

# SEAS Town Hall on Unionization

Brought to you by your  
GSC Representatives

11/10/2016



# Disclaimer

This session is being audio recorded so as to be made available for other graduate students at Harvard University that are interested in being informed about the unionization process.

We will only utilize this recording for educational purposes and will not edit the recording for content. We will not sell or attempt to profit from this recording.

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This event open only to Undergraduate and Graduate Students of Harvard University only. We politely request you leave the room if this is not your official designation.

# What election? An overview

- November 16th & 17th Elections:
  - Decide whether to give Harvard Graduate Student Union - UAW (**HGSU-UAW**) the legal authority to represent us as a bargaining unit to negotiate a binding contract for the entire unit.
  - Secret ballot election, conducted by National Labor Relations Board (NLRB)
- Bargaining Unit?
  - The university-wide group of employees covered by a particular union in their efforts to negotiate a contract
  - Includes **ALL Graduate TFs and RAs across Harvard**, as well as **undergraduate TFs**

# What election? An overview

- Who will be affected?
  - **EVERYONE** in the bargaining unit
  - Card signing does not affect this election nor does it affect your ability to vote
- Who can vote?
  - **ANYONE** currently in the bargaining unit\*  
...or grad students that were for 1 semester the past academic year\*\*
- Bring your ID!
  - “Voters will be required to show their **Harvard student identification card** or another form of identification in order to be permitted to vote.”

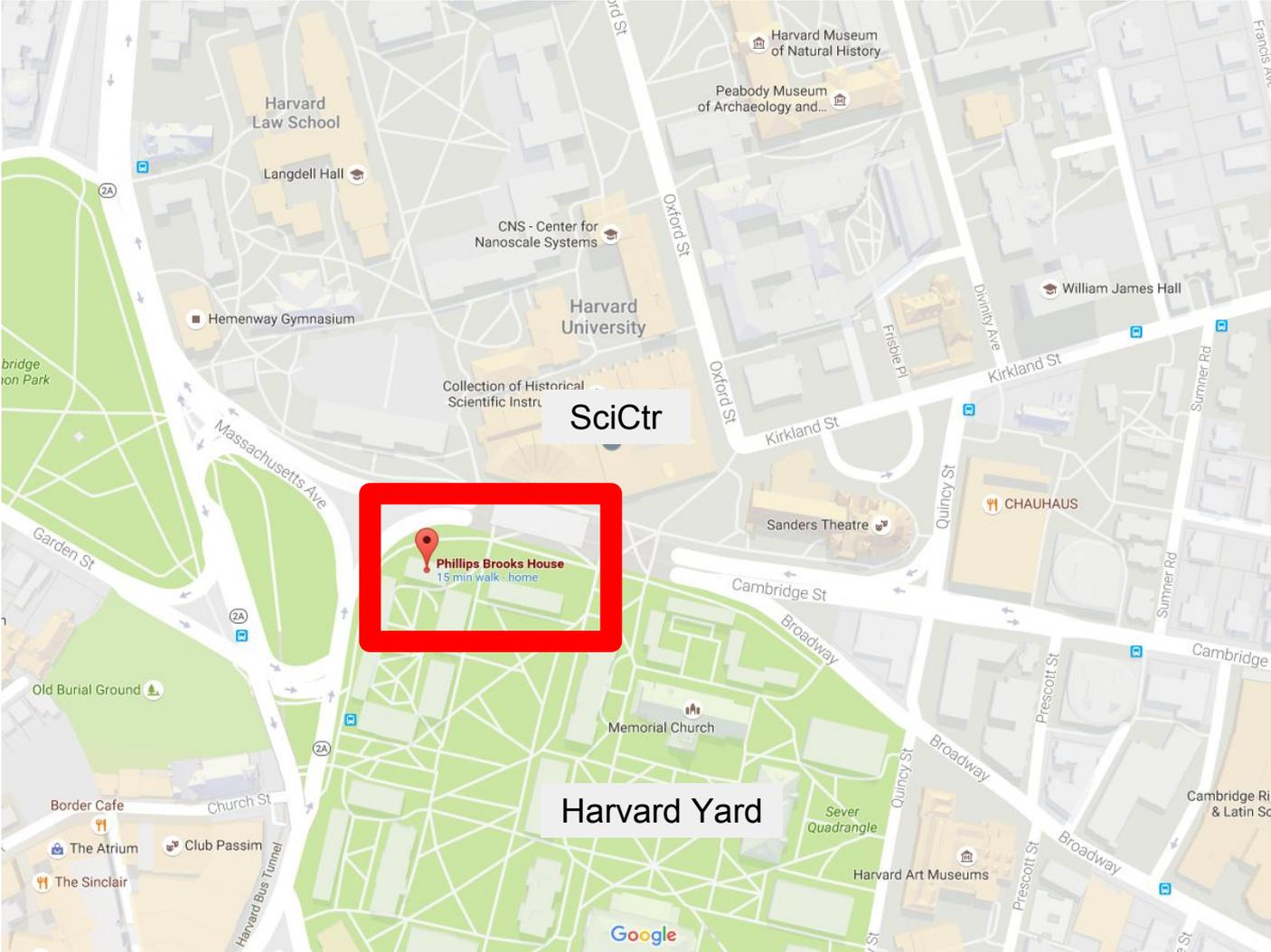
\*subject to interpretation / petition with some caveats

