

Frequently Asked Questions – How Does Organizing Work?

The Service Employees International Union (“SEIU”) has approached members of the faculty seeking to form a union on campus. We understand that this group includes full-time, part-time and time-as-reported instructors, lecturers and adjunct faculty members, and may include other faculty as well.

We understand the importance of this decision, and that it is your decision to make. It is a consequential decision that will affect every aspect of your work relationship. We offer the following description of the organizing and election process to help you evaluate your options.

Q: How does the organizing process work?

A: The process by which a union becomes the bargaining representative for employees is governed by federal law. The first step in the process is usually for a union to solicit support, in the form of signed union authorizations, seeking to represent employees for purposes of collective bargaining. Those authorizations are used to seek an election supervised by a federal agency, the National Labor Relations Board (NLRB), to determine whether the union will represent all of the employees in the bargaining unit. Therefore, the decision to sign a union authorization card –a legal document – is important because it triggers a formal, and perhaps irreversible, process.

Q: What is a union authorization or union authorization card?

A: You may have received, or may at some future point receive, a paper form that is a union authorization card. You might also have received an email containing a link inviting you to “join the movement to raise standards in higher education.” The link takes you to an electronic union authorization card that, if filled out and submitted electronically, will identify you as having signed up in favor of a union election. This would be true even for those who have entered their personal information for the purposes of expressing solidarity, seeking more information, or for some other purpose.

Q: What is the NLRB and what role do they play?

A: The NLRB is a neutral agency of the federal government with the responsibility for administering federal labor law. The NLRB receives petitions from unions seeking to represent a group of employees; determines the appropriate group of voters to participate in a secret ballot election; conducts the secret ballot election to determine whether the employees will be represented by the union or not; and certifies the election results. The NLRB also makes sure

that the parties follow certain rules in the period leading up to an election, to ensure a fair election result.

Q: How does an NLRB election process commence?

A: The election process commences when a union approaches the NLRB with a petition seeking to represent a group of employees. The union must have a showing of interest in the form of authorizations or authorization cards from at least 30% of the employees in the proposed unit. The NLRB then determines the appropriate voting group (using data and input from the employer and the union). This is known as the proposed bargaining unit. All of the employees in the proposed bargaining unit are eligible to vote in a secret ballot election to determine if they want the union to represent them.

Q: How is the voting unit (proposed bargaining unit) determined?

A: The NLRB applies a “community of interests” standard to determine who is in the voting unit. The NLRB takes information from the union and the employer to determine the composition of the proposed voting unit. If the union and the employer agree on the proposed voting unit, a secret ballot election is scheduled for that unit. If the parties cannot agree on the proposed voting unit, the NLRB has a process for determining the voting unit based on the information it receives.

Q: Who would be in the proposed voting unit?

A: If there is enough support for a NLRB election, the union has the right to propose which types of faculty they would want to include in the voting unit. The University would then have an opportunity to assess the proposed unit and request changes if in its view the union's proposal did not accurately reflect the “community of interests” of the petitioned group(s). The NLRB ultimately makes the final determination on the group's composition.

Q: Would graduate students be allowed into the proposed voting unit?

A: The union has the right to propose which types of contingent faculty that it would like to include in the voting unit, and the union may decide to propose including certain graduate students. However, union organization for graduate students and faculty is governed by different legal standards and precedents, and the NLRB would have to decide if it was willing to accept this proposal. In other recent unionization attempts, the NLRB has not supported the inclusion of graduate students in contingent faculty bargaining units.

Q: How are the results of an NLRB election determined?

A: The election result is determined by a majority of those voting in the election, but is binding on all members of the bargaining unit. This means that if a bargaining unit has 150 eligible voters, but only 100 actually vote, the union election would be determined by the majority of those voting. In this example, a vote total of 51 or more (of 100 votes total) would determine the outcome for all 150 employees.

Q: If a union were voted in, who would it represent?

A: A union, as a certified bargaining representative, negotiates with an employer over the terms and conditions of employment for all employees in the bargaining unit. All employees within the unit are bound by this agreement, whether those employees support or oppose the union. In this sense, a vote on the union is a decision on whether or not to allow the union to be involved in all aspects of the employment relationship.

Q: If a union were voted in, how would the employment relationship change?

A: If a majority of the employees in the defined bargaining unit vote for the union, all future negotiations about your job will take place directly between the University and the union. Faculty within the bargaining unit will no longer be able to negotiate directly with department chairs, program directors or deans on employment terms.

In addition, unions often make promises during campaigns to increase wages, lengthen term contracts, etc. The union may propose these changes as part of the collective bargaining process. The University is not obligated to agree to any proposed changes.

Q: Does it cost money to belong to a union?

A: Unions negotiate for union security and dues “check-off” clauses in labor agreements. These clauses require all members of the bargaining unit to join the union and pay dues as a condition of employment. This would be the case regardless of whether faculty members voted, how they voted, or how they might feel over time about the union. Once approved, dues will continue to be charged and deducted from each faculty member’s paycheck. Dues payment is not at all related to any faculty member’s sense of benefitting from union activity.

Q: If a union is voted in, how can it be removed if people are unhappy?

A: Some people advocate for giving the union a try, asserting that employees can always leave the union if they are not satisfied by the results. Removing a union (decertification) cannot occur in the first year after certification and a union cannot be decertified during the first three years of any collective bargaining agreement between the employer and the union (this is known as the contract bar rule). This means that it can be complicated to vote out a union once it is voted in.

Q: Who should I contact if I have additional questions or concerns?

A: There are various offices at the University that are available to address your issues or concerns. Those include but are not limited to your dean, department chair or program director, the Provost's Office [275-5931], Human Resources [275-8747], Intercessor's Office [275-9125], Equal Employment/Title IX Office [275-7814] or the Faculty Diversity Office [273-2760]. If one of those persons or offices is not in the best position to address your concern, they will find the appropriate person to answer your question.