Dear Library Employees,

I am writing regarding the petition filed by the American Federation of State Council and Municipal Employees (AFSCME) for an election with the National Labor Relations Board with the goal of becoming certain library employee’s exclusive bargaining representative with regard to wages, hours and other terms and conditions of employment. On November 6 those who are part of the proposed bargaining unit will have the opportunity to vote in a secret ballot election as to whether you want AFSCME to represent you.

The administration respects your right to make this decision and will honor the results of the upcoming election. The decision is yours and we will respect it. I encourage all library employees who are eligible to vote to do so, to ensure that your voice will be heard.

This is a decision that concerns process — whether you decide you want an outside party to represent you in negotiating wages, hours and other terms and conditions of your employment at MIT. A union does not obtain any special rights under the law other than the right to negotiate over wages, hours and other terms and conditions of employment. In voting for a union, you would be choosing a different process, not necessarily a different outcome.

Below are answers to certain questions that might be helpful as you consider your vote.

Sincerely,

Chris Bourg
Director of Libraries

1. **What is the NLRB?**

The NLRB (National Labor Relations Board) is a federal agency that enforces a federal law, the National Labor Relations Act, which protects the labor relations rights of employees and employers. Among other provisions, the law protects the rights of employees to choose or reject union representation.

2. **What is a union?**

A union is an organization that serves as an outside agent representing a specific group of employees in matters affecting their wages, hours and other terms and conditions of employment. This employee group is called a bargaining unit. A union negotiates a contract (also known as a collective bargaining agreement) on behalf of the bargaining unit to establish the terms and conditions of employment, including such things as wages, hours of work, benefits and other working conditions. A union also represents its members when disputes arise over the terms of the contract.

3. **What was the process that led to this coming election?**

A representation petition was filed with the NLRB on October 15. In order to file the petition, AFSCME showed sufficient support among the employees for an election by submitting signed “authorization cards” from at least 30% of the employees in the proposed unit. The petition requests a secret-ballot election to determine if it should become the exclusive representative for this group of library employees.
4. **Who conducts the election and where and when will it be?**

An official of the NLRB will run the election which is currently scheduled for November 6, 2019. There will be a morning voting session from 10 a.m. to 1 p.m. in NE36-6166 (105 Broadway, Main Conference Room) and an afternoon voting session from 3 p.m. to 5:30 p.m. in the Digital Instruction Resource Center (DIRC), in Building 14N-132 (160 Memorial Drive).

5. **Is it a secret ballot election?**

Yes

6. **Who can vote?**

There are about 105 eligible voters.

Under the specific provisions of the National Labor Relations Act, professional employees (defined under the Act) must always be given the opportunity to separately vote on whether or not they wish to be in the same bargaining unit as “non-professional” employees. Thus, there are two voting units in this election. They are:

**VOTING GROUP - UNIT A (PROFESSIONAL UNIT):**
All full-time and regular part-time, who regularly work 20 hours or more a week, professional library employees reporting to the Director of Libraries, employed at the Employer's eight library locations in its Cambridge, Massachusetts campus, including Applications Support Analyst II, Applications Support Analyst III, Librarian Archivist I, Librarian Archivist II, Librarian Archivist III, Network and Systems Administrator I, Network and Systems Administrator II, Software Developer II, Software Developer IV, UX Designer II, Web Developer III; but excluding all other employees, temporary employees, part-time employees who regularly work less than 20 hours a week, students, non-professional employees, managerial employees, confidential employees, guards, and supervisors as defined by the Act.

**VOTING GROUP - UNIT B (NON-PROFESSIONAL UNIT):**
All full-time and regular part-time, who regularly work 20 hours or more a week, non-professional library employees reporting to the Director of Libraries, employed at the Employer's eight library locations in its Cambridge, Massachusetts campus; but excluding all other employees, temporary employees, part-time employees who regularly work less than 20 hours a week, students, professional employees, managerial employee, confidential employees, guards and supervisors as defined by the Act.

7. **What will the ballot look like?**
Because AFSCME is seeking a mixed unit of both administrative employees and support staff, the ballot that you receive will depend on what group you are in.

The Board ballot is described by the Stipulation:

Two questions shall appear on the ballot of the professional employees in Unit A:

1. Do you wish to be included with nonprofessional employees in a unit for the purposes of collective bargaining? The choices on the ballot will be "Yes" or "No".

