

The Upcoming Harvard Academic Workers Union (HAW-UAW) Election Process

Q. When are the upcoming HAW union elections and what are they about?

The National Labor Relations Board (NLRB) will be holding two labor union elections at Harvard on April 3 and 4. The first election, taking place on both April 3 and 4, will be for eligible non-tenure track employees at the Faculty of Arts and Sciences (including the John A. Paulson School of Engineering and Applied Sciences), the Medical School, and the Divinity School who provide teaching and research services to the University to vote on whether or not they want the Harvard Academic Workers-United Auto Workers (HAW-UAW) to be their exclusive representative for purposes of negotiating wages, hours, and other terms and conditions of employment. The other election, being held only on April 3, involves certain employees in the Law School's clinical programs who will separately vote on whether they wish HAW-UAW to be their bargaining representative.

Q. Who can vote?

The University and the HAW-UAW have agreed on the scope of the appropriate units, although some individuals whose status was not agreed upon will vote under challenge and their status will be determined after the election. All employees who fall within the defined units, as described below, can vote.

The first unit—the larger of the two—is defined as follows:

INCLUDED: All full-time and regular part-time non-tenure-track employees of Harvard University performing teaching or research, regardless of funding source (paid directly or indirectly), and who work at Harvard Faculty of Arts and Sciences, Harvard Medical School, or Harvard Divinity School, including Lecturers, Associate Senior Lecturers, Senior Lecturers, Postdoctoral Research Fellows, Instructors, Teaching Assistants, Associates, College Fellows, Curriculum Fellows, Curriculum and Pedagogy Managers, Fellows, Junior Fellows, Benjamin Peirce Fellows, Preceptors, Assistant Directors, Directors, Research Assistants, Research Associates, Research Fellows, Research Scientists, Researchers, and Engineers.

EXCLUDED: The Division of Continuing Education, the Harvard School of Dental Medicine, Dumbarton Oaks, the Center for Hellenic Studies, Professors in Residence, Professors of the Practice, Professors Emeriti, visitors with a primary tenured/tenure-track appointment at another institution, Visiting Graduate Students, undergraduate students, all employees covered by another union's bargaining unit definition, managers and guards, nonprofessional employees and supervisors as defined in the Act.

Others permitted to vote: The parties have agreed that all individuals in a “stipendee” classification (fellows, postdocs, researchers) may vote in the election, but their ballots may be challenged since their eligibility has not been resolved. No decision has been made regarding whether the individuals in these classifications or groups are included in, or excluded from, the bargaining unit. The eligibility or inclusion of these individuals will be resolved, if necessary, following the election.

The second law school unit is defined as follows:

INCLUDED: All full-time and regular part-time employees in the Harvard Law School clinical programs who provide clinical legal education to law students and/or legal services to clients or communities. This includes: Clinical fellow, senior clinical fellow, clinical instructor, senior clinical instructor, staff attorney, senior staff attorney, social worker, and non-supervisory Managing Attorney, Assistant Director, Associate Director, Director, and others with similar work responsibilities, in the HLS clinical programs (comprising in-house clinics, and student practice organizations).

EXCLUDED: Assistant Clinical Professor of Law, Visiting Assistant Clinical Professor of Law, Clinical Professor of Law, Visiting Clinical Professor of Law, Assistant Professor of Law, Professor of Law, Professor of Practice, Visiting Professor of Law, lecturers with only academic appointments (i.e., those in charge of externship clinics), undergraduate students, all employees covered by another union's bargaining unit definition, managers and guards, nonprofessional employees and supervisors as defined in the Act.

Q. How many employees are in the non-tenure track employee unit?

Approximately 3000

Q. How many are in the law school unit?

Approximately 100

Q. Are the votes in the two elections pooled?

No. These are separate elections for the two units.

