

# **UNION INFORMATION**

## **Be Informed**

Pursuant to Chapter 447, Part I, Florida Statutes, “employees have the right to self-organization, to form, join, or assist labor unions or labor organizations or to refrain from such activity, to bargain collectively through representatives of their own choosing, and to engage in concerted activities, for the purpose of collective bargaining or other mutual aid or protection.”

In February, 2019, the faculty at St. Johns River State College established (by vote) a chapter of the United Faculty of Florida (UFF). UFF is the higher education affiliate of the Florida Education Association (FEA).

SJR State is committed to its faculty members, and supports their right to freely express their opinions and explore the benefits associated with union representation. Included on this webpage is information regarding employee, employer and union rights and responsibilities under Florida law. Also included are frequently asked questions. We hope that you find the content provided within this webpage useful in forming your own opinion regarding the union.

## **SJR State** **Union FAQs**

### **GENERAL UNION QUESTIONS**

#### **Q. What is collective bargaining?**

A. Collective bargaining is the negotiation between an employer and a bargaining agent chosen by a group of employees to determine the terms and conditions of employment. Collective bargaining for public employees in Florida is provided by the Florida Constitution and is governed by the provisions of [Chapter 447, Florida Statutes](#).

#### **Q. What does “bargaining unit” mean?**

A. It is a group of employees that share a community of interest with regard to compensation and working conditions and is otherwise appropriate for bargaining under the law.

#### **Q. Who determines whether I am in the bargaining unit or not?**

A. Both the College and the union have opinions on whether employees are a member of the bargaining unit. The College and the union may or may not agree. Ultimately, the Public Employee Relations Commission (PERC) determines whether employees are members of the bargaining unit. Typically, the following employees would not be in the bargaining unit:

- **Supervisors:** those with the authority to hire, promote, evaluate the performance, and terminate the employment of other employees.
- **Managers:** those who formulate and effectuate management policy and exercise independent judgment.

- **Confidential employees:** those who work for managers who set labor policy for the College. Human resources employees, for example, are often confidential employees.

**Q. Now that the faculty have voted for a union, does that mean the College can no longer manage faculty members without the union's approval?**

**A.** No. While laws and Florida Statutes provide employees with rights, they also provide employers with rights. Specifically, public employers such as the College are vested with rights necessary for the management of government, including the ability to set standards, direct, and discipline employees.

**Q. Once a union is elected, can it be voted out?**

**A.** Yes, but not easily. Unions do not stand for reelection each year. Most unions remain the representative of the employees in the unit forever. However, the law does provide a mechanism for holding another election. In order to have such an election and decertify a union, the employees in the unit must themselves file a decertification petition with the PERC, along with a 30% showing of interest, just as in the certification process. The PERC will process the petition and hold another election.

## **QUESTIONS INVOLVING THE WORKPLACE WITH A UNION**

**Q. What does it mean to be unionized?**

**A.** It means that the union **exclusively** represents the bargaining unit on all matters involving wages, benefits, hours and other terms and conditions of employment. It means the College must deal with that union on all such matters.

**Q. If employees are unionized, do I have to be a member of the bargaining unit, even if I voted no about a union?**

**A.** Yes. Anyone employed in a classification included within the bargaining unit is subject to the collective bargaining agreement.

**Q. What happens if I do not want to pay dues?**

**A.** Under Florida law, employees in the bargaining unit are **not** required to pay union dues. There is a difference between being in the bargaining unit and being a union member. Your position is what determines whether you are in the bargaining unit and, therefore, if the collective bargaining agreement applies to your terms and conditions of employment. Being a union member is an individual decision determined by you. Nobody can force a bargaining unit employee to do so as a condition of employment.

**Q. If I want to pay dues, how much are they?**

**A.** Any bargaining unit employee wishing to pay dues to the union may do so by completing a Collective Bargaining Authorization and Membership Card. Currently the authorization indicates that dues are one-percent of regular salary. The Union may revisit dues and raise them from time to time.

## **QUESTIONS REGARDING COLLECTIVE BARGAINING**

### **Q. Now that a union has been elected, what happens next?**

A. At some point, the union and the College will engage in collective bargaining for a master contract, called a collective bargaining agreement, covering all of the employees in the bargaining unit.

### **Q. Does the law require that any particular provisions go into a union contract?**

A. The only requirement is that the union and College negotiate a grievance procedure to be used for settlement of disputes that ends at final and binding disposition by an impartial neutral, mutually selected by the parties. Other than this requirement, the law only requires that each side engage in good faith negotiations, but the law does not guarantee employees that any particular provision relating to the terms or conditions of employment be made part of the contract.

### **Q. Does the law require that negotiations begin with the current wages, hours and working conditions and that only improvements are made to such items?**

A. No. Each side is free to make proposals across the table that may alter the *status quo*. Status quo is a legal term for the College's obligation to generally maintain the same wages, hours and other terms and conditions of employment for represented employees until an agreement with the union is reached. As such, the College may legally make proposals that increase, decrease or maintain the current level of pay and benefits.

### **Q. What happens if the parties get stuck and cannot agree on a contract?**

A. If the parties fail to reach an agreement, an impasse is declared, and the issues would go before a special master. The special master would make a recommendation, and the College District Board of Trustees may take the action it thinks is in the best interest of all concerned on each issue.

### **Q. How long does it take to negotiate a first collective bargaining agreement?**

A. There is wide variation on this depending on the parties and the issues, but it is common for first contracts to take over a year or more to complete.

### **Q. Can a union bargain over who the supervisors are?**

A. No. The selection of supervisors, managers, and administrators is considered to be a managerial prerogative and is not a mandatory subject of bargaining.

## **QUESTIONS ABOUT COMMUNICATION AND ACCESS**

### **Q. What about employees who want to talk with me about the union?**

A. Solicitation by employees should only be done during the non-working time of both the

employee doing the soliciting and the employee being solicited. Non-working time would include such periods as before or after work, break times, and lunch times. The choice of whether or not to talk with someone, including a co-worker, is entirely up to each individual.

**Q. Do I have to talk to anyone from a union if they come to my classroom or office?**

**A.** The choice of whether or not to talk with someone, including a co-worker, is entirely up to each individual. However, as stated in the prior question, it must be during non-working time. Additionally, such solicitation should not take place in work areas and, therefore, should not take place – for example – in the classroom as faculty is teaching.

**Q. Do I have to talk to anyone from a union if they call me or visit me at home? How does the union get my personal information like my home address and phone number?**

**A.** No. Employees are free to speak to them or not. There is no law or policy that requires employees to speak with union representatives either at home or in the workplace, and employees are free to respond accordingly. The College regularly responds to public records requests and under Florida Statutes, information including home addresses and phone numbers are public record (unless an employee qualifies for an exemption).