The content provided here has been compiled by the 2015 Chair and Council of the Brandeis University Faculty Senate in order to provide factual information on the basic elements of the unionization process. As announced in the Faculty Senate report at the October Faculty meeting, the Senate is committed to providing educational materials to support faculty understanding of this process. Conversation and questions from faculty have suggested that there is a very uneven understanding of the union process at this time and we hope this initial educational bulletin is useful to the full faculty. The Senate Council has culled this information from several sources: informational discussions with Brandeis University Executive Administration, including the Interim President, Interim Provost, Legal Counsel, all of whom are agnostic and take a “hands-off” approach to unionization; a review of the union process at peer institutions; and review of the National Labor Relations Board website, https://www.nlrb.gov/ – which we urge all faculty to study. Finally, we draw from the Q&A session on unionization with Interim President Lynch held at the invitation of Susan P. Curnan, Chair of the Faculty Senate, and recorded in the minutes of the October Faculty meeting.

**SEQUENTIAL STEPS IN THE UNION PROCESS**

- Unionization is governed by the National Labor Relations Act. Under the law, the union that is trying to organize a group of workers – in this case the SEIU (Service Employees International Union) – seeks to generate sufficient support among those workers for putting the question of representation by that union to a vote.
- Authorization cards are distributed to the potential bargaining units to indicate interest in an election.
- The cards indicate interest in an election with that particular union.
- The union decides how to define the bargaining unit they would like to organize.
- 30% of the bargaining unit needs to sign the cards before the NLRB will accept the petition for the vote.
- Once the union submits a petition to the NLRB, the University Administration is notified. (So far, at Brandeis, no petition has been submitted. Therefore, it is not clear what the proposed bargaining unit will be.)
- Following submission of the petition, there is an 8-day period during which the following events occur:
  - Verification of the 30%
- Verification of the bargaining unit
- Decision on election date and whether election will be on campus or a mail ballot (Election date is set in consideration of academic semester, exams, etc.)
- Names and addresses of bargaining unit are released by the University

- There is an election.
- The majority of those voting (50%) decides whether or not a union will be established.
- If a 50% vote for yes, then all employees in the bargaining unit will be represented by the union. (There is no “opting out”.)
- This does not signal immediate changes – collective bargaining negotiations ensue.
- The agreement that becomes the union contract becomes the document that governs the wages and working conditions of the people in the agreement.
- Union employees are no longer governed by the Faculty Handbook. The union agreement becomes the primary governing document for wages and working conditions and thereby limits the governance role of the Senate for union members as well.

SENATE ADVICE: BE SURE TO VOTE. IT MATTERS.

UNION PROCESS: RESPONSES TO RECENTLY ASKED QUESTIONS

What could the potential net cost be for long-term part time faculty?
This is difficult to know without knowing the bargaining unit. The collective bargaining can take a good amount of time and it is difficult to anticipate what the net cost will be. Tufts and other local universities who have unionized have made their agreements public and online. It is important to look at all dimensions in negotiation in contracts -- wages and benefits.

Would there be a chance that benefits or sabbatical eligibility could go down?
There is no ability to speculate about this question. The Brandeis Administration does not represent the SEIU in that question. That is part of the collective bargaining process.

If the vote results in the union, with whom does the union negotiate?
There is usually a bargaining team. At Tufts, the Dean was the key person but typically the Administration has assistance from HR also. On the labor side, the SEIU decides who is representing their bargaining team.

Is it typical that the bargaining team is faculty or is it union representatives who are not on faculty?
In collective bargaining, the University would likely be represented by senior administrators; and the union typically is represented by a combination of union officials and faculty. It varies and usually is some combination of the two. That decision is driven by the SEIU and the bargaining unit has to agree to who their agent is in negotiations.

Are there other unions interested in organizing at Brandeis?
None that the Administration or Senate is currently aware of, though in the past, the AAUP has expressed interest.

Is anyone doing education for those who will potentially be unionized, such as should they shop for unions? How should one talk to unions? What are the pros and cons, etc.?
This is not a role that the University Administration or the Senate can take on.
Does the University have an obligation to disclose names and addresses to union organizers? Do faculty have rights to privacy in terms of union organization? Union organizers appear at my office and outside my classroom, what can I do if I do not want to interact with them?

Names, addresses, emails, home addresses are confidential HR materials and not released outside the University. However, many faculty have a webpage with their names and emails on it. If you ever feel that you are in a situation that you feel someone is inhibiting your ability to be on this campus and work you need to call public safety.

Can faculty members on campus enter into public debate regarding unionization?

Department Chairs are in a position where they are in a supervisory role. As a supervisor you are not to interrogate, ask people their positions but are allowed to express opinions if asked. Administrators and managers have an agnostic approach at this point in the process – individuals can freely decide what to do. The University is committed to creating a space where there is not intimidation and if there is, it is appropriate to come to a department chair, the Dean or President to let them know.

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