Q. Are eligible employees required to vote in the scheduled election?

Eligible employees are not required to vote. However, the outcome of the election will be determined by a majority of those who choose to vote—like any political election. All employees who fall within the unit, whether they choose to vote or not, and whether they want to be in a union or not, will be bound by the results. For this reason, it is very important that every eligible employee exercise their right to vote.

Q. Why should I vote?

The election will be determined by a majority of those who vote. Should the union win, then all employees in the defined bargaining unit will be represented by the union for purposes of wages, hours, and other terms and conditions of employment regardless of how they may have voted in the election, or whether they voted at all. In other words, employees cannot “opt out” of the bargaining unit if the union is ultimately approved.

Q. Who will conduct the elections?

The elections will be conducted by an agent of the NLRB, an independent federal agency charged with enforcing the National Labor Relations Act, which guarantees the right of private sector employees to organize, engage in group efforts to improve their wages and working conditions, determine whether to have unions as their bargaining representative, engage in collective bargaining, and refrain from any of these activities. The NLRB holds elections

according to the agency's rules and procedures. NLRB representatives will be present at each election site. The union and the employer are also permitted to have an observer at each election site.

Q. Where and when will the elections be held?

Voting location and times have been posted around campus. The non-tenure track employee unit voting locations and times are as follows:

Place	Date	Hours
Science Center Room 300H 1 Oxford St, Cambridge, MA 02138	April 3 and 4, 2024	10AM to 12PM AND 2PM to 6PM
Tosteson Medical Education Center (TMEC) Room: 445 260 Longwood Ave Boston, MA 02115	April 3 and 4, 2024	10AM to 12PM AND 2PM to 6PM
Science and Engineering Complex Room: SEC LL2.208 150 Western Ave Boston, MA 02134	April 4, 2024	10AM to 12PM AND 2PM to 6PM

The voting for the law school unit will be one day only, on April 3. The voting location and times are as follows:

DATE: April 3, 2024	HOURS: 10AM-12PM and 2PM –6PM
PLACE: Roscoe Pound Hall Room: Pound 101 1563 Massachusetts Ave Cambridge, MA 02138	

Q. Will it be a secret ballot election?

Yes, it is a secret ballot election. Eligible voters will enter the voting area, receive a ballot from the NLRB agent, check off a yes or no on the ballot as to whether they want the union to be their exclusive representative, and place their ballot in the voting box that the NLRB agents brings with them. Neither the University nor the union will know how an employee voted.

Q. If I previously signed a union card, does that mean I have to vote for the union?

No. Whether you signed a card or not, you are free to vote as you wish in the election.

Q. How is the outcome of the election determined?

The outcome will be determined by a majority of those who vote, just like any political election. By way of example, if only 100 people vote, and 51 vote in favor of the union, the NLRB will certify the union as the exclusive bargaining representative for the eligible employees in the defined unit, and all employees in the defined unit will be exclusively represented by the HAW-UAW.

Q. What happens if the union wins either or both elections?

The University will be obligated to recognize the union as the exclusive bargaining representative for all employees in the bargaining unit. Among other things, this means that the University and the union would engage in collective bargaining to try to reach an agreement that would govern wages, hours, and other terms and conditions of employment.

Q. Can employees decide not to be represented by the union if the union election is successful?

No. Should the union succeed in the election, all employees in the defined bargaining unit will be represented by the union for purposes of wages, hours, and other terms and conditions of employment regardless of how they may have voted in the election, whether they voted at all, or whether they want to be in the union. In other words, employees in the defined bargaining union cannot “opt out” of the unit.

Background**Q. What is the Harvard Academic Workers-United Auto Workers Union?**

This is the union that is seeking to represent you. Harvard Academic Workers is affiliated with the UAW (International Union, United Automobile, Aerospace and Agricultural Implement Workers of America). While best known for representing auto workers, the UAW also represents many academic workers, including Harvard’s graduate student workers.

