Frequently asked questions about union representation and UPTE’s efforts to unionize UC administrative professionals

Q. Does UC have an opinion about whether or not employees should unionize?
A. UC does not support nor discourage unionization. UC supports employees’ rights to determine for themselves whether or not they think unionization is beneficial. This is one of the reasons it is so important that employees facing possible unionization educate themselves about what it means to be exclusively represented by a union, and to make an informed choice.

Q. Is there a certain percentage of eligible employees required to decide unionization?
A. A simple majority of employees (50% plus one vote) of employees in the target group will decide if the whole group is in the union. This decision will bind all employees in the target group, regardless of whether they want union representation or signed an authorization card or petition.

Q. What do I do if I don’t want a union to represent me?
A. You have the same rights as a union member or union supporter. You can freely discuss your opinions and experiences with fellow employees. If the union demonstrates it has sufficient support from employees and is officially recognized by the state labor board, every employee in the bargaining unit will be required to accept the representation rights the union will gain, and will work under the terms of the negotiated labor agreement regardless of whether they are for or against unionization. Your best opportunity to secure the outcome you want is to express your views and encourage like-minded employees to do the same. Such discussions should not be held in the workplace during work time, however.

AUTHORIZATION CARDS AND EXCLUSIVE UNION REPRESENTATION

Q. I keep hearing the term “exclusive representation.” What does this mean?
A. If a union is recognized as the exclusive representative of an employee group, it means that the union will obtain the exclusive right and responsibility to represent all employees in the bargaining unit, in this case, administrative professionals throughout the UC system. The union will then be the designated authority to negotiate with UC management regarding wages, hours of work and other working conditions for these employees.

Q. How do I determine if I’m in this group of employees?
A. The positions UPTE is targeting are listed on the union’s website at http://www.apsforupte.org/99titles.html

Q. What does it mean if I signed an authorization card --is it effectively the same as voting for the union in an open election?
A. Yes. It means you want the union to act as your exclusive representative for purposes of negotiating with the University regarding your wages and other terms of your employment.
Q. If UC employees choose unionization, how would my employment relationship with the University change?
A. Currently, you have the right to deal directly with your manager and the University regarding your wages, benefits, working conditions and other employment matters. If chosen, the union would become your official representative and would speak for you by negotiating with UC about these matters through the collective bargaining process. Some employees prefer to retain personal control over their employment and their ability to deal directly with their manager about these issues. Others believe that joining a union gives them greater influence over employment matters.

UNION MEMBERSHIP, DUES & FEES

Q. If a majority of employees selects UPTE as the bargaining representative, will I have to become a member of that union and pay dues?
A. The Higher Education Employer-Employee Relations Act (HEERA), the state law that governs collective bargaining for public universities like UC, requires that all employees represented by a union provide financial support for the union’s services. The law does not allow compulsory union membership (i.e., that all employees in the unit pay union dues). Employees who choose to become members of the union pay union dues and a membership initiation fee, while employees who choose not to become members pay “agency fees.” The dues and fees vary union by union (currently, UPTE’s dues and agency fee rates are the same).

Q. What’s the difference between being a union “member” and just being “represented”?
A. The basic differences have to do with the amount of money you pay to the union each month and whether or not you have a voice in union decisions, like accepting/rejecting contract proposals. Union members pay dues to the union each month and vote in union decisions (elect union officials, vote on wage proposals and other contract terms, etc.). Employees who are represented by a union but are not dues-paying members, pay a monthly fee to the union for representing them --called “agency fee”-- and cannot vote in union decisions unless the union chooses to include non-members in the process.

Q. Would I still have to pay a monthly fee to the union even if I don’t want to be unionized?
A. Yes. Once a union is selected, all employees represented by that union pay either dues or mandatory fees through an automatic paycheck deduction.

Q. How is the amount of union dues established?
A. The union determines the amount of dues and fees. At this time, UPTE has the same fee schedule for union dues and agency fees. UPTE’s current dues and agency fees are 1.15% of gross income, topping out at $25.00 per month for employees who make less than $30,000 per year and $35.00 per month for employees who make more than $30,000 per year.

Q. What do unions do with the money they collect each month?
A. The money unions collect in dues and fees goes to administrative, advertising, travel and other expenses, and salaries for their officials. Some unions also hire lobbyists and consultants. You may contact UPTE for a full accounting of its expenditures.
CONTRACT NEGOTIATIONS & THE BARGAINING PROCESS

Q. What does collective bargaining require of the Union and the University?
A. The University and the Union are required to meet at reasonable times to negotiate in good faith over wages, hours, and other terms and conditions of employment. However, neither the University nor the union has to agree to a proposal or make a concession.

Q. On average, how long do negotiations typically take, and does it matter if it’s the first contract being negotiated?
A. The collective bargaining process is a two-way, give-and-take dynamic and neither side completely controls the process or the outcome. Since contract agreement takes cooperation, compromise and commitment on both sides, there is no way to predict how long a contract negotiation will take. Some labor agreements have been negotiated very quickly --a few months or less --while others have taken much longer. Many factors influence how long contract negotiations take, including the nature of the existing relationship between UC and the union (cordial, respectful, professional, etc.), what’s being sought by both sides and the people involved. In UC's experience, initial contracts take longer than negotiations to renew the agreement. For example, in the case of negotiating the initial labor agreement with UPTE for Technical employees, it took about two years to reach initial agreement.

Q. Assuming UPTE becomes the exclusive representative for this group of employees, what happens if the union and UC cannot agree on wages and other terms of employment?
A. Ultimately, if the parties cannot reach a final agreement they would be at impasse. State labor laws (HEERA) provide for mediation and fact-finding to help resolve impasses in negotiations. If, after going through mediation and the fact-finding process, UPTE and UC still cannot reach an agreement, then UC has the legal right to impose its bargaining terms and the union may legally strike.

Q. Will all members of the bargaining unit have a say in what the union should negotiate and will they have an opportunity to vote on what is negotiated?
A. Each union has its own rules about whether all employees or only union members (i.e., dues-payers) can express their views on contract matters. UPTE currently only allows dues-paying members to vote on the union’s bargaining objectives and to ratify or reject contracts.

Q. What happens to my pay while negotiations are going on?
A. During negotiations, UC is required to maintain the status quo for all conditions of employment for employees in the bargaining unit, including pay. You will continue to receive the same pay you had when bargaining began but there can be no increases until bargaining concludes.