

*University Professionals of Illinois,*

*IFT, AFT, AFL-CIO*

# Department Rep Handbook

*A Blueprint for Effective Union Democracy*

There are many benefits to union membership and many important activities and efforts throughout the year. The goal of this handbook is to assist you in being an effective department representative by highlighting the important points to make to potential members and clearly defining your major responsibilities.

*Thank you for being a department rep. You give generously of your time without any compensation except the satisfaction of a job well done and a too infrequent pat on the back. We couldn't be an effective union without you!*

## **Major Responsibilities of Department Reps**

1. **Reach out** to potential union members, explain the benefits of membership, and encourage them to join.
2. **Assist** bargaining unit members in your department with finding answers to contractual questions, and understanding grievance procedures, and other union-related matters.
3. **Organize** bargaining unit members in your department for political issue campaigns, meetings, and other events.
4. **Communicate** information, concerns, and ideas from the chapter leadership to your department and from your department to the chapter leadership.

# 1. Reaching Out

First, some basic definitions and facts.

***Bargaining Units:*** Our campus chapter has two bargaining units, Unit A and Unit B. Unit A consists of all tenured and tenure-track faculty members. Unit B encompasses all full time annually contracted faculty members (ACFs) and permanent Academic Support Professionals (ASPs). Part time ACFs also become members of Unit B after completing two academic years of service at half time or more. Temporary ASPs become members of Unit B after completing a year of full time service or two years of service at half time or more.

The division of our chapter into two units is solely for convenience. We are all part of one chapter of one union local.

**It is important to emphasize that a bargaining unit member does not become a union member until she signs a membership card.**

***Union membership:*** Membership in the bargaining unit is automatic, based on legal definitions. Membership in the union is a choice. However, every bargaining unit member is covered by the contract, entitled to union representation for a grievance, and so on.

***Fair share:*** Because UPI represents all bargaining unit members, whether they are union members or not, the union has a fair share agreement with the University. Fair share is also sometimes known as an agency fee. This arrangement enables those who don't choose union membership to pay for the benefits they receive from union representation. In Illinois, this includes the cost of contract bargaining and legal representation, the cost of organizing, publications, and other indirect benefits.

The Illinois Labor Relations Board has set the default fair share dues at 100% of member dues. Only if an employee files an official objection to this fair share rate are the dues reduced based on a stricter calculation (Very few members object).

**Therefore, a fair share payer will experience no increase in dues by joining the union.**

***Attack on Fair Share:*** Currently, it is more important than ever to ask those paying fair share to **sign a card and become a union member**. That's because of a case before the Supreme Court, *Friedrichs v. California Teachers Association*. The issue in the case is whether a public union may charge fair share, or agency fees.

This case has a strong connection to Illinois because, on September 11, 2015, lawyers from the office of general counsel to the governor filed an amicus brief in the *Friedrichs* case supporting the argument that fair share fees violate the free speech rights of government workers.

Two weeks later, the office of the Illinois Attorney General sent a letter to the Supreme Court to explain that the governor's brief violated Illinois law which gives the state attorney general the sole authority to speak for the state in litigation involving the state's interest. On October 1, 2015, the governor's counsel responded with a letter to the Court insisting that Rauner has a First Amendment right to file a brief expressing his own views.

Rauner's brief supports the view that for public employees (which includes faculty and staff on the EIU campus) contract negotiation itself is lobbying, and therefore nonmembers of the union cannot be compelled to pay for it. The brief states, "Even those union activities that are confined to collective bargaining have significant political implications. Enriched by contributions from members and nonmembers alike, public sector unions in Illinois, whose labor and management sit on the same side of the table, have negotiated wages and benefits that have unrealistically kept going up while the state economy has kept going down."

Clearly, this language goes beyond merely taking a stand on the issue to be decided in the case. Rauner is actively working to destroy unions in Illinois, and getting rid of fair share is a step in that direction. If this case is decided in favor of Friedrichs, **only those who are full union members will be required to pay dues; however, the union will still be required to represent every member of the bargaining unit.**

Given the complexity of contract issues, legal counsel is required during contract negotiations. Grievances can also require the services of a lawyer. With fair share in place, those costs can be equitably shared among all who benefit. Since there is a distinct possibility that fair share will be eliminated, **it is essential that bargaining unit members sign a union card to become a union member.**

*UPI Local 4100, IFT, AFT, AFL-CIO:* We are a chapter of the University Professionals of Illinois, which is Local 4100 of the American Federation of Teachers. Our membership, finances, and legal responsibilities are handled centrally by UPI. Your chapter president and vice president sit on the executive board of UPI, and we send a delegation to the UPI House of Delegates to participate in shaping policy. The Illinois Federation of Teachers is our state affiliate. UPI sends delegations, including a contingent from our chapter, to the conventions of the IFT and AFT to participate in shaping policy at the state and national levels. The AFT is affiliated with the American Federation of Labor - Congress of Industrial Organizations (AFL-CIO). Being part of a large labor organization gives us access to resources, mutual aid with other unions, and political clout.

