

QUESTIONS AND ANSWERS ON THE PROCESS OF UNION ORGANIZING



Basic Facts

Q. What is the process for organizing the UW faculty into a union?

A. It's a two-step process. First, a union seeking to represent our faculty must obtain signed [membership cards](#) from at least 30% of the faculty. If they are successful in [obtaining the signatures](#), they then [petition](#) the Washington Public Employment Relations Commission ([PERC](#)) to hold an election whether to represent the faculty or not. If PERC decides all conditions are satisfied, it conducts a [secret ballot election](#), the outcome of which is determined by a simple majority of faculty who actually vote, just like any political election. Although we have more than 6,000 faculty who would be eligible to vote, if only 500 of them were to vote and the union obtained 251 votes, the union would be certified as the exclusive bargaining representative of ALL UW faculty.

Q. What does signing a card mean?

A. Signing a [union membership card](#) means that you are asking to become a member of the Service Employees International Union (SEIU). You are committing to pay dues, and you are giving the union the right to petition for an election in your name. It is not just indicating that you want an election to be held.

Q. How will I know if a petition is filed or an election is being held?

A. The University will keep all faculty informed of developments regarding the organizing effort. You will also be contacted directly by PERC if a [petition is filed](#).

Q. How long will this process take?

A. There is no statutory timetable. The organizing process alone could take several months or more, and if a petition is filed, PERC's process could also take several months. When a new group chooses union representation, most first contracts take one to two years to negotiate.

QUESTIONS AND ANSWERS ON THE PROCESS OF UNION ORGANIZING *(continued)*

Basic Facts continued

Q. Which comparable universities have faculty unions?

A.

Tenure-track faculty unionization in the United StatesAmong the AAU's 62 member universities, **only 5** have tenure-track faculty unions.**None of these universities** is in the top 50 of the Shanghai Jiao Tong World Ranking of universities, where the UW is ranked #15.

University	Faculty union	Shanghai Jiao Tong World Ranking
 RUTGERS UNIVERSITY	AAUP/AFT	64
 UNIVERSITY of FLORIDA	UFF	83
 Stony Brook University	UUP	210
 University at Buffalo <i>The State University of New York</i>	UUP	295
 UNIVERSITY OF OREGON	AAUP/AFT	300

QUESTIONS AND ANSWERS ON THE PROCESS OF UNION ORGANIZING *(continued)*

Basic Facts continued

Q. What is negotiable in collective bargaining?

A. Mandatory subjects of bargaining include all matters related to wages, hours, or other terms and conditions of employment. Permissive and prohibited subjects of bargaining break down as follows:

Permissive subjects include criteria and standards to be used for the appointment, promotion, evaluation, and tenure of faculty. This means that either party can refuse to bargain about these subjects, but they can mutually agree to bargain about them.

Prohibited subjects include:

1. Consideration of the merits, necessity, or organization of any service, activity, or program established by law or resolution of the employer, except for the terms and conditions of employment of faculty members who may be affected by such service, activity, or program.
2. The amount of any fees that are not a term or condition of employment.
3. Admission requirements for students, conditions for the award of certificates and degrees, and the content, methods, supervision, and evaluation of courses, curricula, and research programs.

Neither party is allowed to make a proposal or ask for bargaining about prohibited subjects. Those subjects remain in the complete control of the employer.

Q. Would a faculty union impact my salary?

A. Yes. Compensation is a subject of bargaining. Washington state law requires that once a petition for an election is filed, the status quo on compensation and working conditions remains in place, at least until the results of the election are certified. Also, if the faculty elects to unionize, the University must continue to maintain the status quo until an agreement is reached. When a new group chooses union representation, most first contracts more than a year to negotiate – some at the UW have taken up to three years to negotiate. During that period, faculty compensation could remain static for a lengthy period of time. See Appendix C for examples.

QUESTIONS AND ANSWERS ON THE PROCESS OF UNION ORGANIZING *(continued)*

Basic Facts continued

Q: Why is the administration participating in this unionization debate?

A: We are participating in this debate because we are leaders of the university, and leaders lead through discourse, through analysis and through persuasion. If we see something that will take the University off our path to excellence, we must speak up about it. We intend to express our views in this debate, and we encourage you to do so as well and to protect each other's right to be heard, free from any intimidation

Further, the Washington State Public Employment Relations Commission (PERC) protects freedom of expression. The Revised Code of Washington (RCW) guarantees the right of public sector employees to organize without interference ([RCW 41.56.040](#)). It does not prohibit the UW administration from expressing its position and rationale regarding faculty unionization, which is designed to help faculty make an informed choice:

"The expressing of any view, arguments, or opinion, or the dissemination thereof to the public, whether in written, printed, graphic, or visual form, shall not constitute or be evidence of an unfair labor practice under this chapter, if such expression contains no threat of reprisal or force or promise of benefit."

