

What is a union?

A union is an organization representing selected positions and the employees in those positions. One purpose of a union is to collectively bargain the wages, hours, and conditions of employment for the selected positions. A union acts as the exclusive representative for those positions and the employees currently holding those positions. In order for a union to become an exclusive representative, a sufficient number of employees in similar positions must show an interest in having the union represented them.

What does it mean to be exclusively represented?

If a union is certified as the exclusive representative of a bargaining unit (a group of similar positions), it represents all employees holding those positions throughout the UC system. The union has the authority and the exclusive right to negotiate with UC management on represented positions' wages, benefits, and working conditions. Once exclusively represented by a union, the legal power of each employee in the bargaining unit to individually negotiate terms and conditions of employment is transferred to the union, and the union becomes the agent for all employees in the positions in the bargaining unit. Once a union represents a position, any potential wage increases would be determined through the collective bargaining process.

How does a union become my exclusive representative?

There are two ways that this can occur:

1. A union can collect enough authorization cards from employees in the bargaining unit. If a union collects cards from the majority (50%+1) of a designated group of employees (called a bargaining unit), the union automatically becomes those employees' collective bargaining representative (i.e., the authorization cards represent votes of support; no additional voting is required).
2. It can also happen by a vote, if less than 50%+1 authorization cards are signed by bargaining unit employees. In order for a vote to happen, a union would have to collect authorization cards from at least 30% (but less than 50%+1) of the bargaining unit. In such cases, the Public Employment Relations Board (PERB) holds an election. In order for the election to result in unionization, the majority of employees who vote would have to vote in favor of unionization. When this happens, all positions in the bargaining unit are represented by the union.

What is an authorization card?

An authorization card is a document giving permission for a union to represent an employee. An authorization card requires the employee's signature.

What does it mean if I signed an authorization card?

Signing an authorization card means the employee signing the card is choosing the issuing union as their exclusive representative. If a union submits signed authorization cards for a majority (50%+1) of the bargaining unit to the Public Employment Relations Board (PERB), the union becomes the exclusive representative of the bargaining unit without the need for any additional vote. If a union obtains signed authorization cards from less than a majority but more than 30% of the bargaining unit, PERB holds an election to determine whether the bargaining unit becomes represented by the union.

Does that mean that signing the card is effectively the same as voting for the union in an election?

Possibly, depending upon the percentage of the bargaining unit signing authorization cards. If a union submits a sufficient percentage of authorization cards (50%+1), no election is held and the union is legally certified as exclusive representative for all employees in the bargaining unit. There would be no additional opportunity to vote.

Once employees choose to be represented by a union, can they change their mind?

Yes. There is a process called decertification, which is also driven by employee choice. This process is also administered by the Public Employment Relations Board (PERB). It requires the filings of a certain amount of authorization cards and a subsequent election.

By law, the University cannot participate in this process.

If I signed an authorization card, do I have to vote in favor of the union if an election takes place?

No. If a union collects a majority of authorization cards (50%+1), there is no election and no vote. In such cases, each employee's signature on the authorization card is their vote for unionization. If a union does not collect a majority of authorization cards but collects authorization cards from at least 30% of the bargaining unit, an election is held. In that election, employees may vote their opinion as of the date of the election; employees are not required to vote to unionize because they signed an authorization card.

If I signed an authorization card, and would like to revoke it, what should I do?

Under current PERB case law, authorization cards cannot be revoked.

How does an election actually take place and what will be my choices on the ballot?

If a union collects more than 30% of the signed authorization cards but less than a majority (50%+1), the Public Employment Relations Board (PERB) will hold an election. Employees in the bargaining unit are given two ballot choices:

1. "No Representation" – this is a vote AGAINST unionization
2. The union's name– this is a vote FOR unionization

The option receiving the majority of votes of those participating in the election wins. If a majority of those voting select "No Representation" the employees continue to participate in the University's personnel programs for non-represented employees. If a majority of those voting selects the union's name, the union and the University commence the collective bargaining process.

If there is an election, is there a minimum number of employees that must vote in order to decide the outcome?

No. A majority of the employees actually voting determines the outcome. For example, if 100 people vote and 51 vote to unionize, the bargaining unit will be certified as exclusively represented. Therefore, if an employee wants to unionize, they should participate in the election and vote to unionize. Likewise, if an employee does not want to unionize, they should participate and vote against unionization. Failing to participate in the vote is not the same as voting against unionization, because the election result is based solely on the votes of those employees participating in the election.

What is the difference between being a union "member" and just being "represented" by a union?

As a member, an employee has the right to vote on union business, including electing union officials, voting on negotiation issues (depending on the union), and/or ratifying the collective bargaining agreement.

If an employee is not a member, the union still represents the employee, but the employee does not have voting rights.

If I signed an authorization card, am I automatically a member of the union?

No. If the union is certified as the exclusive representative for the bargaining unit, each employee in the bargaining unit has the option of joining the union (i.e., becoming a voting member) or only being represented by the union without voting rights.

Is membership in the union required to vote in an election for unionization?

No, if a position is included in the bargaining unit, the employee currently holding that position is entitled to vote for or against unionization.

Will I have any say in the negotiations with the University?

Each union has its own constitution, or other rules about whether all employees or only union members (i.e., dues-payers) can express their views on contract matters. Inquiries regarding representation at bargaining should be directed to the union.

Are wage increases subject to collective bargaining?

Yes. When a bargaining unit is represented by a union, all wage issues are subject to the collective bargaining process.

Does the union have the ability to unilaterally grant raises and/or prevent termination of employee?

No. These matters are part of the negotiations process between the University and any union certified to represent a unit of University employees.

Does UC have an opinion about whether or not employees should be unionized?

The University adheres to the principle that representation by a union is a matter of employee choice.

UC supports employees' rights to determine for themselves whether unionization is beneficial. The University believes its role is to ensure its employees make an informed choice and understand the process when faced with this important decision.

How can I express my opinion about whether or not I am represented by a union?

There are several options. As long as an employee is not using work time or an inappropriate location where they are interfering with University operations, the employee may make their opinions known.

The employee also expresses their opinion by choosing whether to sign an authorization card. By signing an authorization card, the employee voices their vote in favor of having a union as their exclusive representative. On the other hand, by not signing an authorization card, the employee voices their vote in favor of not having a union as their exclusive representative.

Finally, if a union collects more than 30% of the signed authorization cards but less than a majority (50%+1), resulting in an election at the Public Employment Relations Board (PERB), the employee can participate in the resulting election and vote for or against union representation.