

Frequently Asked Questions – Union Activity at PhilaU

1. What is a union authorization card/petition?

A union authorization card/petition is a legal document that can give a union the exclusive right to speak and act on your behalf with regard to wages, benefits and other terms and conditions of employment at PhilaU.

You should carefully read anything you are considering signing and should not sign a union authorization card/petition unless you are sure you want to be represented by the union.

2. Does signing a card guarantee better wages, benefits and other working conditions?

No.

If a union were to be voted in, it could negotiate on behalf of the bargaining unit it represents, but it cannot unilaterally change the terms or conditions of your employment. In contract negotiations, you could end up with more, the same, or less than you currently have. No one can predict the outcome of union contract negotiations.

3. Why are signatures so important to the union?

Under the National Labor Relations Act (NLRA), if the union obtains signatures from 30 percent of the employees in a bargaining unit (employee group), it can file a petition with the National Labor Relations Board (NLRB) for a secret ballot election in which employees vote to determine if they want to be unionized.

If the union collects signatures from more than 50 percent of employees in an appropriate bargaining unit, it could ask that PhilaU recognize the union as the employees' representative, even without holding a secret ballot election.

If this were to happen, PhilaU would exercise its legal right to reject this request, which would require the union to file a petition with the NLRB to hold a secret ballot election. However, it is critical to understand that there is more to an authorization card than meets the eye.

4. How do union organizers get employees' signatures on cards?

Signatures on union authorization cards/petitions can be gathered in a number of ways including:

- Going to your home and asking to come in and speak with you
- Waiting for you as you leave the classroom
- Approaching you and other faculty while at work, in the cafeteria, break areas or in the parking garage
- Showing up in restaurants where you and your family are eating

- Through meetings purported to offer professional education credits or training
- Online and through emails
- Through friends and colleagues (other employees who support the union)
- Through flyers sent to your home with cards or petition attached

5. What rights do employees have if they don't want to sign a union authorization card?

You have the right:

- not to sign an authorization card, and
- not be coerced or threatened by any union organizer or supporter.

If you feel you are being coerced or threatened to sign a card, you may tell the organizer you are not interested, report this to member of leadership or Human Resources or file a complaint with the National Labor Relations Board.

6. Can you rescind your union authorization?

You can try.

If you sign a card and then change your mind, you have the right to ask for the card back.

You can ask the person who collected it directly, or send a letter via certified mail to the union's local office and a copy to the National Labor Relations Board regional office. However, be aware that historically many unions do not honor such requests.

7. What is a union campaign?

A union campaign is an effort by the union to convince employees to allow the union to represent them in collective bargaining.

Union organizers try to persuade employees to sign authorization cards or petitions and then to vote for the union in an election. Tactics used by the union during organizing campaigns may include visits to employees' homes, phone calls, texts and emails to employees, meetings, rallies, picketing, and publicly criticism in the media, including newspapers, radio, TV and on the Internet and in social media.

8. What is a union organizer?

Most unions employ a well-paid sales staff called "organizers" who are trained and responsible for soliciting support from employees at targeted organizations. These individuals are paid by the union to get employees to sign cards and join the union.

Often, union organizers recruit pro-union employees to convince their co-workers to sign an authorization card or petition and support the union. These employees, sometimes called "internal organizers," also may be paid by the union and promised status as union delegates or stewards if the union campaign is successful.

9. Do employees have to talk with a union organizer?

No.

You are under no obligation to talk with a union organizer. You have legal rights under the National Labor Relations Act (NLRA) that protect you from intimidation and coercion. The NLRA also preserves your right to refrain from any union activity, to campaign against the union, and to not sign union materials.

10. Can employees who don't support the union campaign against it?

Yes.

You have the legal right to oppose the union. You also have the right to let other faculty know your opinion and to actively campaign against the union

11. Can you leave a union if you don't like it?

It's not that easy.

Once the union is voted in, they are in place for a one-year minimum even without a contract. After the first year, or after the expiration of the first contract (or three years, whichever is sooner), if employees wanted to get the union out, they would have to gather enough signatures to file a decertification petition with the National Labor Relations Board (NLRB).

Employees would be responsible for initiating and organizing this effort on their own and, according to the law, PhilaU management could not assist. Importantly, the union will use trained personnel to resist any employee decertification effort

Terms and Definitions

Bargaining Unit

A group of employees agreed to by unions and the employer or designated by an administrative agency, such as the National Labor Relations Board (NLRB), as constituting an appropriate unit for the purposes of collective bargaining. A community of interest among employees determines appropriateness. This is demonstrated by similar jobs, commonality of work environment, skills, educational requirements, etc.

Authorization Card

A statement signed by an employee designating a union to act as his or her representative in collective negotiations. Unions, to demonstrate employee support for the organization and to either demand recognition from an employer or request an election for an appropriate bargaining unit, use authorization cards.

Showing of Interest

The support among employees in a proposed bargaining unit that the union must demonstrate in justifying its claim for status as the bargaining representative before elections are held. The most common evidence of support is authorization cards or a petition signed by at least thirty percent (30%) of the employees in the proposed unit.

Representation Election

An election conducted by an administrative agency such as the National Labor Relations Board to allow employees to express their choice of either "No Representation" or an exclusive representative from a union showing legitimate evidence of interest in being the exclusive representative for that unit. If the majority of votes are cast for "No Representation," employees continue to have the same nonexclusive representation rights as before the election.

Certification

The formal determination by an administrative agency, such as the National Labor Relations Board, that a union is the majority choice and hence the exclusive bargaining representative of all employees in a particular bargaining unit. The determination usually follows a secret ballot election of employees in the bargaining unit.

Collective Bargaining (Labor Contract Negotiations)

A method of bilateral decision-making in which the employer and the exclusive representative of the employees determine wages, hours, and terms of conditions of employment for all workers in a bargaining unit through direct negotiations. The bargaining normally results in a written contract that is mutually binding and sets wages, grievance procedures, and other conditions of employment to be observed for a stipulated time.

Collective Bargaining Agreement (Contract, Labor Contract)

A written agreement or contract arrived at as the result of negotiations between an employer and a union. It usually contains provisions about conditions of employment and the procedures to be used in settling disputes during the term of the contract.

Union Security Agreement

A contract between an employer and a union requiring workers to make certain payments to the union as a condition of getting or keeping a job. Although it is illegal to require an employee to join a union, workers may be required to instead pay comparable amounts in the form of “agency fees” if such an agreement is in place.

Check off

Check off is the payroll deduction of fees from the pay of employees in the bargaining unit. It can be union membership dues, agency (fair share) fees for nonmembers and assessments. This money is turned over to the union.

Impasse

A situation in collective bargaining that occurs when the employer and the union, both bargaining in good faith, fail to reach agreement.

Management Rights Clause

A provision in a collective bargaining agreement that expressly reserves certain rights and responsibilities to management and specifies that the exercise of these rights and responsibilities shall not be the subject of negotiations, grievances, or arbitrations.

Strike

A work stoppage by a group of employees intended to express a grievance, enforce a demand for higher wages or for other changes in conditions of employment, obtain recognition, or resolve a dispute with management.

Decertification

The withdrawal by National Labor Relations Board of a union’s designation as exclusive representative of a bargaining unit. It is usually preceded by a decertification election that has been called because of the submission of a petition expressing employee dissatisfaction with the union and requesting decertification.

Unfair (Labor) Practice (commonly referred to as a “ULP”)

Action by an employer, union or employees that one side alleges is a violation of National Labor Relations Act.