parties choose to?
A. That's my understanding.

Q. Now, the University, the university funds provide for stipends for TAs, TFs, and a large number of graduate assistants. Correct?

A. Yes.

Q. Okay.

HEARING EXAMINER: Go ahead.

BY ATTORNEY MANZOLILLO:

Q. And it's true that graduate students often do work that requires computers and other technology. Correct?

A. Yes.

Q. And graduate assistants specifically?

A. Sure, yes.

Q. Did the University intend to withhold stipend increases in the event the Union had - if the Union had an election victory?

ATTORNEY FARMER: Objection.

HEARING EXAMINER: What's your objection?

ATTORNEY FARMER: What the University might do, if a union were to prevail, is irrelevant to the charges.
HEARING EXAMINER: State your question again.

ATTORNEY MANZOLILLO: Did the University intend to withhold stipend increases in the event the Union won the election?

HEARING EXAMINER: Overruled.

Go ahead and answer that.

THE WITNESS: The University has a process by which stipend increases are determined, and we're - we have not reached even the really beginning of that process for this current year. So we have not made any determination. We have no intent one way or the other. We have, you know, not gone through that process.

BY ATTORNEY MANZOLILLO:

Q. There was no specific intent to withhold any stipend increase, to your knowledge?

A. It really has - you know, not been - the issue has not been addressed to date.

HEARING EXAMINER: If I remember from the last hearing we had, you sit on a committee which determines stipend levels?

THE WITNESS: There's a process that involves sort of input from a budgeting committee, and I'm not actually on that committee. But I do
provide input to that committee.

HEARING EXAMINER: Okay.
Go ahead.

BY ATTORNEY MANZOLILLO:

Q. So the University - we've talked extensively about the sort of list of voters the University kept. How are you certain that that list wasn't shared with anybody other than the watchers in this voting?

A. I mean, I would reference Stephanie's testimony, sort of, regarding the disposition of that list.

ATTORNEY MANZOLILLO: Just let's phrase it to you this way. Outside of what you've heard your employees tell you, have you taken any - have you taken any other steps to ensure confidentiality of that list? Did you take any other steps?

THE WITNESS: No, I did not.

HEARING EXAMINER: Outside of hearing what your employees told you about how that list was handled, - I was going to ask the same question.

Okay. Go ahead.

BY ATTORNEY MANZOLILLO:

Q. Yeah. I mean, so how can you be certain
that they weren't shared? Do you have any knowledge
that - do you have any knowledge beyond Ms.
Hoogendoorn's testimony that they weren't shared?

HEARING EXAMINER: There you go.

That's a good way to say it.

THE WITNESS: I guess it's hard to
prove a negative. I don't have any specific - . No,
I guess the answer is no.

HEARING EXAMINER: He wasn't asking
you to prove a negative. He was asking about the
limits of your knowledge.

BY ATTORNEY MANZOLILLO:

Q. And why did you and the administration
find it necessary to send 50 to 60 e-mails out to
employees, to graduate students employed by the
University, leading up to the election?

A. Because we, first of all, believe this
was a very important issue. It was clear in the
early stages that graduate students hadn't broadly
been engaged in discussing, in thinking about
engaging with this issue.

We felt it was important to get their
attention so that - because it's an important issue,
we definitely wanted to get out the vote. We wanted
the students to be informed. We wanted students to
vote.

And so the best approach that seemed like --- the approach that seemed like the best in order to achieve these goals was a combination of communication by e-mail, which is the most standard way in which we communicate broadly with students.

And then a more specific approach by providing in-person, you know, opportunities for students to gain information through the various information sessions that I described.

Q. You were aware that sending 50 or 60 e-mails during that short period of time on this specific issue would overwhelm students and have an impact on their - on their intentions to vote or their willingness to vote.

Correct?

A. I certainly thought that by sending - well, there are a couple thoughts about that.

One is there's a lot of concern about students essentially tuning out e-mails. And so I don't actually - I don't know how effective some of those e-mails were. But I - you know, certainly I recognize that by sending a lot of e-mails, we were sort of indicating indirectly that this was an important issue and one that we thought that
students should engage with, pay attention to.

We certainly sent e-mails with the intent of getting students out vote, and that was something that I thought was very important to do because I think the process works best when there's broad representation in the voter pool.

And so that's something that we definitely wanted. And, you know, I think that we were able to achieve that as indicated on the voter turnout rate of almost 70 percent.

Q. Did you consider the messages you had in those e-mails to be neutral or balanced in their message?

A. I think some were definitely neutral and balanced, and others were not. The University definitely had a position on this issue, and that's something that was reflected in some of the e-mails.

Q. What was that position, in your words?

A. The University's position was that we were hopeful that the students would vote against unionization.

HEARING EXAMINER: No representative? THE WITNESS: No representative, yes.

ATTORNEY MANZOLILLO: All right. Can we have just a moment?
HEARING EXAMINER: Off the record.
---
(WHEREUPON, AN OFF RECORD DISCUSSION WAS HELD.)
---
HEARING EXAMINER: Back on the record.
Go ahead again.
ATTORNEY MANZOLILLO: I'm sorry.
We have nothing further for this witness.
ATTORNEY MANZOLILLO: Redirect?
ATTORNEY FARMER: Yes, very briefly.
---
REDIRECT EXAMINATION
---
BY ATTORNEY FARMER:
Q. The number that you gave of 50 to 60 e-mails that were sent, did you go through and count them or was that a ballpark?
A. That was a ballpark. I don't know the actual number.
Q. And the e-mails that have been marked in this proceeding which I went through with you in order, are those the bulk of the e-mails that were sent once the voter list was prepared?
A. Yes. I would say those represent the
bulk of the majority of them. And, again, I didn't count those either, so I don't know what number that represents.