\*\* Doctoral students in their dissertation completion year may not vote

# Voting Locations

- **Cambridge Campus** (Nov 16 & 17):
  - The Parlor Room at Phillips Brooks House
  - Hours: 10:00 am - 2:30 pm & 4:30 pm - 8:00 pm
- **Longwood Campus** (Nov 16 & 17):
  - Room 106, Dental Research & Education Building (REB), Harvard School of Dental Medicine
  - Hours: 10:00 a.m. to 2:30 p.m., and from 4:30 p.m. to 8:00 p.m.
- **Allston Campus** (Nov 17 only)
  - Room 150, Batten Hall, Harvard Business School, hours from 10:00 a.m. to 2:00 p.m.

# Cambridge Voting Location



# The Ballot

	<p><b>UNITED STATES OF AMERICA</b> National Labor Relations Board 01-RC-186442</p> <p><b>OFFICIAL SECRET BALLOT</b></p> <p>For certain employees of <b>PRESIDENT AND FELLOWS OF HARVARD COLLEGE</b></p>	
<p>Do you wish to be represented for purposes of collective bargaining by <b>HARVARD GRADUATE STUDENTS UNION-UAW (HGSU-UAW)?</b></p>		
<p><b>MARK AN "X" IN THE SQUARE OF YOUR CHOICE</b></p>		
<p><b>YES</b></p> <input data-bbox="537 939 678 1032" type="checkbox"/>		<p><b>NO</b></p> <input data-bbox="1232 939 1373 1032" type="checkbox"/>
<p><b>DO NOT SIGN THIS BALLOT. Fold and drop in the ballot box.</b> If you spoil this ballot, return it to the Board Agent for a new one.</p> <p>The National Labor Relations Board does not endorse any choice in this election. Any markings that you may see on any sample ballot have not been put there by the National Labor Relations Board.</p>		

# On Challenged Voting

- A “Challenged Vote” is a vote that must be verified to be valid before being counted (Nov 18)
  - Voted at different location or pending bargaining unit status
- Initial list based on NLRB Decision/Direction of election to base eligibility on payroll status (one semester in previous year)
- HGSU-UAW interpreted the bargaining unit to be inclusive of ALL graduate students that perform teaching/research work (including G1s)
- What does this mean?
  - If you are a graduate student that teaches or does research you can vote “Challenged” (G1s!)
  - HGSU-UAW stated they will petition for inclusion of these individuals if the numbers would influence election outcome either way

# Why should I care?

- This affects **everyone** in the bargaining unit and will affect all graduate students (and undergrad TFs) in future
  - This includes all SEAS/GSAS students, as well as the HLS, GSD, HGSE, HKS, HSPH, HES, HMS, HBS, HDS, College
- It is **extremely difficult** to back out of a union once it is established
  - This applies to both affiliation with UAW and having union representation itself
- This will begin directly affecting you as soon as a contract is negotiated
  - You will be bound by this contract if you are part of the bargaining unit, regardless of your intent to join the union

# What are my rights? (NLRB Notice of Election)

- Employee rights by Federal Law. You have the right to:
  - To form, join, or assist a union
  - To choose representatives to bargain with your employer on your behalf
  - To act together with other employees for your benefit and protection
  - To choose not to engage in these protected activities
  - Massachusetts permits a lawful “union security agreement”, which may allow for nonmembers to pay their share of of the union’s representational activities
- The NLRB is responsible for protecting employees in exercising these rights. Neither union nor employer may interfere the right to a free, fair, and honest election.
- Improper conduct can include:
  - Threatening loss of job or benefits
  - Promising pay raises or benefits to influence an employee’s vote
  - Actual job loss to either encourage or discourage union activity
  - Incitement of racial or religious prejudice by inflammatory appeals
  - Threatening physical force of violence to influence your vote

**Questions about election? Call the NLRB Office at (617)565-6700 or visit the NLRB website [www.nlr.gov](http://www.nlr.gov) for assistance.**

# The National Labor Relations Board (or NLRB)

- August 23rd, 2016: NLRB reverses 2004 *Brown University* and rules (3-1) that student assistants working at private colleges and universities are statutory employees covered by the National Labor Relations Act
- <https://www.nlr.gov/case/02-RC-143012> (Board Decision)
- Majority (pg 1-22):
  - Considering the viewpoint that student assistants “...receive compensation for providing services to the University.” This is an economic relationship, not an academic one.
  - Decision generally rejects entanglement of academic requirements with services fulfilled (for both teaching and research), as well as the temporary nature of student employment
  - This allows students be considered employees and thus eligible for bargaining rights; collective bargaining and education occupy different institutional spheres.
- Dissent (pg 22-34):
  - The decision to apply the NLRA to students is seen as inordinate control over the educational decisions or outcomes (better left to Dept of Ed, as per Congress).
  - Resorting to the use of ‘economic weapons’ seen as detrimental to academic progress; the NLRB’s procedures poorly suited to deal with student-based labor practices.
  - High risks and uncertainties associated with collective bargaining that may hinder the educational goals of post-secondary education. NLRA ill-suited for university “workplace”.

