# PENN STATE FACULTY ALLIANCE SEID LOCAL 668

# Faculty Union Frequently Asked Questions



## **Mission Statement**

We believe in a just, effectively run university that respects and values all faculty. This is achieved through a strong, democratic, member-led union that gives Penn State faculty members at every campus a much-needed voice and an active role in decision-making.

We are unionizing to ensure investment in education and educators. A union lets all faculty members bring the best they have to offer to our students and university community.

Contact the campaign about signing a card, additional information, or getting involved:



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#### What is a union?

A union is a group of workers who come together to improve their working conditions. With a union, we will collectively bargain a contract and gain real power in decisions that affect our working conditions and our students' learning conditions. When we successfully establish a union, the university will be legally required to bargain with us. Currently, the administration is not required to negotiate with any existing faculty body about labor issues like compensation, workload, and benefits.

# Where else have faculty organized unions?

As a state-related university in Pennsylvania, Penn State is the outlier for not having a faculty union. The other state-related institutions—Lincoln University, Temple University, and the University of Pittsburgh—all have faculty unions.

Among Big Ten schools, faculty members at all ranks are unionized at Rutgers and the University of Oregon, much like our state-related peers. Michigan State, the University of Michigan, the University of Illinois Urbana-Champaign, and UCLA have long standing nontenure-line faculty unions. Organizing drives are underway at Michigan State (for tenure-line faculty) and the University of Iowa, and tenure-line faculty at several University of Michigan campuses have either recently won unions or are currently organizing.

# What have faculty unions won at other universities?

Faculty at other universities have won improved compensation and healthcare benefits, better job security with paths to promotion, increased training and professional development support, and a variety of roles in shared decision-making and transparency of university practices. For a very recent example addressing all of these issues, please see Pitt's newly ratified first contract.

# Finally, shouldn't we give the university a chance? Are we moving too fast in unionizing?

No and no. Over multiple administrations, we have experienced summary changes to our healthcare benefits and premiums, reorganizations of university structures, a hastily launched VSIP, new budget models and processes that have sown confusion and fear throughout our community, and an "othering" of our Commonwealth campuses. What we need instead is stability, transparency, and a guaranteed voice in shared decision-making.

Every employer asks for more time or another chance when employees unionize. Each new university administration has asked for our good will when coming on board—but what have been the results? Have these chances and our patience led to broad, meaningful improvements in working and learning conditions at Penn State? The issues are structural; as such they can only be addressed through structural changes that will come with an empowered faculty.

If anything, a faculty union is long overdue. **The time to act is now**.

### Why do we need a union when we have the Faculty Senate?

A faculty union and the faculty senate are not competing organizations—they serve different purposes and both play an important role in building a just university. By building on each other's strengths, a faculty union and the faculty senate can work together to achieve a common goal.

The University Faculty Senate's scope is limited to educational and curricular matters. It does not have any bargaining power and, as a purely advisory or consultative body, the university is not obligated to follow its recommendations. The university can—and often does!—ignore the senate to unilaterally impose decisions that affect all Penn State faculty. On the other hand, the university will be legally required to meet the faculty union regarding workplace issues such as wages, job security, benefits, and due process as mandatory subjects of bargaining.

# Why do we need a union when we have an AAUP chapter?

While the senate's interests are mixed, Penn State's AAUP chapter is dedicated entirely to faculty concerns. Like the senate, though, Penn State's AAUP chapter is a purely advisory body, which means the university is not obligated to bargain with it. The university is legally required to bargain wages and working conditions with a faculty union.

Also like the faculty senate, a union does not compete with the campus AAUP chapter; their roles are complementary and one is not a threat to or replacement for the other.

### Who will be in our bargaining unit?

Ultimately, the state labor relations board determines who will be in the final bargaining unit. Based on previous decisions, we believe the unit will include all Penn State faculty: tenure-line and non-tenureline, both full- and regular part-time, across all campuses. Based on Pitt's experience, we do not expect Hershey faculty to be included.

# Don't each of these groups have different interests? Why create a bargaining unit with all faculty together?

This is partially due to public sector labor board precedent: because at a basic level all faculty jobs are defined by some combination of research and teaching on the same campuses, the board has consistently ruled that faculty of all ranks and levels share a community of interest, which means we may not have a choice in the matter.