[RCW 41.76.050\(3\)](#)

For more information, please read the [letter to all faculty](#) from by President Cauce and Provost Baldasty on why they cannot stay silent on this matter.

Q: Has the University hired outside attorneys and consultants to advise it during the faculty organizing campaign?

A: Yes. We recognized early in the unionization effort that extensive legal advice would be needed, both to ensure the University is in full compliance with the law, and to help answer the many legal questions an organizing campaign presents at an institution of UW's size and complexity. Some of these questions include which faculty are entitled to participate in the effort, who would be eligible to vote if there ever were an election, and what administrators can say. No employer would attempt to navigate these waters without appropriate legal advice. The use of attorneys has not been a secret. They have met with chairs and other administrators to make sure the University is ready to meet all legal requirements.

We are also being assisted by a communications firm. We often engage experts for additional resources when necessary. That is even more important in this case, given that we believe this decision will impact the future of our university for decades to come. The firm's role is to help us deliver accurate and timely information to faculty to allow an informed choice.

The resources the University is spending on attorneys and consultants do not use any tuition or taxpayer funds. The SEIU/Faculty Forward campaign likely also has attorneys and consultants working on the organizing campaign as well.

See also: Message President Cauce sent to the [AAUP-UW Listserve](#)

QUESTIONS AND ANSWERS ON THE PROCESS OF UNION ORGANIZING *(continued)*

Voting

Q. How do you vote for or against a faculty union?

A. It's a two-step process. First, a union seeking to represent our faculty must obtain signed [membership cards](#) from at least 30% of the faculty. If they are successful in [obtaining the signatures](#), they then [petition](#) the Washington Public Employment Relations Commission ([PERC](#)) to hold an election whether to represent the faculty or not. If PERC decides all conditions are satisfied, it conducts a [secret ballot election](#), the outcome of which is determined by a simple majority of faculty who actually vote, just like any political election. Although we have more than 6,000 faculty who would be eligible to vote, if only 500 of them were to vote and the union obtained 251 votes, the union would be certified as the exclusive bargaining representative of ALL UW faculty.

Q. Would I have a chance to vote every year on whether to keep the union or not?

A. No. There is no periodic reelection process under the law. While there is a process for decertification, the use of such a process is rare and unions are seldom voted out once they are voted in. Thus, every faculty member must consider the long-range implications of this singularly important vote.

Eligibility

Q. Which faculty are included in the process?

A. Washington state law requires that all faculty at the UW be included in any voting unit, regardless of the appointing unit or the appointment track, rank, or title. For those positions designated as faculty, see the Faculty Code at [Section 21-31](#). All UW campuses would be included in the single [bargaining unit](#). If there is disagreement about who should be included, PERC will hold a hearing and decide.

Q. If there is a PERC election, will faculty members who hold administrative appointments as chairs be eligible to vote and included in a bargaining unit?

A. The relevant PERC statute excludes administrators from a faculty bargaining unit, and "administrators" are defined as:

deans, associate and assistant deans, vice-provosts, vice-presidents, the provost, chancellors, vice-chancellors, the president, *and faculty members who exercise managerial or supervisory authority over other faculty members*. RCW 41.76.005(9). <http://apps.leg.wa.gov/RCW/default.aspx?cite=41.76.005>

We have concluded that department chairs, school/program directors, and campus deans ("chairs") of our academic appointing units have managerial and supervisory responsibilities over the faculty within their unit. It is important to note that not all faculty members appointed to a director role are considered to be managerial or supervisory, only those with leadership responsibility of an academic appointing unit (e.g., School of Music in the College of Arts and Sciences or the Education Program at the University of Washington Tacoma).

QUESTIONS AND ANSWERS ON THE PROCESS OF UNION ORGANIZING *(continued)*

Elegibility continued

The identification of chairs as excluded from a bargaining unit is an important question at this time for a couple of reasons. First, chairs of our academic appointing units have leadership responsibilities, and if a union were to represent faculty, those responsibilities might be inconsistent with representation in a bargaining unit. Second, if chairs are excluded as administrators, that means that they are also agents of the University. The University is legally responsible for their statements and actions.

When this question was first raised, we undertook an investigation and legal analysis. Based on those efforts, we have concluded that department chairs, school/program directors, and campus deans of our academic appointing units have managerial or supervisory authority over other faculty. Accordingly, we are providing training to those persons so that the University can comply with the law.

We recognize that not everyone will agree with this conclusion, and we considered that chairs at WWU were included in the bargaining unit. There are sufficient differences between the roles of chairs at WWU and those at UW, and those differences dictate a different result. Of course, if there is a dispute about our conclusion, PERC or the courts will make the ultimate decision.

Dues

Q. Would payment of union dues be mandatory?

A. On its own [authorization cards](#) that the SEIU is asking faculty to sign, the union is including a personal commitment to pay dues no matter what the contract says. As a matter of process, the payment and collection of dues will be a subject of a first contract. UW's existing contract with the SEIU Local 925 requires the payment of dues by everyone in the [bargaining unit](#). Those dues are automatically deducted from the employees' paycheck.

