
Frequently Asked Questions for TCCS Librarians and Library Staff About Unionization

Q. What is The Claremont Colleges Services' position on unionization?

- A. The National Labor Relations Act gives you the right to organize, form, join or assist a union and engage in other protected concerted activity. The National Labor Relations Act also specifically gives you the right to *refrain* from engaging in any of these activities. The Claremont Colleges Services (TCCS) respects your free choice under this Act. TCCS will not discriminate against you because you support or oppose a union.

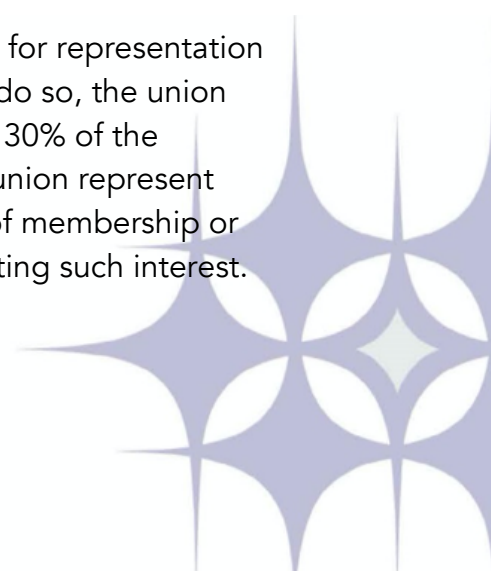
You are part of a well-educated, highly skilled, engaged library staff that is deeply proud of its affiliation with TCCS. As employees who are dedicated to inquiry and critical analysis, we know you will think carefully about the decision to unionize, educate yourselves, and ask wise and probing questions both of the union and of TCCS. Each of you will vote what you sincerely believe to be in your and TCCS' best interests, and TCCS will respect the outcome of that vote.

QUESTIONS REGARDING UNION ORGANIZING PROCESS

Q. How are unions recognized?

- A. They are certified by the National Labor Relations Board (NLRB) as the exclusive representative of a unit of employees.

Q. What is the process by which a union becomes certified?

- A. To become certified by the NLRB, a union must file a petition for representation with the NLRB seeking an election in an appropriate unit. To do so, the union must have demonstrated a "showing of interest" that at least 30% of the employees in the proposed unit are interested in having the union represent them. This showing of interest is satisfied by the submission of membership or authorization cards signed by individual staff members indicating such interest.
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Q. If I signed an authorization card, must I vote for the union?

A. No. You can change your mind after signing (or not signing) an authorization card and vote against (or for) the union after you educate yourself about unionization.

Q. What is the “appropriate unit” to which you refer?

A. In this case, library staff who share a community of interest amongst one another with regard to compensation and working conditions and is otherwise appropriate for bargaining under the law.

Q. Is everyone who works in the library in the bargaining unit?

A. No.

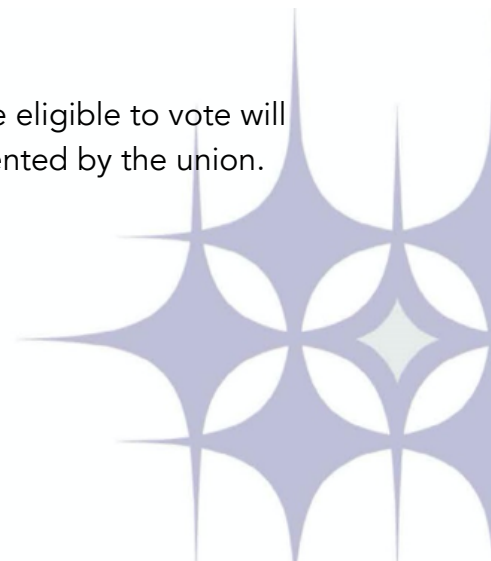
- **Supervisors (Deans, Assistant Deans, Directors):** those with the authority to hire, promote, evaluate the performance, and terminate the employment of other employees are not in the bargaining unit.
- **Managers:** those who formulate and effectuate management policy and exercise independent judgment are not in the bargaining unit.
- **Confidential employees:** those who work for managers who set labor policy for TCCS are not in the bargaining unit.

Q. Who determines whether I am in the bargaining unit or not?

A. Both TCCS and the union will have an opinion on whether you are a member of the bargaining unit. TCCS and the union may agree, or we may not. Ultimately, the NLRB determines whether you are a member of the bargaining unit.

Q. How does the vote occur?

A. The NLRB will conduct a secret ballot election. Those who are eligible to vote will be able to cast a ballot as to whether they want to be represented by the union. Only you will know your vote.



Q. How is the vote decided?

A. By a majority of those staff members **who actually vote**. For example, if the bargaining unit has 40 members but only 17 of them turn out to vote, and the vote is 9 to 8, then those 9 determine the union status of all 40 members of the bargaining unit, and the union is established. If the union is established, it will be your exclusive representative, even if you voted against the union or simply decided not to vote in the election.