# Additional Points of Information

- According to the HLS Panel\* regarding the striking of a Research Assistant in GSAS, it is extremely unclear what would happen to our status as students:
  - If research and “work” are intertwined enough, then the activity may be protected (striking is protected activity)
  - Hard to disentangle the consequences of striking in this situation since academic progress is tied to research
  - Implementation of “no-strike” and/or “no-lockout” clause may be negotiated as part of the contract, but depends on negotiations
- The GSAS Graduate Student Council (GSC) will be releasing responses to solicited questions **tomorrow via e-mail**.
- The HGSU-UAW’s constitution is equivalent to the UAW constitution. Bylaws may not be written prior to union authorization.

\*A recording of the HLS Panel will be made available by the BSA in near future

# Additional Points of Information

- Harvard SEAS PhD stipends have seen average annual increases of 3.09 ±0.18% from 2009--2015.
  - FY16 \$2,850/month (\$34,200/12 months)
  - FY17 \$2,936/month (\$35,226/12 months)
- Harvard SEAS PhDs are generally only required to teach 1 section (0.25 fte) for their entire program
- The situation for graduate students *varies dramatically* based on department and school, including stipend, teaching requirements, research expectations, advisor interactions, etc.  
Please consider this when discussing Unionization with your peers.

# Additional Points of Information

## **Dues increase 2014**

Dear Graduate Employee Members:

We regret to inform you that we are subject to a dues increase beginning this year. This increase, which will cost you an additional \$52 to \$65 per year (dependent upon your payscale), was voted on by UAW leadership at their annual meeting in Detroit. This increase is to replenish the national Strike and Defense fund, which is a holding reserved for bargaining unit benefits to be paid out while members are on strike, or to assist in efforts to defend workers in non-strike units like ours. As union membership across the country comes under attack and the number of union members falls, this fund is rapidly depleted. Leadership did not easily arrive at the decision to increase dues as they know we will all feel the pinch. However, the votes were cast, and for the first time since 1967 the UAW has increased our membership fees. The increase is to be reviewed at their next meeting in the summer of 2015.

Source: <https://sites.google.com/site/geoumasslowell/news>

# Additional Reading

- UAW Constitution <https://uaw.org/uaw-constitution/>
- HGSU-UAW websites and Facebook page
  - <http://harvardgradunion.org/>
  - <https://www.facebook.com/hgsuuaw/>
  - <https://factsgsu.wordpress.com/>
- Provost's Office
  - <http://provost.harvard.edu/studentvote>
  - <http://provost.harvard.edu/unionization-faqs>
- UAW Profile at Opensecrets.org
  - <http://www.opensecrets.org/orgs/summary.php?id=d000000070&cycle=2016>
- Amicus Brief
  - [http://ogc.harvard.edu/files/ogc/files/amicus\\_brief\\_-\\_case\\_02-rc-1430\\_12\\_0.pdf](http://ogc.harvard.edu/files/ogc/files/amicus_brief_-_case_02-rc-1430_12_0.pdf)
- Against HGSU-UAW Facebook page and blog
  - <https://www.facebook.com/againsthgsu/>
  - <https://criticalgsu.wordpress.com/>

# Additional Reading

- AtWhatCost sites
  - Cornell: <http://atwhatcost.org/>
  - Minnesota: <http://www.atwhatcost-mn.org/>
- NLRB Notice of Election (check your e-mails!)
- General information on labor unions
  - <http://www.justfacts.com/unions.asp>
- Example contracts:
  - UMass Lowell:
    - [https://www.uml.edu/docs/GEOContract-v2\\_tcm18-105239.pdf](https://www.uml.edu/docs/GEOContract-v2_tcm18-105239.pdf)
  - Summary of NYU:
    - <http://www.makingabetternyu.org/gsocuaw/understand-it/>
  - USF
    - <https://usfweb2.usf.edu/human-resources/pdfs/collective-bargaining/gau-agreement-2014-2017.pdf>
  - UOregon:
    - <http://gtff3544.net/wp-content/uploads/2015/03/GTFF-Contract-2014-16-Final.pdf>

# Open Discussion

## Rules for session

- Be polite and respectful (or you will be escorted out of the room).
- Raise your hand and wait for the moderator to call you
- A limit of 2 min per response will be strictly enforced (15 sec warning)
- State your name and SEAS Area before responding