### **The benefits of membership:**

Membership carries both direct benefits for the member and indirect benefits for the whole bargaining unit. The purpose of having a union is to increase our power in the workplace. Thanks to our union, we not only receive higher compensation and better working conditions, but we also create the criteria by which we will be evaluated, retain control of our intellectual property, protect our academic freedom, and enjoy rights that promote mutual respect among faculty, academic support professionals, and administrators. A direct benefit of membership is the ability to participate fully in shaping how our union uses that power. Although non-union members are eligible to vote on contract ratification (at EIU only, not in other chapters), only union members can vote for chapter and local officers, vote on

motions at membership meetings, or serve as officers, delegates, or members of union committees. Membership is also a vote of confidence that helps present a united front when we negotiate with the administration.

Democratic participation and enhanced collective strength are the primary reasons for union membership. However, membership also provides access to a variety of practical benefits to which non-members are not entitled, such as free liability insurance and discounted credit and legal services. (One member recently took advantage of pet insurance available through the union!) Given that fair-share payers are paying the same amount as members, these benefits may provide a significant initial inducement, based on direct individual self-interest, for people to join, even if they have not yet recognized the broader benefits of union membership. Current member benefits are announced on the Web sites of the AFT and IFT and published in an annual booklet, of which the chapter has numerous copies for distribution. Make sure that potential members and interested union members are aware of them.

Finally, don't forget that personal stories are a central means by which people communicate and understand ideas that may otherwise be too abstract to pique their interest. Presumably, you volunteered to be a department representative for a reason. Remember to share your personal experiences with UPI and reasons for supporting our union.

### Answering objections to UPI membership:

There are some common reasons that bargaining unit members are not union members. The main one is just neglect: they didn't realize they were not members automatically, since fair share payments were being deducted; they never got around to joining; no one approached them. **Your main outreach job is to contact people who have not joined through neglect.**

There are also people who consciously choose not to join and give various arguments against joining. If you encounter reasons not listed here, please let the chapter officers know so they can be included in updates of this guide. The responses here are meant to be suggestive, not definitive. You will surely have your own views, and should speak from the heart.

### *Unions don't represent people like me.*

Some faculty and support professionals may have concerns that their interests will not be represented or their voices heard because of their own cultural or social identity. This concern is understandable and we acknowledge the systemic inequalities and discrimination against marginalized groups within higher education. EIU-UPI is committed to being an inclusive organization that understands its bargaining unit members have diverse experiences and professional needs. We respect the dignity of each of its members and uphold their rights so that each can flourish professionally and succeed in contributing to the educational mission of the University.

***We are professionals, not laborers like carpenters and factory workers. Unions are fine for them, but inappropriate for us.***

It is true that professionals in higher education enjoy a standard of living and social status that distinguish us from other working people. However, today we are confronted with serious systemic and institutional challenges we cannot effectively meet as individuals. Cuts in state funding, declining enrollment, layoffs, pressures to teach online, and changes in public education policy all directly and indirectly affect our workloads, our compensation, our working conditions, and our benefits. They also affect our professional standards and our ability to flourish as professionals in our areas of expertise. Together we have more influence to protect the quality of our professional lives and the quality of higher education from these challenges than we would alone. As a union, we collectively negotiate the process by which our professional performance is evaluated, we secure protections and better pay for annually contracted faculty, and we have a more powerful voice in shared governance. We are not alone, either. According to the AAUP, 35% of public institutions of higher learning in the United States have faculty unions.