Q. I've heard it said that a union may be recognized without an election. Is that true?

A. Employers may voluntarily recognize unions who have secured signed authorization cards from a majority of employees, but under the National Labor Relations Act, employers are not required to recognize unions based on such cards and can instead insist on an election.

TCCS believes that you should have the opportunity to educate yourself about unionization, and that you should be able to vote your true convictions in a secret ballot election, as you do in a political campaign.

Q. If a union is elected, can it be voted out?

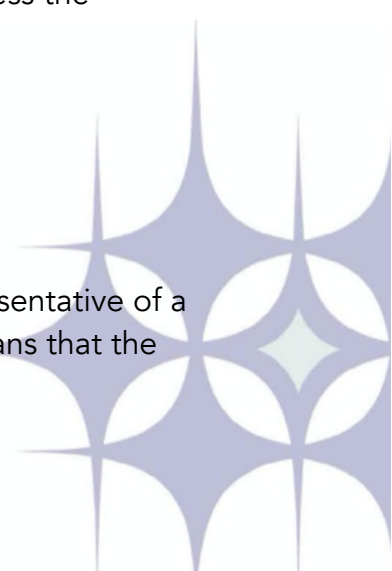
A. Yes, but not easily. Unions are not reelected each year. Most unions who are voted in, remain the representative of that unit forever.

The law does provide a mechanism for holding a decertification election. In order to have such an election and decertify a union, the staff in the unit must themselves file a decertification petition with the NLRB, along with a 30% showing of interest, just as in the certification process. The NLRB would process the petition and may hold another election.

QUESTIONS INVOLVING THE WORKPLACE WITH A UNION

Q. What does it mean to be unionized?

A. If the NLRB, after an election, certifies a union as the exclusive representative of a bargaining unit of which you are a member, it first and foremost means that the



union **exclusively** represents you on all matters involving wages, benefits, hours and other terms and conditions of employment. It means TCCS must work with the union on all such matters, and your supervisor may not address these matters with you individually with respect to the terms and conditions of your employment.

Q. If TCCS library staff are unionized, would I have to join the union?

A. Most union contracts require that you join the union and pay dues, or if you choose not to join the union, to pay the functional equivalent of dues. This provision is called a union security clause. Under most union security clauses, you must pay union dues in order to remain employed.

Q. What happens if I do not want to pay dues?

A. If the collective bargaining agreement has a union security clause that requires the payment of dues as a condition of employment, termination of employment could be a consequence of non-payment of dues.

Q. How much are dues?

A. Dues will vary considerably from union to union. Some unions will charge between 1-3% of your salary each year. Others will charge you a flat amount per pay period. Unions revisit dues and raise them from time to time.

Q. Who gets the dues?

A. Generally, some portion of your dues will go to a union's national headquarters to pay their salaries and administrative cost. You should be sure you understand how much of your dues would stay at TCCS and how much would be sent away.

Q. Are there other costs?

A. Depending on the union, you may have to pay a special assessment from time to time and may have to pay fees if you violate union rules.



QUESTIONS REGARDING COLLECTIVE BARGAINING

Q. If a union is elected, what happens next?

A. At some point, the union and TCCS would engage in collective bargaining for a contract, called a collective bargaining agreement, covering you and all the TCCS staff in the bargaining unit.

Q. What is collective bargaining?

A. It is the process by which an employer and a union negotiate wages, benefits, hours and other terms and conditions of employment for the group represented by the union.

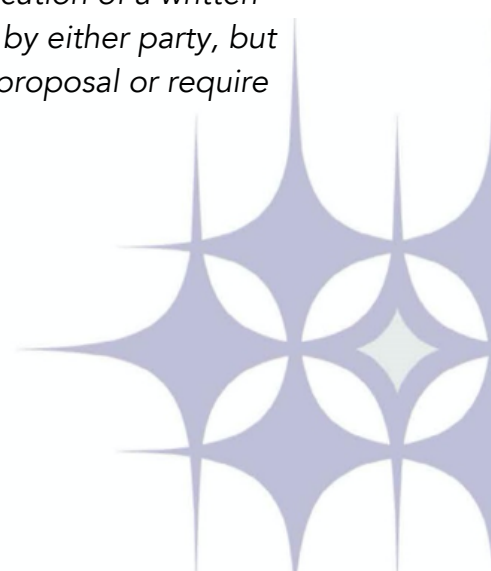
Q. Does the law require that any particular provisions go into a union contract?

A. No. The law only requires that each side engage in good faith negotiations, but the law does not guarantee to employees that any particular provision be part of the contract.

