

UNDERSTANDING LABOR UNIONS

What exactly is a union in the United States?

A union is an organization that represents a specific group of employees. This group is called a “bargaining unit.” A union negotiates on behalf of this group of represented employees to establish collective terms and conditions of employment such as pay and benefits. While public employee unions are subject to state labor laws, most private employers and employees, including those at private colleges and universities, are governed by the National Labor Relations Act (NLRA).

How do unions obtain the rights to represent employees?

Union representation is typically determined by a secret-ballot election in which those eligible to be in the bargaining unit are invited to vote “yes” or “no” on the question of union representation. If a simple majority of those who vote choose union representation, all eligible voters (and those who follow them into union-represented positions in the future) would be represented exclusively by the union in their dealings with The New School concerning pay, benefits, and other “terms and conditions of employment.”

What is the union election process?

A representation election is a secret-ballot election conducted and supervised by representatives of the National Labor Relations Board (NLRB). The question of who is eligible to vote is determined by the NLRB. Voting generally takes place at an easily accessible location on a specified day and during specified hours.

Could individual employees simply “opt out” of a union by not participating in the election?

No. The results of any election would bind everyone in the positions covered in the unit as certified by the NLRB, including employees who did not vote, employees who vote “yes” or “no,” and all future employees in those positions will be members of the bargaining unit.

What happens after the election, win or lose?

Should a simple majority of those who vote choose union representation, the University will begin the process of entering into a collective bargaining agreement to outline pay, benefits and other terms and conditions of employment for those employees now represented by the union.

Should a simple majority of those who vote choose not to have union representation, those employees would not be represented by the union and would continue to be employed under the current terms and conditions of employment with the University.

As a Manager, am I prohibited from expressing my opinion regarding a union?

No. You may express your opinion but should make it clear that you are not speaking for The New School but are voicing your own personal opinion. It is important, however, to keep in mind that regardless of your opinion, all managers/supervisors must follow the rules that the law proscribes.

Therefore, regardless of your opinion, you may not:

1. Make statements that could be interpreted as threats to damage the employment or compensation of employees.
2. Interrogate any employee in a coercive manner or poll employee as to their position on unionization, information regarding the union and related issues.
3. Make promises of modified or additional University compensation or benefits.
4. Monitor or closely observe any individuals or groups while in union meetings or otherwise engage in conduct, which might be interpreted, as an attempt to gather information on the union.

Additionally, you should not:

1. Require that targeted employees singly or in small numbers to come to an area associated with management, such as your office or removed from such employees' normal work places for the purpose of discussing the union election. However, if the employee(s) happen to be in such places and bring up the subject of the election, a supervisor may then discuss the union situation.
2. Ask anyone to report on union activities.
3. Discipline anyone for his or her union participation. Discipline is appropriate as long it is unrelated to unionization and it is done with respect to performance, attendance or other TNS practices and policies.
4. Say to any employee that TNS will never bargain with the union or never sign a contract. Similarly, you must not say that a strike is unavoidable or inevitable. However, there is nothing wrong with saying that unreasonable union demands often lead to strikes.
5. Interfere with employees' orderly discussions of the union on their own time. However, employees should not talk for or against the union while they are supposed to be working.

Are there other labor unions in place at The New School?

Yes. Several types of clerical, building, and service employees, as well as part-time faculty at The New School, are represented by labor unions.