Even if we had a choice, though, many academic unions formed in recent years include both tenure-line and contingent faculty because tenure-line and contingent faculty share numerous workplace concerns. For example, all faculty have an interest in annual salary increases, comprehensive health insurance coverage, clear and equitable processes for evaluation and promotion, measures to redress gender and racial inequities, safe workspaces, clear and just management of cases related to sexual harassment and assault, and transparency regarding decision-making at the university. Of course, certain issues remain specific to contingent or tenure-line faculty, which is why our organizing committee and eventual bargaining team will include adjunct, full-time non-tenure-line, and tenure-line faculty, and our contract will include clauses specific to each. This is common in union contracts—almost every workplace, from factories to government, has different categories of employees and it need not be an impediment to any group. In fact, we believe we will be strongest with the most inclusive union possible, since acting in solidarity across all ranks of a large bargaining unit gives faculty the most leverage when negotiating with the administration.

#### Will we be affiliated with a national union?

Yes. We will be affiliated with SEIU Local 668. (Inter)national unions have resources and staff to support and advise us through organizing, bargaining, and governance. That said, faculty are leading this campaign and we collectively make all important decisions. We create our own structures and bylaws, elect our own leaders, and determine our own democratic processes. Most importantly of all, our organizing itself is faculty-to-faculty. Professional organizers help, but the only way to create a strong, sustainable union at the necessary scale is to organize ourselves.

### Why did we pick SEIU?

Over 54,000 faculty members spanning sixty campuses nationwide have unionized with SEIU, and of the major players in higher education organizing, they have the largest footprint in Pennsylvania. Local 668 is a strong, democratically run union that represents 20,000 professional employees across the Commonwealth and has staff located throughout the state. They have a powerful lobbying arm, a Chief of Staff who has organized in higher education, and an Organizing Director who was a faculty member for nearly a decade, organized his own campus and others, and has been deeply involved in this campaign for the past several years.

#### **Building Our Union** 30% Authorization Organizing Start signing Cards Schedule & conversations, authorization cards conduct union File for election w/ building lists, (not shared with election **PA Labor Relations** structure PSU) Board **Post-Certification** 50%+1 Vote Yes! Bargaining Members vote **Negotiations for PA Labor Relations** whether to accept the priorities, elect contract Board certifies our contract bargaining union committee

### Will the university lay faculty off if we unionize?

Unions often form under threat of layoffs, though to the best of our knowledge mass faculty layoffs *because of* unionization campaigns have never occurred. Faculty at Commonwealth campuses already face severe and ever-increasing instability, including reduction of contract lengths and nonrenewals for many non-tenure-line faculty. PSU has more than hinted at campus consolidation and/or discontinuing some programs, and administration can and will restructure operations and lay faculty off without any discussion - let alone bargaining - in the absence of a union. Only through a union can faculty push back.

# Doesn't Human Resources (HR) already protect workers' rights and arbitrate disputes?

HR exists to protect the university, not employees. It is not a resource for you, a human; you are the human resource for the employer. Your union exists to protect you from administrative overreach.

## Why do we need a union when we have EEOC regulations?

EEOC regulations complement union protections, but cannot replace them. They are limited in scope and their enforcement depends on the current presidential administration.

## Will we lose money paying union dues?

The cost of union dues is more than offset by significant gains in salaries won via collective bargaining. For example, the University of Pittsburgh contract includes a 1.5% dues rate. Because their contract also includes a first-year raise of \$3,900 for full-time faculty and 4% for part-time faculty, all faculty making less than \$260,000 a year had their dues paid for by their initial raise (not to mention a salary floor bump where applicable and yearly raises afterward). That said, the benefits of union representation far outweigh the cost of union dues, and faculty would never approve a contract where dues outstrip pay. Moreover, we don't pay dues until we have a contract.

#### How much will dues be?

Our affiliate union's dues are set at 1.39%. The rate cannot be changed without membership approval and nobody will pay dues until Penn State faculty union membership approves a contract.

#### How will dues be used?

Dues cover the cost of:

- member representation: Business Agents help to develop and sustain a strong internal structure of stewards and culture of member engagement that keeps every workplace involved in the life of the union.
- negotiating and enforcing our contract: bargaining with the employer and processing grievances through binding arbitration.
- organizing: building strength by bringing new members into the union.
- a strike fund to sustain members should we collectively decide to withhold our labor.

It is illegal to use member dues for political purposes.