Q. What is "good faith negotiations"?

A. The National Labor Relations Act defines the duty to bargain as follows:

For the purposes of this section, to bargain collectively is the performance of the mutual obligation of the employer and the representative of the employees to meet at reasonable times and confer in good faith with respect to wages, hours, and other terms and conditions of employment, or the negotiation of an agreement, or any question arising thereunder, and the execution of a written contract incorporating any agreement reached if requested by either party, but such obligation does not compel either party to agree to a proposal or require the making of a concession.



Q. How does a union pick a bargaining team? Who decides on the issues and proposals for collective bargaining on the union side? How does a union decide when to modify its proposals or agree to the administration's proposals?

A. These are all worthy questions for you to ask union representatives. Each union is its own entity with its own policies, priorities, officers, and internal politics, and each union makes its own decisions regarding these and related questions.

Q. Does the law require that negotiations begin with the current wages, hours and working conditions and that only improvements are made to such items?

A. No. Each side is free to make proposals across the table that may alter the *status quo*. As a result of collective bargaining, you may end up with more than you have now in some areas, less than you have now, or the same as what you have now. This all depends on the negotiations.

Q. What happens if the parties cannot agree on a contract?

A. The parties might reach an impasse and might call in a federal mediator to assist them. But the mediator has no power to force a settlement or to publicly recommend a settlement. If the mediator fails to bring about an agreement, then either side may decide to use certain economic levers that the law allows, like strikes and lockouts, to force an agreement on the other side. At all times, however, the law does not require either side to agree to any particular demand from the other.

Q. How long does it take to negotiate a first collective bargaining agreement?

A. There is wide variation on this depending on the parties and the issues, but it is common for first contracts to take over a year to complete.

Q. Will I get my regularly scheduled pay raises while the first collective bargaining agreement is being negotiated?

A. Not necessarily. Because the collective bargaining process does not guarantee pre-established levels of pay or benefits, TCCS and the union will not know



whether there will be changes to pay and to benefits until the conclusion of collective bargaining.

Q. What about the issue of job security? Can the union protect my job?

A. Layoffs and reorganization may occur for any number of reasons, but usually because an organization needs to bring its expenses in line with expected resources or when there is a strategic shift in direction. A union typically cannot stop downsizing from occurring. Downsizing is usually viewed as a management decision and many employers with unions have laid off employees. Collective bargaining agreements will often have provisions on the notice of layoffs or the order of layoffs, but no union can guarantee that you will not be laid off.

Q. Can a union bargain over who the supervisors are?

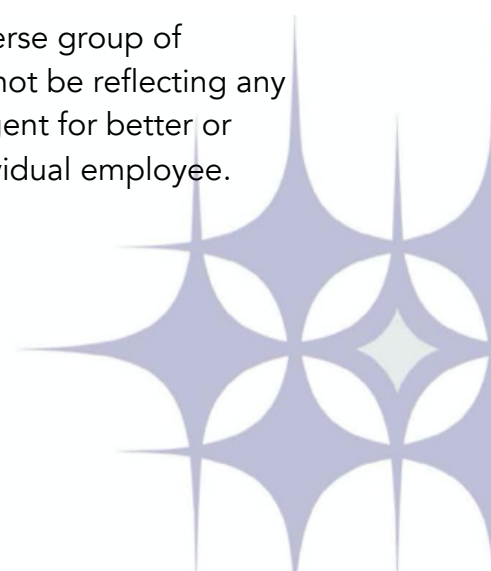
A. No. The selection of supervisors, managers, Deans, Assistant Deans and administrators is considered to be a managerial prerogative and is not a mandatory subject of bargaining.

Q. I've heard it said that a union will give individuals more of a "voice" ... will it?

A. If a union is elected, it becomes your "exclusive" representative with respect to wages, benefits, hours, and other terms and conditions of employment. The insertion of an outside third party, in the form of a union, between your supervisor and you may potentially limit direct exchanges concerning issues of importance to you.

Q. Will a union's interests always be aligned with mine?

A. Not necessarily. Because the union is representing a very diverse group of individuals in a single bargaining unit, the union may or may not be reflecting any individual's preferences, including yours. The union is your agent for better or worse and is beholden to the unit as a whole, not to any individual employee.



QUESTIONS YOU MAY HAVE ABOUT COMMUNICATION AND ACCESS

Q. During working hours, do I have an obligation to speak or meet with an outside individual who says they are affiliated with a union?

A. No.

Q. What about TCCS employees who wish to speak to me about unions?

A. Solicitation by employees for any reason should only be done during the non-working time of employee doing the soliciting and the employee being solicited. Non-working time would include such periods as before or after work, break times, and lunch times. Again, the choice of whether or not to talk with someone, including a co-worker, is entirely up to you.

Q. Do I have to talk to anyone from a union if they call me or visit me at home?

A. No. You are free to speak to them or not. There is no law or policy that requires you to speak with union representatives either at home or in the workplace, and you are free to respond accordingly.