Q. If I pay dues, how much would I pay?

A. Members of SEIU Local 925 pay union dues that are 1.7% of gross salaries, up to a cap of \$95 per month or \$1,140 per year.

QUESTIONS AND ANSWERS ON THE PROCESS OF UNION ORGANIZING *(continued)*

SEIU

Q. Why is a service employees union attempting to organize faculty?

A. The SEIU is one of the largest labor unions in the country. The majority of their members are healthcare service workers. They also represent service employees in other occupations in both the United States and Canada. “Faculty Forward” is the [SEIU national campaign](#) to win more membership among faculty on campuses nationwide. Most of these efforts have been directed at adjunct and part-time faculty.

Q. How did union organizers get my contact info?

A. The University has not provided contact information of any kind to union organizers. However, if a [petition for an election](#) is filed, the University will be required to provide your home address to PERC and to the union.

The University notified faculty in February that it was releasing faculty email addresses in response to a Public Records Request. We do not know the purpose the information will be used for by the requestors.

http://engage.washington.edu/site/MessageViewer?em_id=193214.0&dly_id=186564

Q. Are the union organizers permitted to talk to me in the workplace or at my home?

A. Yes. The union is permitted to come onto the campus as a part of its campaign to gather signatures, but its organizers may not disrupt your teaching and research work. They should not harass or intimidate anyone. If you do not wish to interact with union organizers, you may ask them to leave. If anyone harasses or intimidates you, you should notify laborrel@uw.edu

There have also been instances of union organizers visiting faculty members at their homes. While this is permitted, there is no obligation for faculty members to discuss these issues at home or to grant entrance to their homes.

Strike Policy

Q. Is striking a possibility?

A. The relevant PERC statute explicitly prohibits faculty from striking:

The right of faculty to engage in any strike is prohibited. RCW 41.76.065

<http://app.leg.wa.gov/RCW/default.aspx?cite=41.76.065>

This means it would be illegal to strike. We have every anticipation that our faculty would comply with the law and know that all faculty are dedicated to the excellence of this University. As a practical matter, however, we know that strikes sometimes occur even when they are illegal.

Q. If there is a faculty strike, would it be limited to educational services?

A. If there were ever to be an illegal strike, it would be difficult to limit the strike to educational services. Most strikes include picket lines, and a union may fine or discipline a union member who crosses a picket line.

QUESTIONS AND ANSWERS ON THE PROCESS OF UNION ORGANIZING *(continued)*

Intellectual Property Policy

Q. What is the current policy on IP at the UW?

A. As a highly regarded research university, the UW's intellectual property policy is designed to encourage exploration and creativity with an eye to the benefit of the public. In other words, the preservation, advancement, and dissemination of knowledge is central to our mission.

UW's copyright policy explicitly gives faculty, staff and students ownership of their copyrightable works, including their scholarly works. UW's policy (contained in Executive Order 36) recognizes the right of faculty "to prepare and publish, through individual initiative, articles, pamphlets, and books that are copyrighted by the authors or their publishers and that may generate royalty income for the authors." (Section 2.A) The policy further declares that "University faculty, staff, and students retain all rights in copyrightable materials they create, including scholarly works," subject to exceptions, such as grant and contract limitations. UW interprets this broad principle as generally giving faculty ownership of the copyright in their course materials.

The complete policy can be found here: <http://www.washington.edu/admin/rules/policies/PO/EO36.html>

Q. Is there a regular review of the UW IP policy?

A. Like many aspects of our University, policies are adjusted as necessary to fit the needs of our faculty, administration, staff and students. The UW Intellectual Property Management Advisory Committee (IPMAC) is currently engaged in the task of revising the UW IP policy. IPMAC is chaired by Law School faculty member, Sean O'Connor, an IP law scholar and lawyer, and it is working in conjunction with the Faculty Senate Special Committee on Intellectual Property and Commercialization (SCIPCI). Last year, IPMAC and SCIPCI conducted "listening sessions" for the UW community on various topics central to the policy revision effort.

Q. Would a faculty union provide a greater level of protection for IP?

A. It is hard to see that happening. As noted, our current policy provides ownership in copyrightable works. UW's policy is consistent with the approach followed by most U.S. colleges and universities.

There has been conversation surrounding the University Faculty of Western Washington's Collective Bargaining Agreement (UFWW CBA) and its provisions on intellectual property. Our review finds no significant differences between the UFWW agreement and our own policy. Both follow the customary approach.

Of course, if a union files a petition for an election, there could be no changes to the UW policy, despite the good efforts of IPMAC and SCIPCI. And if a union becomes the faculty representative, any policy changes would be determined by the few people at the bargaining table, rather than through the open and transparent process currently used.