



Check Out the Facts on the 'Card Check' Law

On March 17, Kathleen Pecknold, associate provost and director of Academic Human Resources, sent an email message to all APs in response to inquiries about the new card check law. This law, PA 93-0444, enables an employee group to gain legal and exclusive representation by a labor union without holding an election if a majority of eligible employees have joined the union or signed cards authorizing union representation.

The Association of Academic Professionals appreciates the University's efforts to raise awareness about this new legislation. We agree that APs need to understand exactly what signing a card means, and we've tried hard all along to explain it. That's why we must now clarify some misconceptions that may have arisen based on Associate Provost Pecknold's message.

One reason the Illinois legislature passed this law is that previously, even if a majority of employees joined a union or signed cards authorizing union representation, it was still necessary to hold an election to establish union representation. During the period before the election, the employer might threaten employees or circulate propaganda about how choosing a union might take away the employee's rights to negotiate directly with the administration in order to influence employees votes. Sound familiar?

Associate Provost Pecknold's message states that "Once a union is certified as the exclusive bargaining representative of a group of employees, the campus will no longer be able to deal directly or individually with employees regarding wages, hours, and terms and conditions of employment" and that, with collective bargaining, "management loses its ability to be flexible and collaborative in dealing with individuals and their unique needs."

The fact is, most of us have not had the privilege of negotiating with campus administration on terms and conditions of employment. Were you able to negotiate the pay date change that netted us a loss in pay last year?

Did you have a chance to cut a deal on the pay freeze imposed on APs in FY03? If the University believes in flexibility, why did it choose to impose the pay freeze on employees paid from grants that had raises built in? Many of these employees hadn't received good raises during economically prosperous years.

With a union, all these would have been negotiated terms.

A union would not interfere with flex-time arrangements mutually agreed to by you and your supervisor or oppose your decision to voluntarily work 80 hours a week to complete a project. But, if you are in a position that forces you to work 80 hours every week, then having a union would give you the legal basis to say "no."

Most of us have not had the privilege of negotiating the terms and conditions of our employment. Did you have a say in the pay date change last year? Or the pay freeze of FY03? With a union, these would have been negotiated terms.



Association of Academic Professionals
809 South Fifth Street
Champaign, IL 61820

Address service requested

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Fired Without a Cause

Without a union, most employees are “at-will” employees who can be fired without cause, noted attorney Glenn Stanko.

According to Stanko, “unless you can prove that the employer is discriminating against you based on race, sex, religion, age, disability or something (sic) other trait protected by law, you probably don’t have a case.” He said that “your employer can pick you out of 25 employees and make you do twice as much as anyone else—just because he doesn’t like you and there’s probably not much that you can do.”

Stanko said that the ideal is having “a written contract that says you can be let go only for certain reasons.... Policies stated in an employee handbook might be construed as a contract, but many employers put disclaimers in handbooks... Employees covered by union contracts generally have more rights than at-will employees. Usually union employees can be let go only for good reason and there’s often a grievance procedure in place.”

—from *March 2, 2004, News-Gazette article on a People’s Law School program entitled “Your Rights at Work”*

A union would step in only if the employee feels that he/she is being treated unfairly and cannot resolve the issue with the supervisor. Section 3 of the Illinois Educational Labor Relations Act states that an individual employee may at any time resolve grievances with their employer without the intervention of the bargaining unit, provided the resolution is not inconsistent with the current contract.

And who decides what should be the terms of the contract? In a democratically run union, the majority of APs determines the most important employment conditions. We could, for example, negotiate for compensation time for overtime work.

Associate Provost Pecknold’s message also states “Labor agreements usually include provisions governing deductions for union dues or fair share contributions and other conditions that apply to all employees in the bargaining unit.”

No one is forced to join a union, even after it becomes legally recognized. However, when an overwhelming percentage of employees become members, agreements may include a “fair share” clause requiring nonmembers to contribute to the union. After all, both members and nonmembers benefit from the contract.

It should be noted that signing the authorization card does not make you a member of AAP. Signing a card means that you support collective representation. You have to sign a membership form in order to join, and then you will be assessed “organizing dues” to IEA/NEA which are currently about \$15 per month for staff support, legal representation, and many other member benefits. Membership also entitles you to run for office and vote on negotiated contracts. When a full union is in place, dues will increase, as employees reap the benefits of having a union.

We agree with Associate Provost Pecknold that “whether to sign a union authorization card is an important decision.” Union representation will safeguard positive aspects of your job and allow you a voice in improving negative aspects.

We hope you will choose to authorize union representation by signing a card and by joining AAP now. The new law means that when more than half of eligible employees have signed, AAP can begin negotiating a contract.

We would like your input on features of employment you would like to see in a contract. What type of salary structure would reward good employees but not discriminate against employees in poorer units. If you lean toward merit raises, how can we ensure that raises are determined equitably and not on the basis of favoritism? In the current system, you have no say in these decisions.

Please contact AAP if you are interested in working on these issues. ■