***We are managers, not workers.***

It is true that unfortunate legal constraints (e.g. the “Yeshiva” decision, the negotiating provisions of the Illinois Educational Labor Relations Act, etc.) prevent us from explicitly asserting managerial roles. More importantly, the EIU administration certainly does not see us as managers. It often claims for itself “managerial rights,” by which it means the authority to make unilateral decisions. Although Faculty Senate is a forum in which instructional staff can exert some influence on the policies and management of the institution, but the administration sees this body’s function as consultative rather than authoritative. Faculty Senate has no budgetary oversight, no direct influence in the hiring of administrators, no authority to write internal governing policies. The only area in which the faculty has significant contractual power is in the tenure and promotion review process—and that is because of our union contract. Indeed, in spite of the constraints to shared governance, in practice we have succeeded in carving out domains of control. The union has played an important role in strengthening academic freedom over research, teaching, and creative expression; protecting first amendment rights, privacy rights, and free access to information.

***I am free to leave if I don’t like my job.***

So are the workers at Wal Mart. The important question is, what opportunities will you have? Does a strong labor movement, including academics and other professionals, enhance or diminish them?

***O.K., I understand the need for a union to represent our interests, but why does UPI talk about the “labor movement” and expect us to be a part of it? Our union should focus solely on our own interests.***

There are two reasons for this, a moral one and a practical one. Solidarity with other working people is a central value of any union. The goal is to improve life for everyone, not just one person or group. The labor movement is a

political force with a long history and broad goals. From a practical point of view, most people do not even work at universities, much less as academics or academic support professionals. We are not a large enough group to achieve our goals without broader support, although we do have a disproportionate voice on account of our education and position in society. Other labor groups have the advantage of larger numbers, but can benefit from our ability to analyze problems and articulate issues. Strong bonds with other unions on campus and in the community help all of us win stronger contracts than we could on our own.

***The union uses my dues to support politicians, especially Democratic Party politicians, who I don't agree with.***

Legislation affects issues directly connected to the working conditions on our campus, so the union does take part in the political process. This involves identifying legislators and candidates who take positions aligned with union priorities. Often, these politicians are Democrats, making union support seem one-sided. We don't believe this is beneficial to the union, and are eager for more registered Republicans to become full members who can work to improve the way union activism intersects with the political process. As university professionals, we know consideration of and respect for diverse viewpoints is essential.

Our union never tells members how to vote, but union leaders do sometimes ask members to contact their representatives or the governor's office to request support for a particular bill affecting funding for higher education or the State University Retirement System. We do provide and ensure delivery of postcards that students, staff and faculty at EIU can sign to urge maintaining state financial aid programs.

Essentially, these activities facilitate the right that individual citizens have to contact their elected representatives with input on legislation they care about.

Many chapter leaders have significant disagreements with the political beliefs of some leaders and members of the IFT, AFT, and AFL-CIO. We got involved to promote change. You too should join and help shape our program at both the government and grassroots levels.

***The union protects mediocrity.***

This is simply not true. The union ensures that important personnel decisions follow due process and are based on solid evidence and reasons, rather than personal inclinations, biases, political maneuvers, or careless judgments on the part of administrators.

Can a few mediocre people "game" the system and fail to measure up or pull their weight? Of course. These people exist with or without a union. Sometimes a few lazy administrators fail to uphold high standards of performance. They, too, exist with or without a union. The union, while not perfect, is a system that promotes equity and transparency.

***I have exceptional talents and would do better on my own; our collective agreement is holding me back.***

Let's suppose for the sake of argument that you do; you could have tons of job offers and commandeer larger raises than most other people. We are glad to have you here! But consider the following.

Our contract offers many opportunities to receive rewards based on merit: you are free to negotiate your starting salary, ask that counteroffers from other institutions be matched, and apply for promotions and Achievement and Contribution Awards. Thanks to our union, decisions about retention, tenure, promotion, and merit awards, as well as the process by which these decisions are made, involve substantive input from the faculty, including you. Although faculty members also play a large role at many non-union institutions, you would have less protection at one of these if you were treated unfairly.

You should also consider the degree to which our union enlarges the compensation "pie." You might get a greater share of the pie on a non-union campus, but your piece here may well still be larger in absolute terms.

***Deep philosophical, religious, or personal objections:***

Some people have values, beliefs, or emotions that are not compatible with union membership. Some do not share the value of solidarity, and really do (or at least think they do) want to live in a world in which everyone looks out only for "number one." One faculty member believes that "labor-management" is the "wrong model" and no efforts to achieve our proper role in governance will succeed until we have the "right model."

No arguments pointing out the ineffectiveness of other "models" will persuade him. A few religions forbid union membership. Some people have had bad personal experiences with a union leader or union that will take time to heal.

You will not change these deep-seated beliefs or feelings through conversation. Respect them and move on.

