

Tenure-System Faculty

Frequently Asked Questions (FAQ) About Unionization of Tenure-System Faculty

Units and employees have contacted campus human resources with questions about the Campus Faculty Association's ongoing efforts to unionize the tenure-system faculty at Illinois. The following information is provided in response to specific questions and issues that have been raised regarding those efforts. If you have additional questions, please submit them to Heather Horn in Academic Human Resources at hwilson@illinois.edu and responses will be added as information becomes available.

1. If faculty members are asked to sign a document (paper/card/petition) indicating support or interest in a union, what does this mean?

Documents that indicate support or interest in forming a union can be counted towards a showing of the "majority interest" necessary for a union to be recognized. This is the case regardless of whether a faculty member who signed the document meant for his or her signature to be a "vote" for a union. The Labor Board has held that it will not invalidate a petition to form a union because employees did not realize that the document they signed could be used to form a union, holding that employees are expected to read and know the impact of documents they sign.¹

Under Illinois labor law, the Labor Board determines whether a union has submitted evidence that a majority of faculty (50% plus one person) have indicated interest in being represented by a union. A union may submit documents showing that faculty have authorized the union to collect dues but the Labor Board also may consider "other evidence" of faculty interest. 115 ILCS 5/7(c-5). The law does not allow the University to see or review the evidence submitted by a union. Specialized faculty on our campus were recently unionized after a card campaign.

2. Will faculty members be able to vote in an election before a union is recognized by the labor board?

Illinois law allows a union to be recognized through either an election or a "card check" procedure. In Illinois, union organizers very often choose the card check process. When a card check process is used, union organizers approach faculty members and ask them to sign a card or some other document in support of forming a union. If the union collects signatures from a "majority interest" (50% plus one faculty member), a union is certified. A card check process does not require the union to hold an open, public election.

3. What if a faculty member misunderstood or wishes to revoke a union authorization card or a signed document before the union has been recognized?

It is difficult but possible for a faculty member to rescind a signed "card" before a union has been recognized by the Labor Board.

- A signed union authorization card or document is typically considered to be valid for six (6) months from the day it was signed/dated.

¹ *In the Matter of: Board of Trustees of the University of Illinois at Urbana-Champaign and American Federation of State, County and Municipal Employees, Local 698, Case No. 2012-RS-0009-S (September 25, 2012).*

- If someone wants to revoke a previously signed document in support of forming a union, he or she should notify the union in writing that he/she wishes to revoke that document and should request that the original document be returned to him/her.
- Sending this letter via certified mail helps to establish that the letter has been received by the union.
- In addition to contacting the union, the faculty member may also wish to contact and share a copy of his or her letter with the Illinois Educational Labor Relations Board (IELRB).
- In the event that the union has submitted a petition to be certified as a bargaining unit, and the union hasn't returned a requested document to a faculty member, the faculty member can contact the labor board to question whether he/she is being included in the count of the of the faculty members who support forming a union.
- The Illinois Educational Labor Relations Board's contact information is: 160 North LaSalle Street Suite N-400, Chicago, IL 60601 (Tel: 312.793.3170).

4. If the Illinois Education Labor Relations Board recognizes a union for the tenure-system faculty, will department heads/chairs and other administrators be in the bargaining unit represented by the union?

Supervisors,² managerial³ and confidential employees⁴ are excluded from the bargaining unit under the Illinois Education Labor Relations Act. Therefore, administrators such as department heads and chairs would be excluded from the bargaining unit and any document signed by them is not counted towards the showing of support necessary to form a union.

5. Does the University know whether the Campus Faculty Association has or is close to having the "majority interest" support necessary to certify a union for tenure system faculty?

The University does not know how many signatures the Campus Faculty Association has collected in support of certifying a union for the tenure-system faculty. Union organizers are not required to provide that information in advance of filing a petition with the Labor Board. Because the Campus Faculty Association is not required to hold an open debate and election over the question of whether a union should be formed, the first public notice that a union has collected the necessary evidence (e.g., dues deduction approvals or other signed documents) for the Labor Board to recognize a union can be when a petition is filed with the Labor Board.

² The Illinois Educational Labor Relations Act defines supervisor as "any individual having authority in the interests of the employer to hire, transfer, suspend, lay off, recall, promote, discharge, reward or discipline other employees within the appropriate bargaining unit and adjust their grievances, or to effectively recommend such action if the exercise of such authority is not of a merely routine or clerical nature but requires the use of independent judgment. The term "supervisor" includes only those individuals who devote a preponderance of their employment time to such exercising authority." 115 ILCS 5/2(g).

³ The Illinois Educational Labor Relations Act defines managerial employee as "an individual who is engaged predominantly in executive and management functions and is charged with the responsibility of directing the effectuation of such management policies and practices." 115 ILCS 5/2(o).

