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 right 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 in this election choose union representation, all eligible voters (and those who follow them into union-represented positions in the future) will 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. This election has been scheduled for Wednesday, November 30.

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 negotiating a collective bargaining agreement with the union to outline pay, benefits and other terms and conditions of employment for the entire group of employees cited in the petition (irrespective of whether or how they voted.)

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.

If I signed a petition card earlier, do I have to vote “yes”?
No. Employees who requested an election by signing a petition card are free to vote "No." Elections are conducted by secret ballot and organized by an agent of the NLRB.
What does it mean to be represented by a union? How does this affect me?
If you are represented by a union, your wages, benefits, hours of work and other terms of employment must be negotiated between the university and your union, and formally outlined in a labor contract. The New School would be prohibited from bypassing a union and dealing directly with represented employees in connection with terms and conditions of their employment.

If the union wins the election, will I have to become a member of that union?
In states like New York, which is not a right to work state, most unions negotiate for what is called a “union shop.” The union shop requires all employees in the unit to be members of the union and pay dues or employees may decide not to join the union and pay what is called an “agency fee” (which is usually only slightly less than full dues). In either event, the union remains the exclusive representative for all workers, even those who are not full members. Employees who are not full members may have reduced or no voting rights on union matters.

If the union election is successful, will I still be able to negotiate the terms and conditions of my employment for myself?
No. The union becomes the exclusive representative for all of the employees in the bargaining unit, and terms and conditions of employment for represented employees will be subject to the collective bargaining agreement.

Is there a contract between the union and the workers to guarantee promises made?
No. The union is not contractually liable to the workers. Its promises are not legally enforceable.

Would I have to pay unions dues or fees?
Yes. All employees represented by that union must pay either membership dues or an “agency fee”, which will be automatically deducted from their paycheck as required by law. These fees are determined by the union’s own rules.

If the union wins, when will there be another election?
Once a union is certified as the exclusive representative of the employees, it remains so indefinitely.

What happens if I’m not satisfied with the union and its representation?
Workers can petition a government agency, the National Labor Relations Board, for a decertification election. That requires getting at least 30 percent of the employees to sign cards calling for such an election. The union would likely actively oppose decertification.