



## Faculty Collective Bargaining: Some Basics \*

### Some numbers<sup>†</sup>

As of 2006, more than 300,000 faculty at US colleges and universities were represented in collective bargaining. Most of these faculty teach at public institutions in a few more than half of the states that have passed laws providing collective bargaining rights for public employees.<sup>‡</sup>

In Ohio, the faculty at ten of the fourteen public universities are unionized; AAUP chapters represent the faculty at nine of these ten institutions, which includes Wright State University (and the Bowling Green State University Faculty Association-AAUP filed a petition for a collective bargaining election in early February, 2010).

Faculty at 13 of Ohio's 23 community colleges have unionized, including those at three colleges where the faculty are represented by AAUP chapters: Cuyahoga Community College; North Central State College; and our neighbor, Cincinnati State Technical and Community College.

### Summary of the relevant Ohio law and the process for unionizing

Ohio's law that protects and enables public employees to be unionized is patterned upon the federal bargaining law as is the case for the other 25 or so states that have such laws. The law itself can be found here: <http://codes.ohio.gov/orc/4117>. Among the idiosyncrasies of our law that are particular to higher education is that part-time faculty are not covered by the law and "heads of departments or divisions" are deemed "supervisors" and not eligible to be in the bargaining unit (that is, in the group that is represented for purposes of collective bargaining).

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<sup>†</sup> The most comprehensive data are gathered and published by the National Center for the Study of Collective Bargaining in Higher Education and the Professions, Hunter College, CUNY. See, *Directory of Faculty Contracts and Bargaining Agents in Institutions of Higher Education*.

<sup>‡</sup> Because of the U.S. Supreme Court's holding in a case called *NLRB v. Yeshiva University* (1980), only about 12,000 faculty at private colleges and universities are represented in collective bargaining. In effect, the Supreme Court held that faculty at private institutions are not covered by the National Labor Relations Act, the law under which employees in the private sector can become represented in bargaining.

The state agency which administers the Ohio collective bargaining law is the State Employment Relations Board, known as SERB (<http://www.serb.state.oh.us/>).

Faculty unions often evolve from faculty associations and AAUP chapters whose members attempt to enhance the faculty's voice and influence within the institution and whose members decide to pursue collective bargaining as a means to those ends.

The first step is to build an organization, the chapter, and engage faculty who support the objective of achieving the means, collective bargaining, by which the faculty can have genuine influence on how important decisions are made and what those decisions look like. Next, the chapter initiates a card campaign. The "card" is an expression of the signer's desire to be represented in collective bargaining and to have an election so that she or he can vote one way or the other. The SERB, like any agency, doesn't have the resources to run elections just because a group of faculty say they'd like to have an election. So, the SERB insists upon what is known as a "showing of interest" that a sufficient number of faculty want an election in order to gain bargaining rights.

The SERB requires that a minimum of 30% of the total number of those who will be in the bargaining unit (in our case, all full-time faculty) must demonstrate that they are calling for an election. However, experience demonstrates a successful outcome is more likely to be achieved with clear majority support. (E.g. the Bowling Green State chapter filed its petition with just short of 60% support.) The cards are kept confidential by the SERB and the identities of the card signers are not revealed to the employer or anyone else.

Along with the necessary "showing of interest," the union submits a petition for an election with the SERB. A representative of the SERB will be in communication with the employer and the union ---usually by this point the parties' attorneys--- to try to reach an agreement on the details of the election. Sometimes there are real issues over the eligibility of one or more individuals, often because they have hybrid jobs (in the academic context, this could be a faculty member who also has substantial administrative responsibilities). Sometimes the employer raises bogus issues in order to delay the time for an election. If the parties cannot resolve all issues, the SERB conducts a hearing which adds a great deal of time and expense and a consequent delay for the election.

Either by mail ballot (in accord with regulations adopted by the SERB in January, 2010) or by walk-in ballot, the SERB will conduct a secret-ballot election. The SERB has two primary goals in conducting the election: assuring the integrity of the outcome and maximizing participation.

The result is determined by a majority of those in the bargaining unit who actually vote.

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