



Brandeis University

Frequently Asked Questions Regarding Ph.D. Students and Unionization

What is happening regarding graduate student unionization at Brandeis?

Given the decision last year by the National Labor Relations Board (NLRB) to consider graduate assistants at private universities as employees – not primarily students as the NLRB had previously held – graduate students at private universities now have the legal right to organize a labor union for purposes of collective bargaining.

The Service Employees International Union (SEIU), Local 509 has petitioned the NLRB to be the exclusive collective bargaining representative for all Ph.D. students at Brandeis who provide instructional services, whether as instructors, teaching assistants, teaching fellows, or course assistants. The NLRB will hold an election on May 2, 2017 on the Brandeis campus to determine whether these students want the SEIU to be their exclusive representative. All doctoral students at Brandeis who are currently engaged as an instructor, teaching assistant, teaching fellow or course assistant will be eligible to vote in this election.

Who is eligible to vote in this election?

All individuals selected for representation by the SEIU who provided instructional services during the payroll period ending April 14, 2017 are eligible to vote in the upcoming election. As agreed with the SEIU, doctoral students who may have been engaged in instruction last fall or in future semesters but are not currently engaged in instruction, will not be part of the eligible voters for this election.

Will I receive information about the election?

Yes, the University is required to provide the NLRB and the union with a list of names, home and email addresses, and home and cell phone numbers of all employees in the proposed unit. The University will be sending all those students eligible to vote information about the election from the NLRB and these students may also be contacted by the SEIU.

When and where is the election?

The NLRB will hold the election on campus on Tuesday, May 2, 2017 in Room G-10 in the Mandel Center. Voting will be held between the hours of 10:00 AM and 4:00 PM. The voting will be conducted by secret ballot and eligible voters must appear in person to vote and bring with them valid identification such as your Brandeis ID. You will not be able to email your vote or send a proxy ballot. It is very important that you vote, as your vote will

determine the relationship between you and your Brandeis faculty going forward, as well as the nature of your graduate experience at the University.

Should I vote in the election?

Yes, because the outcome of the election will determine your relationship to the University going forward. If elected, the SEIU will represent you - and all graduate students in the bargaining unit - and negotiate for you, with respect to all issues regarding wages, hours and other terms and conditions of your “employment” as a Ph.D. student at Brandeis.

What happens if I don’t vote?

You will be bound by the results regardless of whether you vote or how you vote.

What if I have not been contacted about voting, but I believe I should be able to vote?

If you are a Ph.D. student at Brandeis who provided instructional services, whether as an instructor, teaching assistant, teaching fellow, or course assistant during the payroll period ending April 14, 2017, you are likely eligible to vote. You should contact your graduate Dean’s office for more information.

What happens if the SEIU wins the election?

If the SEIU wins the election, then it will become certified as your **exclusive bargaining agent** for all items involving pay, hours and other terms and conditions of employment. This means that Brandeis would no longer be able to work with you directly, or through any other body or committee, on such topics unless authorized by the union or by the collective bargaining agreement. By law, the University would only be allowed to deal with the union as your agent. Note: The actual language of the National Labor Relations Act can be found on the NLRB web site at <http://www.nlr.gov/national-labor-relations-act>. (Section 9 (a) deals with exclusive representation.)

Will I have to pay dues to the union?

Yes, unions usually seek a rule that bargaining unit members pay union dues or make payments in lieu of dues in order to work in bargaining unit positions. Though we don’t know what your union dues will be, we understand that the SEIU generally charges about 1.5% of total compensation. This would mean that if you received a stipend of \$20,000 your union dues would be \$300.

If students vote to unionize, will the union increase stipends and improve my benefits?

There are no guarantees. Stipends and benefits would likely become the subject of collective bargaining and negotiation, but there is no way of knowing now whether or how current stipends and benefits might change. You will likely be responsible for paying union dues regardless of whether your stipend or benefits change.

Will I have a chance to vote every year on whether to keep the union or not?

No. While there is an NLRB process for decertifying a union, such a process is rare and unions are seldom voted out once they have been voted in. Thus, it is important to consider the long-range implications of the decision to unionize or not since there may not be a second chance to vote on this issue in the future.

Will I be part of the union in semesters when I am not teaching?

The proposed bargaining unit only includes students when they are performing bargaining unit work, which is engaging in instructional services. Students would only be covered by a union agreement in semesters when they are engaged in instruction.

What does collective bargaining involve?

Under the National Labor Relations Act, once a union is certified, both sides are obligated to negotiate in good faith to reach a collective bargaining agreement. If the SEIU wins the election, Brandeis will be required to negotiate an agreement that covers all mandatory subjects of bargaining under the law. In collective bargaining each side will seek to secure in a binding contract what is in its own interest.

What topics must be discussed at the bargaining table?

Not all topics are subject to bargaining. The law requires bargaining over “wages, hours and other terms and conditions of employment.”

What types of items do not have to be discussed at the bargaining table?

Many topics of potential interest to graduate students are not mandatory subjects of bargaining; if one side or the other does not wish to discuss such a topic, there is no legal obligation to do so. Examples of subjects that would likely be considered “non-mandatory” include:

- Curriculum issues and what courses are offered
- Students’ academic standing or progress
- Degree requirements
- Course assignments, teaching methods, and curricula
- Student admission, tuition rates and matriculation standards

If I don't like any particular terms of a union contract, would I be able to negotiate a different arrangement with my faculty advisor or the University?

No, a union contract is binding on all individuals who are covered in the bargaining unit. No exceptions are allowed.

If a union contract is ratified, can my faculty advisor work out different terms with me based on my own individual needs?

No, your faculty advisor would be bound by the terms of the contract as well.

Does anything in particular have to go into a union contract?

No. The law does not require that any particular concession, provision or benefit go into a collective bargaining agreement. "Good faith negotiations" mean both parties must meet at reasonable times and confer in good faith over bargainable topics, but both parties are also free to reject any of the proposals of the other.

Does bargaining automatically start with the current level of salary and benefits and working conditions?

No. Bargaining does not necessarily begin with the status quo and go up. As a result of collective bargaining, you may end up with more than what you have in some areas of compensation, benefits and working conditions, the same as what you currently have, or less than what you have. No one can predict the outcome of any round of collective bargaining.

How long does bargaining take?

A first contract can take anywhere from six months to a year or more to negotiate. Sometimes it can take considerably longer to reach a contract. During that time, the University is generally prohibited from changing working conditions or compensation for individuals in the bargaining unit. Usually, all wage rates as well as other terms and conditions remain the same during this period.