⁴ The Illinois Educational Labor Relations Act defines confidential employee as "an employee, who (i) in the regular course of his or her duties, assists and acts in a confidential capacity to persons who formulate, determine and effectuate management policies with regard to labor relations or who (ii) in the regular course of his or her duties has access to information relating to the effectuation or review of the employer's collective bargaining policies." 115 ILCS 5/2(n).

6. How would a tenure-system faculty union affect awarding salary increases based on merit?

The role of academic departments in determining merit salary increases could be altered if a tenure-system faculty union is created because wages, hours, and working conditions are mandatory subjects of collective bargaining.

7. How would unionization of the tenure-system faculty affect shared governance on campus?

Issues related to educational policy, such as admissions requirements, degree requirements and confirmation, curricular changes, and academic program changes are shared governance issues, not mandatory subjects of bargaining. The University *Statutes* provide for shared governance of the broad range of educational matters and academic policies.

For example, the contract for tenure system faculty at UIC expressly states that it “is not intended to expand or limit the faculty role in governance as provided in the University of Illinois *Statutes*.” Similarly, the UIC contract quotes the academic freedom protections of the University of Illinois *Statutes* and does not add any greater substantive protections.

8. If a union is certified, will faculty members be able to negotiate directly with the chancellor, provost, deans and/or department heads or chairs?

Contract negotiations are not conducted by the chancellor, provost or deans, but by the labor relations staff of the campus with a bargaining team that has representatives from academic units on campus. For issues covered by collective bargaining, unionized faculty members do not deal directly with their department heads or chairs. In other words, unionized faculty members do not individually negotiate the terms of their own employment, including salary. If our tenure-system faculty were to be represented by a labor union, many salary conversations that currently happen between faculty members and their departmental, college and campus leadership likely would be ceded to campus and union negotiators.

9. What can you tell me about the UIC tenure system contract negotiations?

The contract for tenure-system faculty at the University of Illinois at Chicago can be found at: https://www.hr.uic.edu/UserFiles/Servers/Server_2716/File/d_labor_agreements/25_Faculty/Tenure_System_Faculty_Agreement_searchable.pdf.

The following are facts regarding the contract negotiations for the union representing the tenure-system faculty at UIC:

- At UIC, an election was not held over the question of unionizing the tenure-system faculty; rather, the UIC tenure system faculty was unionized through a “card-check” process.
- Negotiations for the UIC tenure-system contract took 21 months, from August 2012 until April 2014.
- The parties held a total of 40 negotiating sessions, 14 of which were facilitated by a federal mediator.
- The tenure system faculty held a two day strike in February 2014.
- A final contract was executed in May 2014.
- The UIC tenure-system contract covers the time period from August 16, 2012 through August 15, 2015.
- UIC and the union will be back at the bargaining table to begin contract negotiations for the successor contract in Spring 2015.

10. What are the salary terms negotiated for the tenure system faculty at UIC?

The UIC Contract for tenure system faculty achieved nearly identical salary terms as contained in the Campus Salary Programs for the relevant years of the contract (AY 2013, AY 2014, AY 2015). The differences are as follows:

- Faculty members did not receive the salary increases for AY 2013 and AY 2014 until after the contract was settled in May 2014.
- In AY 2013 and AY 2014, the contract guaranteed that all represented faculty would receive no less than a 1% adjustment.
- For the last two years of the contact, AY 2013 and AY 2014, each applicable college was allocated 1% of the tenure system faculty base to be used by the deans at their discretion after discussion with department heads, to make equity/compression adjustments.
- All UIC tenure-system faculty members in the bargaining unit are required to pay dues or “fair share” fees to the union.

The contract for tenure-system faculty at the University of Illinois at Chicago can be found at:

https://www.hr.uic.edu/UserFiles/Servers/Server_2716/File/d_labor_agreements/25_Faculty/Tenure_System_Faculty_Agreement_searchable.pdf.

11. Do the universities our campus has identified as peers or aspirational peers have tenure-system faculties that are unionized?

Illinois has identified the following nine public AAU (Association of American Universities) universities as the campus peers or aspirational peers: University of California – Berkeley, University of California - Los Angeles, University of California - San Diego, University of Michigan - Ann Arbor, University of North Carolina - Chapel Hill, University of Texas – Austin, University of Washington, University of Wisconsin – Madison, University of Virginia. None of these campus peers or aspirational peers have labor unions representing their tenure system faculty.

There are 34 public institutions that are AAU members, only the following of which have unions representing their tenure-system faculty:

- 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

12. Who can I contact for more information or if I have questions?

You can contact the Office of Academic Human Resources, specifically Heather Horn, hwilson@illinois.edu, 333-6747, or Sharon Reynolds, sreynolds@illinois.edu.