## **2. Assisting**

Members should know their department representatives, and you should informally keep in touch with them about how things are going, especially with those who have experienced difficulties with an administrator or assignment. For most members, you are UPI's main presence in their lives and the basis of UPI's support for them. Encourage them to ask you any questions they may have about their rights. You are not expected to be a grievance or employee rights expert; that is the job of the Grievance

Representative(s). You should know and inform members as needed about our basic rights and the officers they should consult for additional advice or assistance. **UPI will assist all bargaining unit members equally in exercising the rights described in this section, whether or not they are members of the union.**

### **Right to representation at an investigative interview:**

By law, any bargaining unit member is entitled to union representation at an investigative interview with a supervisor. An investigative interview is any meeting at which an administrator seeks to assess or gain information about employee performance that may conceivably lead to disciplinary consequences. UPI naturally takes a broad view of what constitutes an investigative interview, and the administration has generally been cooperative about allowing the presence of a union representative even in cases where the legal entitlement is unclear. If an interview turns investigative, the employee has a legal right to end it immediately until a union representative can be present.

### **Everyone should be advised to take full advantage of this right.**

Many members fail to do so because they are not aware of it. **The presence of a firm and knowledgeable union representative changes the tone and power balance of any meeting with an administrator and can have a significant positive impact on its consequences.**

### **Grievances:**

A grievance is a formal dispute over the interpretation or application of the Agreement. Not every complaint is grounds for a grievance, so it is helpful for the member to familiarize herself with those areas of the contract that might be relevant. It is not always obvious what provisions might apply, and other means of redress, such as civil rights complaints, are also available, so the member should consult a chapter Grievance Representative if she thinks she might have grounds for a grievance or other action.

Many grievances are resolved informally to the satisfaction of all parties. If the grievance is not informally resolved initially, the grievant is entitled to a hearing (now referred to as a grievance conference) on campus. If the hearing does not produce a resolution, the grievant may request that UPI take the grievance to arbitration. The decision to go to arbitration or not is made by the UPI Local President on the advice of the chapter and local grievance officers, based on the merits and importance of the case and the consequence of any precedent that might be set. The decision of an arbitrator is binding. An informal resolution may be developed at any stage in this process.

A chapter Grievance Representative will normally represent the grievant at all on-campus stages of the grievance process. If the grievance proceeds to arbitration, UPI provides excellent, experienced attorneys to argue the case. A grievant may also choose to represent himself. In doing so, the grievant retains the right to request union representation at any stage of the process; the decision to be represented by the union is not revocable.

It is important that a member file a grievance over any unresolved contract violation or abuse by the administration. Even if UPI cannot obtain a resolution that entirely satisfies the member, our actions will make the administration aware of the problem and impose a cost in the form of time and money spent handling the case and executing any resolution or settlement that results from it, thereby discouraging future violations and abuses. Retaliation against a member for filing a grievance is illegal and will be vigorously prosecuted by UPI if it occurs.

## **Whom to contact:**

- To request representation at a meeting: a chapter Grievance Representative.
- To file or consult about filing a grievance: a chapter Grievance Representative.
- To voice a concern or suggestion directly to the chapter executive board: the elected Unit Representative to the executive board from the member's unit.

The Chapter President backs up the other chapter officers in the performance of their duties and welcomes direct comments, requests, and questions from members. Free interchange among members and their delegates and representatives is encouraged. Contact information for all UPI officers, delegates, and staff is given on the chapter and local Web sites.

## **3. Organizing**

UPI cannot be effective without member participation. We expect you to take initiative to stimulate this participation, whether it takes the form of social get-togethers, meetings, or campaigns to influence government. Since everyone is busy, we need to remove steps that make their participation less efficient and, therefore, less likely. For example, we give them the contact information for their government representatives in a convenient form as it is needed, summarize complex issues, and provide food at many meetings.

Face-to-face encouragement is the best way, and often the only effective way, to get members to take part. They'll be glad you got them involved!

## **4. Communicating**

Member participation depends on communication. Our members will need to be reminded of events, receive accurate information about political developments, and be kept up to date on negotiations and other UPI efforts. Conversely, the chapter leadership needs to know what our members want. You are a key link in our communication network. We rely on you to disseminate information and materials and convey the wishes and suggestions of the members you represent.

Finally, it bears remembering that a key element in good communication is trust. Members need to trust the information they receive and feel confident that leaders will respond to their wishes. Trust must be earned. We are all responsible for ensuring that the information we give is as complete and accurate as possible and presented with full disclosure of any possible biases. We must welcome the views of every member.