

Frequently Asked Questions
Potential Faculty Unionization at Urbana-Champaign
May 2014

1. What are potential effects of unionization on decision-making regarding faculty matters?

If a union is certified, Illinois law requires the University to bargain in good faith with the union representative on wages, hours, and other terms and conditions of employment. Thus, merit or equity pay increases would be mandatory subjects of bargaining and would be negotiated between the University and the union. Also, there is a legal principle that representatives of the employer cannot have direct dealings with employees concerning mandatory subjects of bargaining. The employer cannot unilaterally implement changes to the status quo of mandatory subjects, such as giving individual faculty differentiated pay increases, unless an established policy expressly authorizes pay adjustments (for example, for retention purposes).

2. How would a faculty union affect faculty governance?

Mandatory subjects of bargaining include wages, hours, and working conditions. Thus, the role of academic departments in determining merit salary increases as well as teaching loads could be altered in a collective bargaining situation.

Unions typically are not, however, involved in broader issues related to educational policy, such as admissions requirements, degree requirements and confirmation, curricular changes, and academic program changes. These matters are *not* mandatory subjects of bargaining and continue to be part of the legislative functions of the Academic Senate, as stipulated by the *University Statutes*.

3. How can a bargaining unit be formed in Illinois?

Under Illinois law there are two ways that a bargaining unit can be certified (formed) – either through a secret ballot election open to all potential bargaining unit members, or, through the collection of authorization cards signed by prospective bargaining unit members (commonly referred to as the “Card Check law”). The union, not the proposed bargaining unit members, determines what method of certification will be pursued. Increasingly, recent union organizing activity has relied upon the ‘Card Check law’, meaning that a bargaining unit is certified without a secret ballot election being held.

- Under the Card Check law, if a majority (50% +1) of individuals in the proposed bargaining unit sign union authorization cards then the Labor Board may certify the bargaining unit based on the cards, with no secret ballot election held.

- A secret ballot election involving the employees to be represented by the proposed bargaining unit may be conducted by the Illinois Educational Labor Relations Board (IELRB). If a majority of employees voting in the election (this does not need to be a majority of the proposed bargaining unit members, only a majority of those voting) vote affirmatively for a union, then the Labor Board will certify the bargaining unit.

4. What is the potential impact if I sign a union card?

Illinois law (115 ILCS 5/7) allows a union to be certified when a labor union representative demonstrates a showing of majority interest by employees in the proposed bargaining unit. The law states that submission by the union of cards signed and dated by the employee indicating support for a specified union constitutes evidence of employees' choice for union representation. In approaching tenure-system and specialized faculty members, it may be inaccurate for a union representative or supporter to characterize the signing of such cards as informational only or as non-binding. Depending on the wording on the card, **a signature on a card may constitute a "yes" vote for union representation**. When tenure-system and specialized faculty members sign and date union authorization cards, such cards may be submitted later by the union to the labor board to be counted in favor of union representation. If a majority of the relevant employees sign cards, a union may be certified. Under Illinois law, the employer does not have access to the cards submitted to the labor board.

5. What if a faculty member misunderstood or wishes to revoke a union authorization card he/she previously signed?

A signed union authorization card is typically considered to be valid for six (6) months from the day it was signed/dated. If you wish to revoke a previously signed union authorization card, you should notify the union in writing that you are revoking the card and requiring that the original card be returned to you. Sending this letter via certified mail may help to establish that the letter has been received by the union. In addition to contacting the union you may also wish to contact and share a copy of your letter with the Illinois Educational Labor Relations Board (IELRB). In the event that you learn that the union has submitted a petition to be certified as a bargaining unit (based on signed cards), and the union hasn't returned the card to you, you should contact the labor board and question whether you are being included in the count of the authorization cards. The Illinois Educational Labor Relations Board's contact information is: 160 North LaSalle Street Suite N-400, Chicago, IL 60601 (312.793.3170).

6. What can employees do if they are visited by union representatives in the workplace or at home?

Visits by a union representative to an employee's home or calls to an employee's personal phone number may be handled in the same manner as any other solicitation.

Employees have no obligation to speak with union organizers in the workplace, and may address them in the same manner as they respond to any solicitation. Union organizers do not have the right to insist on meeting with employees at their workplace or to disrupt regular University operations. Accordingly, employees may politely inform union representatives that they are not interested in talking with them and may ask them to leave. If union representatives will not leave after being asked, if they attempt to access restricted university areas without approval, or if they persist in harassing or intimidating an employee, the employee should report the matter to his or her supervisor, the Academic Human Resources office (333-0033) and/or campus police at 333-1216 (non-emergency number). **Employees do not need to sign anything in order for a union representative to leave.**

7. Are there legal restrictions concerning what administrators may say or do during a period of unionization activities?

Yes. Department heads and other administrators must refrain from any threats, promises, interrogation or surveillance concerning individual faculty members' interest or support for a union. However, administrators may communicate facts and opinions concerning the consequences of union certification, and may rebut misstatements of fact made by the union organizers. Additionally, administrators should take steps to ensure that any solicitation that occurs on university premises during work time does not interfere with the duties of employees or the operations of the unit. Access to university space (such as classrooms, private offices, meeting rooms, break/mail rooms) by union organizers should be allowed/restricted in the same manner as would be for other non-university entities/purposes.

8. What if a unit executive officer is asked by union representatives to coordinate a meeting for the union to meet with unit employees?

Unit executive officers are under no obligation to arrange a forum on the union's behalf. Further, administrators should ensure that any solicitation that occurs during regular work time and on university premises does not interfere with the duties of employees or the operations of the unit.

9. The union organizer’s business card reads “University of Illinois Faculty Organizing Project.” Is this a University sponsored project?

No, this activity is not a University of Illinois initiative. While some units have mistakenly believed that this is a University of Illinois sponsored project, these activities are **not** part of an effort undertaken by the University, nor are the activities official University business.

10. Which institutions in the Association of American Universities (AAU) have faculty unions?

Of the thirty-four (34) public institutions, tenure-system faculty members are represented by unions at 5 universities:

- University of Florida
- University of Oregon
- Rutgers University
- State University of New York (SUNY) at Buffalo
- State University of New York (SUNY) at Stony Brook.

None of the public institutions that are designated as peers for the Urbana campus has a faculty union: University of California-Berkeley, University of California at Los Angeles, University of California at San Diego, University of Michigan, University of North Carolina at Chapel Hill, University of Texas at Austin, University of Virginia, University of Washington, and University of Wisconsin-Madison.

11. Who may I contact if I have questions or need assistance?

- Elyne Cole, Associate Provost for Human Resources (e-cole1@illinois.edu)
- Deb Stone, Director of Academic Human Resources (debstone@illinois.edu)
- Sharon Reynolds, Associate Director, Labor & Employee Relations, (sreynlds@illinois.edu), 217/333-0033
- Karen McLaughlin, Assistant Director, Labor & Employee Relations, (karenmcl@illinois.edu), 217/333-0033