ATTORNEY FARMER: Nothing further.

HEARING EXAMINER: Anything, Brad?

ATTORNEY MANZOLILLO: We may have a brief rebuttal, but nothing further of this witness.

HEARING EXAMINER: All right. Sir, you may step down, and we're off the record.

---

(WHEREUPON, AN OFF RECORD DISCUSSION WAS HELD.)

---

HEARING EXAMINER: Back on the record. Continuation of Cross of Dr. Urban.

---

RECROSS EXAMINATION

---

BY ATTORNEY MANZOLILLO:

Q. Dr. Urban, just cleaning up one sort of question I had asked and you responded to earlier. Isn't it true that the 2019-2020 stipend rates for TAs has already been put out?

A. No, it's not true.

Q. Okay.
So on your website, I'm - this was just brought to my attention so I'm reading it. Academic year, 2019-2020, TA stipends for two semesters is $18,910. That's a two and a half percent increase. That's on your - on the University's website as the University currently supporting graduate students.

A. I don't know the specific website you're looking at. If I can see it?

HEARING EXAMINER: Why don't we just pause for a second? Hold on just one second.

Go off the record.

---

(WHEREUPON, AN OFF RECORD DISCUSSION WAS HELD.)

---

HEARING EXAMINER: All right. Back on the record.

Yeah, I see it. Okay.

So we've handed the witness Employer's Exhibit 27, which reflects what Mr. Manzolillo was looking at on his cell phone.

Go ahead with your questions.

BY ATTORNEY MANZOLILLO:

Q. So if I look at page ten of that exhibit?

A. Yes.

Q. And go down to the bottom chart. Is that
not the academic year 2019-2020 case study?

A. Yes. I agree that's what it says. I can't quite reconcile this with what I know to be true. I would - the University - the sort of official stipend rates are on a website at institutional research, the office of institutional research.

I can speculate as to what's going on here is that the -.

Q. I won't ask you to do that.

A. Yeah. This is -.

Q. Let me just assume what you're telling me is that the information on this website is inaccurate?

A. That's correct. And there's one specific thing that I can point to that I know to be inaccurate.

Q. That's okay.

HEARING EXAMINER: Stop talking. You can hand that exhibit back to me.

THE WITNESS: Okay.

ATTORNEY MANZOLILLO: I have no further questions.

HEARING EXAMINER: Any Redirect on that?
---

REDIRECT EXAMINATION

---

BY ATTORNEY FARMER:

Q. Just, you can - can you finish what you were starting to explain?

A. Sure.

I know that the stipend increase for this past year was two and a half percent. And so this indicates that the stipend increase for this past year, the year that we're now sort of concluding, was three percent.

So I know that that is inaccurate. I believe - I think what's most likely to be the case is that the year - the column indicated by the acronym here, is off by one. It's shifted by one. I don't know 100 percent that to be the case, but I'd be happy to provide detailed information about that.

But the official record of the stipend rates is available through the - on a website that's monitored and maintained by the Office of Institutional Research.

HEARING EXAMINER: All right.

You can hand that back to me.
ATTORNEY MANZOLILLO: We have nothing further.

HEARING EXAMINER: All right. You can step down, Dr. Urban. Anything further from anybody?

ATTORNEY FARMER: Just one clean-up issue on Employer Exhibit 14.

HEARING EXAMINER: Yeah.

ATTORNEY FARMER: We provided the cover e-mail.

HEARING EXAMINER: Did you want to put it in the record?

ATTORNEY FARMER: I don’t have a hard copy, but we can certainly -.

HEARING EXAMINER: Never mind.

ATTORNEY FARMER: I e-mailed it or we just e-mailed it to the Union.

HEARING EXAMINER: I’ll give him time to look at it.

ATTORNEY MANZOLILLO: Okay. To the extent we were objecting based on that e-mail, we’ll withdraw that objection.

HEARING EXAMINER: Fourteen (14) is admitted.

---
(Whereupon, Employer Exhibit 14, List of Questions, was admitted.)

---

HEARING EXAMINER: The record's going to be left open for any kind of audio, visual documentation of the events that happened and also for a redacted version of the list.

At that time, once the record's been closed, I'll set a briefing schedule and also explain any procedure to the extent that it's different from the normal unfair practice proceeding.

Anything else?

ATTORNEY MANZOLILLO: No. Off the record, we'll want to get the transcript to take.

ATTORNEY FARMER: Yes.

HEARING EXAMINER: Anything else, ma'am?

ATTORNEY FARMER: No. Nothing else on the record.

HEARING EXAMINER: Okay.

We're off record for today. Thank you.

* * * * * * *

HEARING CONCLUDED AT 4:57 P.M.
CERTIFICATE

I hereby certify that the foregoing proceedings, hearing held before Examiner Helmerich, was reported by me on 5/15/2019 and that I, Valerie Gregory, read this transcript, and that I attest that this transcript is a true and accurate record of the proceeding.

Valerie Gregory

Court Reporter

Valerie Gregory