Frequently Asked Questions About the Upcoming APS (99) Election

As you may already know, the University Professional and Technical Employees (UPTE) union (an affiliate of the Communication Workers of America), is seeking to represent a group of approximately 13,000 University of California employees. The petitioned for unit includes job titles such as Student Affairs Officers, Analysts, Administrative Specialists, Program Representatives, Programmer Analysts, Senior Editors, Buyers, and Accountants (see Affected Job Titles – Upcoming Election). If your position is in one of these titles, and if UPTE is successful in its election, you would be included in the bargaining unit and exclusively represented by UPTE with regard to your terms and conditions of employment.

Therefore, it is critical that you educate yourself about this election process, what it means to be represented by a union, and – most importantly – that you VOTE in the election.

Below are some common questions that employees have asked in previous elections concerning the election process and its implications.

Q. If an exclusive representative is elected, how would the employment relationship between me and the University change?

A. Currently, a direct employment relationship exists between you and the University. If an exclusive representative is chosen by the employees in the unit, future changes in wages, benefits, hours and the other terms and conditions of employment must be negotiated between the University and the union. These terms would be contained in a memorandum of understanding (MOU) — in other words, a contract.

Q. If the majority of those voting decide against having an exclusive representative (union) at this time, can such an agent be elected at a later time?

A. A petition for a new election could be filed after one year from the date of the election.

Q. Is there a minimum percentage of eligible voters that must vote in order to decide the election?

A. No. A simple majority (50% plus one vote) of the votes cast will decide the election for the whole bargaining unit. This decision will bind all employees in the unit, regardless of whether they voted. Voter indifference and apathy can result in a minority of the unit deciding the issue for the majority.
Q. **What are the choices on the ballot?**

A. You would choose between "No Representation" (i.e., no exclusive representative) and at least one union (UPTE). The winning option would be the one receiving a simple majority of the votes cast. If "No Representation" is selected, you would continue to participate in the University's Personnel Policies for Staff Members and to have the freedom to choose any union or individual to represent you.

Q. **Who will pay the cost of the election?**

A. The election is conducted by the California Public Employment Relations Board (PERB). No fee is charged for this election.

Q. **Is membership in the union required to vote in the election?**

A. No. If your title code is included in the petition, you are eligible to vote.

Q. **Am I obliged to vote for the union because I signed an authorization card or because I am a member of the union?**

A. No. The election is by secret ballot. Your vote has nothing to do with an authorization card or union membership. Those employees who requested an election by signing an authorization card may vote for "No Representation."

Q. **If a union is elected as the bargaining agent, will I have to become a member of that union? Will I have to pay dues?**

A. No, you are not required to become a member of the union under the Higher Education Employer-Employee Relations Act (HEERA). However, California law requires employees of the University of California and California State University to pay an “agency shop” fee to the union.

Q. **If I join a union, how is the amount of dues established?**

A. Dues are determined by the union, and are strictly an internal matter. Currently, membership dues charged by UPTE are 1.15% of an employee's gross retirement earnings up to a maximum of $35 per month.

Q. **Who pays for negotiations if the union is elected as exclusive bargaining agent?**

A. The union would pay for union expenses, and the University would pay for University expenses.
Q. What are some of the costs involved?

A. Some of these costs are those connected with any other business operation (rent, salary, telephones, equipment, etc.) plus those that are particular to a union. For example, costs are incurred if it uses an attorney or other specialists or consultants. Travel expenses for union members to attend systemwide bargaining would also be incurred.

Q. What does collective bargaining require of the Union and the University?

A. The University and the Union are required to meet at reasonable times to negotiate in good faith over wages, hours, and other terms and conditions of employment. However, neither the University nor the union has to agree to a proposal or make a concession.

Q. What happens if the union and the University cannot agree on wages, hours, and other terms of conditions of employment?

A. The Higher Education Employer-Employee Relations Act also provides for mediation and factfinding to help resolve impasses in negotiations.

Q. How long does it take to negotiate a labor contract?

A. There is no way to predict this. Some labor contracts have been negotiated in a matter of weeks, others have taken several months, and some have taken years. In the University of California’s experience, first contracts take longer than successor negotiations, typically up to a year and in one case 22 months.

Q. Will all members of the bargaining unit have an opportunity to express their views on what should be negotiated and will they have an opportunity to ratify what is, in fact, negotiated?

A. All employees in a bargaining unit would be governed by a union contract whether they voted for the union or not. Generally, only dues paying members and not agency fee payers are eligible to vote on matters — such as contract ratification — for which the union is responsible. As to whether all employees in the bargaining unit would be allowed to express their views on contract matters, this depends upon the internal procedures and decision-making process of the union and its officers. Employees and union members should check the union's constitution and bylaws for the specifics of how the organization is operated.
Q. What can an eligible voter who is against the union do in election campaign?

A. Eligible voters who are against the union have the same rights as a union member or union supporter. They can freely discuss experiences and opinions with fellow employees, pointing out the reasons why they feel unions are neither necessary nor desirable. Such discussions should not be held in the workplace during work time, however.

Q. Does the University of California have an opinion on whether employees should vote yes or no?

A. The University of California supports employees’ rights to determine for themselves whether they will vote yes or no. This is one of the reasons it is so important that employees educate themselves about what it means to be exclusively represented by a union – and to vote.

Q. Which titles are included in the petition and are eligible to vote?

A. The job titles involved in this election are detailed in the attached list. University of California employees designated as managers, supervisors, or confidential are not eligible to participate in the election.

Q. How will the election actually take place?

A. The Public Employment Relations Board (PERB) will conduct a mail ballot election. There will be at least two choices on the ballot:

1. "No Representation" – this means you DO NOT WANT to be exclusively represented by a union.
2. “UPTE-CWA” – this means YOU WANT UPTE as your exclusive union representative. Whichever option receives a simple majority of the votes cast wins. If "No Representation" is selected, you will continue to participate in the University's Personnel Policies for Staff Members and will continue to have a right to representation of your choosing including union representation.

Q. How are agency fees and union membership dues spent by the union?

A. Like any organization, unions have to support themselves. The money they collect in dues and fees goes to salaries for their officials, attendance at conferences and meetings, the cost of contract negotiations, travel and for other representational activities. Some unions also hire lobbyists and consultants and make contributions to political causes. In 2002, unions representing University of California employees collected approximately $17 million in dues and fees. UPTE is required by law to provide a full accounting of its expenditures.
Q. What happens to my salary while negotiations are going on?

A. During negotiations, the University will be required to maintain the status quo for all conditions of employment for the bargaining unit, including pay. You will continue to receive the same pay rate that you had when bargaining began but there can be no increases until bargaining concludes.

Q. The union's literature suggests that UPTE-represented employees have received higher salary increases, and other job improvements. Is this true – do represented employees typically get better wages, hours, etc. than non-unionized employees?

A. The University’s systemwide salary programs are governed by the amount of money the University of California receives from the state each year. Budgetary requirements and market needs are taken into account to remain competitive in recruiting and retaining staff, regardless of whether employees are unionized.

Q. What do I do if I don’t want a union to represent me?

A. Your best opportunity to secure the outcome you want is to vote and encourage likeminded employees to do the same.