The first, continual, and most critical step is talking with your colleagues. Nothing replaces or is more important than having organizing conversations. This can be as easy as speaking with colleagues about workplace issues, identifying a faculty union as the solution, getting them plugged into the Organizing Committee, and repeating the process by recommending other faculty for conversations. If you want practice with role-playing this kind of issue-based organizing, sign up for a training session on our website.

Through these conversations, we identify key issues that we want to see addressed and continue to build support and solidarity among faculty. Eventually, when we have enough support—indicated by signed authorization cards—we will file with the PA Labor Relations Board for a union representation election. In order for an election to occur, a minimum of 30% of eligible faculty must support unionizing (though more is always better!). The PA Labor Relations Board will likely hold hearings to determine the exact group of faculty eligible to vote, and once that process is concluded, a union election will take place. When we win, we will begin negotiating for our first contract.

For now, we must continue talking with our colleagues in order to build strong union support; our goal is to speak with every faculty member across Penn State and build a majority. We will continue to grow our organizing committee and to seek representation from each department/unit on each campus throughout the Commonwealth to the extent possible. Throughout the process we will always act in solidarity with our colleagues, being vocal and taking action on issues as they arise.

# **Common Misconceptions and Anti-Union Messaging**

### Unions are for blue-collar workers, not university faculty.

All workers, regardless of the kind of job they have, deserve a say in their working conditions. This is why higher education unions are forming at an unprecedented rate: faculty understand that university working conditions are changing, becoming increasingly corporatized and bureaucratized, with faculty having less and less control by the day. Currently, the university can unilaterally impose any policies it wants regarding your pay, benefits, workload, and working conditions with no reason given and no obligation to discuss. The only way to create real, meaningful, legally binding checks and balances on administrators is by organizing and bargaining collectively.

# I want to support the union, but I am afraid for anyone to find out I'm involved.

Even though retaliation for union activity is illegal, we remain sensitive to concerns about confidentiality and the need to protect ourselves. Penn State administrators never learn who signs or does not sign a union authorization card; that information stays between our union and the Labor Board. And although our work falls outside the purview of research (as defined by the U.S. Department of Health and Human Services), we rely on our training on how to protect human subjects as we seek to protect each other.

At every stage of organizing, we maintain confidentiality as we grow support: nothing with any of our names on it will be shared or published without express consent. As we get more public in our actions, though, being out front is the best protection since under state labor law it is illegal for employers to discipline or in any way retaliate against a worker for organizing, supporting, or voting for a union. The more you're on record doing so, the more legal protection you have. We will file unfair labor practice charges in any cases of retaliation.

# Would a union contract stop me from negotiating a better salary, say, if I got an offer from another institution? Won't merit pay be replaced by seniority?

Our goal is to raise the bar for everyone: union contracts set salary floors, not ceilings. Union contracts typically establish a minimum for each type and rank of worker, which still allows individual faculty members to negotiate better conditions for themselves if they have leverage such as another offer. (See the University of Pittsburgh's collective bargaining agreement for an example of this.)

When employers reference "merit pay," they're describing their control over who gets paid what on their terms. Employers picking and choosing salaries—and when (or if) raises are available—breeds favoritism and leads to resentment and division among workers. With a union, wages are set in the contract that you and your fellow union members negotiate and approve. Some union contracts - like Pitt's - do have merit pay formulas, but always *on top of across-the-board pay increases*. We will negotiate the most equitable contract for all of us, based on democratically determined faculty priorities.

# Won't we lose some of our flexibility as distinct units/campuses/colleges?

That doesn't have to happen at all, because we set the priorities for our union and for bargaining our eventual contract. We can include as much standardization and as much flexibility for units and departments as we want. Even as we advocate for the changes we want to see, we don't have to change anything we think works well. In fact, through a union and a contract we can codify the things that work so they can't be changed unilaterally without faculty input. (For example, the University of Pittsburgh contract explicitly calls out different situations for Nursing and the Falk Laboratory School.)

# I know we stand to gain a lot in bargaining a contract, but couldn't we lose a lot as well?

Faculty vote on any tentative agreement and would never approve a loss. Collective bargaining agreements are negotiated between workers and the employer and must be approved by the union members. Your faculty union always bargains for you to receive more and the employer always bargains for you to receive less, which is why it's so important to pressure administration during negotiations. They will always say "With a union contract you could lose as well as gain," which is technically true—they're the side pushing for you to lose—but practically unlikely. Would you vote for a contract that lowers your wages, worsens your working conditions, or reduces your benefits?

