California's **Higher Education Employer-Employee Relations Act (HEERA)** is the law passed by the California State Legislature that gives UC employees the right to decide whether they want to unionize and have collective bargaining as the sole means of determining their wages, hours and working conditions. Employees also have the right to refuse to join employee organizations or to participate in the activities of these organizations subject to the organizational security provision permissible under HEERA. The Public Employment Relations Board (PERB) administers and enforces HEERA.

Employees who are managerial or confidential within the meaning of HEERA, and some student employees are excluded from the law's coverage. Supervisory employees have some rights to union representation under HEERA; however, the law precludes collective bargaining of supervisors' terms and conditions of employment.

In eleven cases, groups of University of California employees have made the decision to unionize. However, there is still a group of employees who have not made this choice. Employees may have questions about collective bargaining and representation elections at the University of California. The UC Davis Health System Labor Relations Unit has provided the following list of Questions and Answers to help employees understand their rights under the law.

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Q. Can unions interrupt my work to ask to me about forming a union?

A. Neither HEERA nor UC Davis policy allows unions to organize employees while they are working. Unions are permitted to contact employees about organizing when that employee is on a rest break or during the employees lunch break.

Q. A union representative stopped by my workstation while I was working on an assignment. The representative wanted to talk to me about organizing a union for my classification. What do I do if it happens again?

A. HEERA provides unions with reasonable access to employees at the work site, but it does not permit unions to interrupt ongoing work. UC Davis has a campus policy to administer this provision – Policy & Procedure 380-21, Employee Organizations (http://manuals.ucdavis.edu/ppm/380/380-21.htm). Additionally, most departments have supplementary access rules tailored to their particular work environment (i.e. security, safety, privacy, etc.). Unions do not have a legal right to enter a work area without first contacting a management representative and asking permission. Talk to your supervisor about access in your work area.

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 concession.

Q. How does a union become my representative?

A. HEERA permits the union to solicit interest in unionization from those groups of employees it wishes to represent. This solicitation takes the form of an “interest card” that employees sign indicating they would like to have an election in order to determine if a union will be their representative. When the union believes they have cards from at least 30% of all the employees in the proposed bargaining unit, it will ask PERB to hold an election.
Q. What are the choices on the ballot?

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

Q. Will only UC Davis employees be represented if the union is elected?

A. The current bargaining units for UC staff include employees from all campuses. For example, UC Davis clerical employees would be covered by the same contract as UCLA clerical employees.

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

A. No. If your position is included in the proposed bargaining unit, you are eligible to vote.

Q. Am I obliged to sign the interest card?

A. HEERA not only provides UC employees with the right to “form, join, and participate” in a union, it also provides the right not to “form, join and participate” in a union.

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. 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. 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? What can an employee do if they do not want to be a member?

A. Compulsory union membership is not required under HEERA. However, since January 1, 2000, an amendment to HEERA established "agency shop" at the University of California and California State University. This revision resulted in mandatory paycheck deductions for union-represented UC employees who do not currently pay union membership dues.

Q. Is there a difference of union membership dues and mandatory agency fee deductions?

A. The law mandates that the agency fee amount cannot be more than the union's membership dues. Each union determines the amount of the dues for members, as well as the amount of the agency fee for non-members in the bargaining unit.

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

A. Currently, a direct employment relationship exists between you and the University. If the bargaining unit chooses an exclusive representative, future changes in wages, hours and the other conditions of employment must be negotiated between the University and the union. These terms would be contained in what HEERA refers to as a memorandum of understanding (MOU) — in other words, a contract.

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 of the votes cast will decide the election for the whole bargaining unit. This decision will bind all employees who are eligible to vote, regardless of whether they vote. Voter indifference and apathy can result in a minority of the unit deciding the issue for the majority.
Q. If the majority of those voting decide against having an exclusive representative (union) at this time, can such an agent be elected later?

A. A petition for a new election could be filed after one year.

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

A. The union pays for union expenses, and the University pays for University expenses

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

A. HEERA also provides for mediation and fact-finding to help resolve impasses in negotiations.

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. Individual unions have constitutions and bylaws that contain descriptions of the level of involvement for non-union members. Generally, non-members would not be eligible to vote on matters — such as contracts — for which the union is responsible. This depends on the union’s constitution and bylaws.

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.

If you have questions or need additional information, please contact Employee and Labor Relations at (530) 754-8892.