

Collective Bargaining Legislation

What just happened? UW System & the Legislation

What is Collective Bargaining?

What happens now?

What is the relationship between collective bargaining & faculty governance?

- Bonus: A word about Accretion

WI Law: What just happened?

- Collective Bargaining Statute was changed (in budget)
 - To allow faculty & academic staff to choose collective bargaining
 - ➔ “enabling legislation” – you can if you want to
- Up to 31 bargaining units defined in Legislation
 - ❖ 15 for faculty, 1 for each institution
 - ❖ 15 academic staff, 1 for each institution
 - ❖ 1 for academic staff supervisors across the System

 - ❖ Units can combine if a majority in both agree

How is a bargaining unit determined?

- A “community of interest” (work duties, geography)
- Is generally a “local” of a Union, e.g.
 - Currently, AFSCME locals bargain with the University:
 - UW-Madison blue collar, technical & clerical;
 - UW-Hospital (non-nursing);
 - Admin support; UW-Stevens Pt
 - 3 AFT locals bargain with the University:
 - WPEC (WI Professional Employees Council)
 - TAA (Teaching Assistants Association)
 - MGAA (MKE Graduate Assistants Association)
 - 2 other existing locals now have bargaining rights:
 - UFAS (United Faculty & Staff) & TAUWP (The Association of UW Professionals)

Definition of Collective Bargaining

... the continuous relationship between an employer and a designated labor organization representing a specific unit of employees for the purpose of negotiating written terms of employment.

Labor Relations & Collective Bargaining (8th ed), Carrell & Heavrin

The National Labor Relations Act

“It is hereby declared to be the *policy of the United States* to eliminate the causes of certain substantial obstructions to the free flow of commerce ... *by encouraging the practice and procedure of collective bargaining* ..., for the purpose of negotiating the terms and conditions of [workers’] employment or other mutual aid or protection.”

Legal Framework for Collective Bargaining

Employees have the right to:

- form, to join or to assist a Labor Organization of their choice,
- bargain collectively through that Labor Organization,
- engage in concerted activities, & mutual aid
- refrain from any of the above activities.

Legal Framework, con't

Protects employees by defining and prohibiting unfair labor practices such as:

- Interfering with employees in the exercise of their rights.
- Interfering with the formation or administration of a labor organization.
- Discriminating against employees for engaging in or refraining from union activities.
- Refusing to bargain with the union that is the lawful representative of its employees.

Certification of a unit

- Employees file a petition requesting an election to name a union as their representative. Unions agrees to represent the employees prior to petition.

What happens now?

- Each unit must demonstrate a show of interest in having a union
 - Theory: 30% of employees would sign a card & petition for an election
 - Reality: some employees decide to form a union & encourage others to join
 - When *a majority* decide they want a union (sign cards), they file a petition requesting an election

Then what happens?

- Election – administered by the WI Employment Relations Commission
 - If a *majority* of those *voting* choose collective bargaining, the law requires that the Board of Regents & the employees' representative(s) bargain over salaries, fringe benefits, & hours & conditions of employment

Who else is in the picture?

- The Board of Regents negotiates for the employer
- Negotiation must be “in close liaison with” Office of State Employment Relations (OSER)
- Tentative agreements reached must be approved by the Joint Committee on Employment Relations (JCOER) & passed by the full Legislature
- Tentative agreements must be ratified (voted on) by the unit’s members

Governance & collective bargaining

- “The Board of Regents is prohibited from bargaining on diminution of tenure, statutory governance rights, & academic freedom.”
 - from the University of Wisconsin System
Summary of Faculty & Academic Staff
Collective Bargaining Legislation

Examples of Typical Subjects of Bargaining

Mandatory:

- Wages, including merit pay
- Paid holidays & paid vacations
- Pensions
- Severance pay
- Sick leave
- Safety practices
- Health insurance for current employees
- Leaves of absence
- Disciplinary procedures

Permissive:

- Definition of the bargaining unit
- Designating a bargaining representative
- Interest Arbitration
- Health insurance for retirees
- Type and design of products or services
- Marketing strategy
- Advertising and financing
- Identity of supervisory personnel

Accretion doctrine

- The practice of allowing the addition of new employees and jobs to existing bargaining units (provided their work satisfies the same criteria of the original unit).
- Several Unions (& *some* locals) believe that many employees ought to have been bargaining unit members when hired.
 - They will seek to identify those people, then
 - ask the WERC to make a determination.

Conclusion -1

- Faculty & Academic Staff in the UW System have the right to decide whether they want to choose a union & bargain with their employer (the University) over wages, benefits & working conditions.

Conclusion -2

Before any collective bargaining begins:

1. A majority of members in each unit must decide if they want a union & request an election.
2. Decisions must be made on who is eligible to vote in each unit. "unit clarification" (accretion)
3. An election must be held.
4. If a majority chooses to be represented by a union, both sides prepare to bargain.