More, the status quo is determined entirely by the university, and you currently work at the university's whim. A union is the only legally recognized entity that the university is obligated to bargain with regarding wages and working conditions. It is not obligated to bargain with you individually, nor is it obligated to bargain with the faculty senate. Without a faculty union, any future actions from the employer you fear, from increased workload to structural reorganization to contract nonrenewals and forced layoffs, could happen tomorrow. If PSU wanted you to take any kind of loss right now, it would simply move unilaterally without any faculty input or possible pushback. Unions empower faculty to end this imbalance by working together.

### Is there a possibility my salary could go down with a union?

No, your salary will not go down! Most workers receive a substantial pay increase with their first union contract, and those at the bottom of the pay scale usually see the biggest boost. Full-time Pitt faculty, for example, bargained a \$60,000 salary floor in their first contract.

# I support the union, but I can't believe anyone else does.

Most assessed faculty favor forming a union, and it is important to avoid thinking you are alone when faculty in more than seventy departments, from Accounting to Women's and Gender Studies, across all PSU campuses have signed union cards already. Unions work by gaining majority support, and more colleagues agree than you probably think! That is why having organizing conversations is important, both for evaluating and building support and creating a community. Be proud of your union and spread the good word!

# I work at Penn State on an H-1B visa. Can I join the union?

Yes! International faculty currently on an H-1B visa can join the union with zero worry. The absolute most an employer could legally do is deny a *pending* H1B petition, but they cannot change current status. Anyone working on an H1B visa is completely protected under the law and our union will push for more protections negotiated with the employer than the federal administration will ever provide. We will update guidelines as they change, so please revisit this page for the most up-to-date information.

# Don't unions protect lazy workers?

Unions protect good workers from arbitrary treatment. Our faculty colleagues are motivated and committed to teaching, scholarship, research, and our students. A union won't lower our high standards; rather, it will guarantee that any disciplinary process or termination can only occur with just cause, and it will guarantee that faculty receive due process and representation. In some cases, if a faculty member is struggling and in need of support, a union representative might be able to help identify and rectify the problem prior to the need for severe disciplinary action or termination.

# Won't a faculty union cause our students' tuition to increase?

No. If anything, a faculty union could enable us to help curb administrative bloat and recenter the university around teaching and research.

It is no secret that tuition at PSU is already high. This is due to administrative costs and other spending, not high instructor salaries. Our classes generate more than enough money that the administration could pay a living wage to the workers who keep the University running if pushed to do so. Placing checks and balances on administrators and gaining transparency about where our students' money goes is our best bet for getting tuition under control.

#### I don't need a union - I have tenure!

You can have tenure and still be underpaid compared to faculty at other universities, and tenure does not guarantee cost-of-living increases. You can have tenure and still be harassed or bullied by administrators. You can have tenure and still be disrespected. You can have tenure and still lack a voice in how our university is run.

And while tenure provides some employment security, it remains an internal university policy that, like course loads, number of students per class, benefits, tuition discounts, and research and teaching requirements, can be changed by the university or suspended in an economic emergency (which the university determines). Instead of relying on administrators to make choices that are good for us, collective bargaining through a faculty union will help with all of these issues.

# Won't a faculty union negatively impact the quality of education we provide our students?

Just the opposite: a faculty union fosters—even mandates—a constructive dialogue with University management. Our working conditions are our students' learning conditions, and supporting students by supporting faculty is our top priority. High-quality education means that everyone who steps into a classroom, whether student or faculty, regardless of rank or title, is respected as a stakeholder in the process. We ensure that everyone can bring the best they have to offer to the students, community, and academic success of our university, based on our experiences doing the work.

With a union, we will be better able to advance the academic mission of the university while keeping administration accountable. When faculty members have a real seat at the table and are involved in the operational decision-making of the University, we can secure investment in education and educators. Again, when we improve our working conditions, we improve students' learning conditions.

# If faculty unionize, will departments still be able to attract great talent?

The list of unionized universities, from the University of California to Harvard with Big Ten flagships in between, shows that faculty unions teem with great talent.

# Don't unions create red tape?

Unions promote transparency and defined systems that cut through university bureaucracy. A union ensures that we can negotiate fair, clear processes and evenly applied rules. Systems are already difficult to navigate because they change frequently and seemingly without rationale; a faculty union reduces *existing* red tape.