2. Do you wish to be represented for purposes of collective bargaining by AMERICAN FEDERATION OF STATE, COUNTY, AND MUNICIPAL EMPLOYEES COUNCIL 93? The choices on the ballot will be "Yes" or "No".

If you are a professional employee and do not wish to be represented by AFSCME, either in a combined unit with non-professional employees or in a separate professional unit, you would vote no on both questions.

The question on the ballot for the non-professional employees in Unit B will be:

Do you wish to be represented for purposes of collective-bargaining by AMERICAN FEDERATION OF STATE, COUNTY, AND MUNICIPAL EMPLOYEES COUNCIL 93? The choices on the ballot will be "Yes" or "No".

8. How is the election ultimately determined?

By a majority of those who actually vote, just like a political election.

9. If I signed an authorization card, do I have to vote in favor of the union in the election?

No. Signing an authorization card does not obligate you to vote in support of the union during the election. Signing the authorization card simply indicated that you supported the right for library employees to have a secret ballot election to determine if AFSCME would become the representative of library employees for purposes of collective bargaining with MIT. You are not bound to vote for the union on the basis of your signature on an authorization card. How you decide to vote in the election is up to you and because it is a secret ballot election, no one except you will know how you voted.

10. Do I have to speak or meet with Union organizers about representation at my work location?

No. You are under no obligation to speak with union organizers if you do not wish to do so. If you do not wish to interaction with union organizers, you may ask them to leave or contact your supervisor or Human Resources for assistance. While the MIT campus is an open campus and MIT cannot prohibit union organizers from coming onto the campus, union organizers should not interrupt you from your work.

11. Will Union organizers contact me outside of work or come to my home?

While MIT ordinarily does not provide third parties with personal information about employees, as part of the election process, MIT is required by law to provide the union with a list of all library employees eligible to vote in the election and to provide home contact information for each individual eligible to vote.
AFSCME may use your contact information to attempt to communicate directly with you. MIT does not have control over whether union organizers will choose to contact you outside of work. When you are off work, you are an individual citizen and may choose your level of contact with a union as with any other individual or organization that comes to your home or contact you on your mobile telephone.

12. What are the rules if a co-worker approached me during work time to discuss the union election?

You have the right to conduct your work without being solicited by any individual regarding organizing, regardless of their union stance. You should notify your supervisor or Rachael Weisz, Director of Human Resources, Administrative Services, if you have concerns with inappropriate organizing contact.

13. Can I copy and distribute union or anti-union flyers at my work location?

You are allowed to conduct campaigning activities in the public areas of campus or work areas as long as it is not done during working time and as long as it does not disrupt the work of others or the operation of the libraries. Distribution of written materials is not allowed in work areas, however. It is important that employees follow all MIT and department rules and policies for the distribution of any union or anti-union materials.

14. Is there a minimum number of employees that must vote in order to decide the outcome?

No. The election outcome is determined by a simple majority of those who actually vote, not by a majority of those who are eligible to vote. If only 20 people out of all eligible employees vote, then only 11 votes are needed to decide yes or no. These votes would end up deciding for every other employee in the unit. This is why you should make sure to vote.

15. What happens if AFSCME wins the election?

If AFSCME wins the election, it will become certified as your exclusive bargaining agent for all items involving pay, hours and other terms and conditions of employment. This means that MIT would no longer be able to work with you directly, or through any other body or committee, on such topics unless authorized by the union or by the collective bargaining agreement. By law, MIT would only be allowed to deal with the union as your agent. Note: The actual language of the National Labor Relations Act can be found on the NLRB web site at http://ww.nlrb.gov/nation-labor-relations-act. (Section 9(a) deals with exclusive representation).

16. If I vote against the union and the union ultimately wins the election, does the union represent me?

Yes. You would be represented by the union.

17. Can I opt out of the bargaining unit?

No

18. If a union won an election at MIT, would I have to join it and pay dues or fees?

That depends. While you would not have to join the union simply because the union wins, you should be aware that the law allows the union to propose a union security clause in the collective bargaining agreement. Depending on whether such a clause is ultimately negotiated, you may have to join the union or at least pay dues.
In addition, a union can negotiate a provision in a collective bargaining agreement that requires non-members to pay an agency fee to the union for its representation. The agency fee charged is up to the union but is usually slightly less than dues.