Q. How did this election come about?

Employees seeking to form a union must first file an election petition with the NLRB, which HAW-UAW did earlier this month. HAW-UAW filed two petitions for two separate bargaining units as noted above. As part of the petition process, the union was required to demonstrate that at least 30% of each proposed bargaining unit supported the election petition. This is usually done using authorization cards or a petition signed by employees. By law, the University did not and will not get to see the cards that were filed by the union to support its petition.

Q. After the petitions were filed, what happened next?

The question of whether or not the union’s proposed bargaining units were legally appropriate had to first be determined. The University and the HAW-UAW were able to agree on the scope of the appropriate units, although some individuals whose status was not agreed upon will vote under challenge, and their status will be determined after the election.

Collective Bargaining

Q. What is collective bargaining?

Collective bargaining constitutes the negotiations between an employer and employees to reach agreement on a contract that covers wages, benefits, and other terms of employment.

Q. Is there a deadline for reaching an agreement?

While there are no time limit requirements for the collective bargaining process, first contracts generally take at least one year from the election to complete. Some take longer; others take a shorter amount of time.

Q. Are the parties obligated to reach agreement?

Under the law, the parties are obligated to negotiate in good faith with the intent of reaching an agreement, but neither side is obligated to agree to any particular proposal or make any particular concession.

Q. What are the parties required to bargain over?

Under the law, the parties are required to bargain over mandatory subjects for collective bargaining. These include salary, benefits, workload, appointment length, reappointment and promotion procedures, evaluation procedures, union security clauses, leaves of absence, grievance and arbitration procedures and workplace safety, but this is a non-exhaustive list.

On the other hand, issues such as the role of employees in the governance of the institution, the hiring of new employees, staffing, the determination of the curriculum, selection of administrators, student issues and other similar matters would ordinarily be outside the bounds of mandatory subjects of bargaining, and the University would have no obligation to negotiate over such items.

Q. Will there be a strike?

If the parties reach an impasse, a union is free to use a strike as a legal means of trying to force an employer to agree to its provisions. Strikes do not occur in every round of bargaining, but they do happen. The UAW did engage in two strikes in their representation of the graduate student workers here at Harvard.

Q. Would employees opposed to the union be required to pay union dues?

A union victory would not mean that employees in the unit must immediately begin paying dues or fees to the union. However, the union may seek a so-called “union security clause” (also known as a “union shop”) that would require all employees in the bargaining unit to join the union or pay fees to the union as a condition of employment. While this is a negotiable issue, the UAW has historically sought such a union security clause. While the graduate student worker contract at Harvard does not have such a provision, most of Harvard’s other union contracts do have such a provision and employees in those units are required to pay dues or fees to the union as condition of continued employment.

Q. How much are union dues?

That is for the union to decide, but UAW dues for the graduate student worker unit are currently 1.44% of the employee's compensation each year, subject to change by the union. For example, an employee in either of the two units who earned \$70,000 a year would pay about \$1,000 a year to the union as a condition of continued employment if a typical type of union shop provision is negotiated into the collective bargaining agreement.

Q. Can a union be removed if employees are not satisfied with the contract?

Once a union is certified, it does not stand for re-election. The only way a union can be removed would be if employees in the unit filed a decertification petition with the NLRB accompanied by cards signed by at least 30% of the members of the bargaining unit. This cannot happen for at least one year after the election, and, if a collective bargaining agreement is reached, there cannot be a decertification petition filed except during a very narrow window of time near the end of the agreement's term. Decertification petitions are very rare.

Q. How does the election impact me?

If HAW-UAW is voted in, then, by law, it would become the exclusive bargaining agent for all aspects of compensation, hours, and other terms and conditions of employment for positions in the bargaining unit. The University (including individual departments, academic programs, or Schools) 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.

Q. What is the University's position on the union?

The University believes that the decision to unionize is an extremely important one, with implications for all individuals involved, as well as for the operations and governance of the University. Harvard believes this decision is up to the employees and is committed to a process that allows for open and informed decision making.