Most unions will try to negotiate some type of union shop or union security clause because inclusion of such a provision will ensure a continual flow of money to the union to carry out their representational duties and other interests.

19. **What are union dues?**

Dues are the cost of membership in a union. They are used to cover the costs of negotiating a contract, contract administration and resolutions of grievances (claims of breach of contract). In addition, unions also use dues for the purpose of organizing employees at other employers and to make political contributions.

20. **What would the union dues be at MIT if library employees voted for a union?**

We don’t know. The union determines the amount of dues and fees. AFSCME should be able to inform you about their current dues structure.

21. **Will I have a chance to vote every year on whether to keep the union or not?**

No. While there is an NLRB process for decertifying a union, such a process is rare and unions are seldom voted out once they have been voted in.

22. **What does collective bargaining involve?**

The National Labor Relations Act requires that once a union is certified, both sides are obligated to negotiate in good faith to reach a collective bargaining agreement, essentially a contract between MIT and the unit. If AFSCME wins the election, MIT will be required to negotiate an agreement that covers all mandatory subjects of bargaining under the law. Collective bargaining by nature is a process in which each side seeks to secure in a binding contract what is in its individual interest.

23. **What topics must be discussed at the bargaining table?**

Not all topics are subject to bargaining. The law requires bargaining over “wages, hours and other terms and conditions of employment.” Examples of “mandatory” subjects of bargaining (i.e. subjects that the parties must negotiate over if requested) include:

- Rates of pay and benefits
- Hours of work
- Seniority provisions
- Discipline and discharge provisions
- Lay off provisions
- Appointment and non-reappointment procedures and criteria
- Evaluation procedures, performance expectations and frequency of performance reviews
- Union security provisions that require financial support to the union by library employees as a condition of employment
- Grievance procedures
24. Does the law require that anything automatically become part of a collective bargaining agreement?

No. The law does not mandate that any particular provision be part of the contract nor does the law required that either side must agree to a particular proposal or make a particular concession. That is all left up to the parties.

25. How are my interests represented in these negotiations? Will I get input into what should be negotiated into the contract? Who will the leadership of the union be?

It would be up to AFSCME to determine who serves in the leadership, who serves on the negotiating team, and how it solicits and/or considers input from its members. Each union has its own rules about whether all employees or only union members can express their views on contract matters.

26. Can MIT propose changes to current pay, hours and benefits and other terms and conditions of employment as part of collective bargaining?

Yes. Each side is free to make proposals for inclusion in the contract. MIT is free to make proposals that change the status quo.

27. Does bargaining automatically start with the current level of salary/wage rate and benefits and working conditions?

No. Bargaining does not necessarily begin with the status quo. As a result of collective bargaining, you may end up with more than what you have in some areas of compensation and working conditions, the same as what you currently have, or less than what you have. No one can predict the outcome of collective bargaining.

28. What happens if no agreement is reached?

If the parties fail to reach agreement, a mediator may be called in to assist. However, neither a mediator nor any other third party can impose an agreement on the parties. It remains up to them to try to reach an agreement. On occasion, unions may vote to strike.

29. How long does bargaining take?

A first collective bargaining agreement can take anywhere from six months to a year or more to negotiate. During that time, MIT could not unilaterally change working conditions or compensation. Usually, all pay rates as well as other terms and conditions remain the same during this period.

30. Could MIT make exceptions to provisions in the contract to accommodate the needs of individual employees?

No, unless such exceptions are provided for in the collective bargaining agreement or otherwise agreed to by the union. For example, if a contract sets parameters on the work hours for a position, an individual employee would usually not be able to make personal arrangements with their manager to work outside those parameters, unless the contract provided for exceptions.

31. If MIT wanted to change a benefit in the contract, would it be able to do so before the expiration of the contract?
MIT would not be able to change a benefit unless the contract granted MIT the flexibility to do so, or the union consented to the change.

32. Who do I contact if I have questions or need assistance?

If you have additional or specific questions not addressed above, or if you have experienced issues regarding your right to make an informed decision, you may contact:

Ahsan Ali  
Manager of Labor Relations  
Phone: 617 715-2473  
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