



As you likely know, an organization calling itself the Harvard Union of Residential Advisors (HURA) has petitioned for an election with the National Labor Relations Board (NLRB) to become the exclusive bargaining representative of all proctors, resident tutors and house aides.

The Office of Labor and Employee Relations (OLER) has received questions already from some individuals covered by the petition and expects that others have similar questions about this process and the implications of unionization. Below is some preliminary information, as well some answers to representative questions OLER has received.

Under federal labor law, a labor union can seek to represent a group of employees (referred to as a bargaining unit), and the NLRB, a federal agency, will conduct an election to determine whether a majority of voters wish to be represented by the union. The current NLRB considers individuals, including students, who provide services to a university in exchange for remuneration to be employees under the National Labor Relations Act and therefore eligible to unionize. Note that individuals who are eligible to unionize are not required to unionize. The purpose of the NLRB's secret-ballot election is precisely to afford eligible individuals the opportunity to decide whether they wish to unionize.

Based on its public statements, HURA is an offshoot of the Harvard Graduate Student Union (HGSU), which currently represents certain graduate students. While HGSU is affiliated with the United Autoworkers, HURA reports that it is not affiliated with any established labor union. HURA currently does not represent any individuals on campus.

In response to the petition, Harvard and HURA entered into a stipulated election agreement, which defines who can vote, where and when voting will take place, and other details related to the election. This stipulation does not limit in any way your right to vote for or against unionization. In the agreement, Harvard and HURA agreed to two separate voting units, one for house aides and one for proctors and resident tutors. Accordingly, there will be two separate elections.

- **House aides** will vote as to whether they wish to be represented by HURA on **April 24 from 5 pm until 8 pm** in the **South Arcade Room in the Smith Center**.
- **Proctors and resident tutors** will vote on **April 23 and April 24 from 5 pm until 8 pm** in the **Isaacson Room in the Smith Center**.

Everyone who is eligible to vote should do so. The decision as to whether individuals wish to be represented by HURA is a consequential one, and it may impact those who are appointed as house aides, proctors and resident tutors in the near future. The University respects individuals' right to choose and strongly believes that they should make the choice that is right for them.

You are encouraged to ask questions and gather information so that you can make an informed choice as to whether unionization is right for you. Please feel free to contact OLER at the following address ([labor\\_and\\_employee\\_relations@harvard.edu](mailto:labor_and_employee_relations@harvard.edu)) if you have additional questions.

## **Some FAQs about voting:**

*Who is eligible to vote in the two elections?*

To be eligible to vote, you must be currently serving in a covered appointment for the 2023-2024 year, as of March 5, 2024.

*How will the elections be conducted?*

The elections will be by secret ballot. Nobody will know how you voted unless you tell them.

*Can I vote by mail or obtain an absentee ballot?*

No. You must vote **in person** when the polls are open.

*What does a “yes” versus “no” vote mean?*

A “Yes” vote means you want HURA to become your exclusive representative for purposes of bargaining. A “No” vote means that you do not want HURA to be your exclusive bargaining representative.

*How is the outcome of the election determined?*

The election is determined by the number of ballots actually cast. This means, for example, if only 10 house aides voted and six of them voted for HURA, it would be certified as the bargaining representative of all house aides, even though only a small portion of the unit actually voted for unionization. This is why it is critical that you and all eligible individuals vote.

*If I signed an authorization card, am I required to vote for HURA?*

No. HURA was required to collect signed authorization cards in order to petition for an election, and the cards were used to show interest in an election. Signing a card does not bind you in any way in a secret ballot election; you are free to vote no.

*Does HURA have my personal contact information?*

Under the regulations of the NLRB, an employer is required by law to supply personal contact information for each eligible voter. Harvard normally does not supply personal contact information to third parties. Because some individuals in the units are students and their personal information is protected by the law known as FERPA, the NLRB issued a subpoena to Harvard for voter information. Harvard provided notice to students of the subpoena in accordance with FERPA, and subject to any student objections, it complied with the subpoena.

Harvard understands that the NLRB provided this information to HURA. HURA may contact you at home or through your personal cell phone or email, although you have no obligation to respond.

By law, HURA is only permitted to use your personal information in connection with the election. If you believe that your personal information is being misused or that your rights are being violated, you should contact the Boston office of the NLRB at 617-565-6700.

*Are individuals in the bargaining units permitted to campaign?*

Yes. Again, this is a consequential decision, and proctors, resident tutors and house aides are encouraged to express their views about unionization, whether for or against HURA representation. Harvard does not tolerate retaliation or retribution in any form.

*What does it mean to have two elections in two units? Could the outcome be different in each of the voting units?*

Yes, depending on the results of the election, HURA may represent one, both, or neither unit.

### **Some FAQs about collective bargaining:**

*What does it mean if HURA becomes the exclusive bargaining representative?*

As exclusive bargaining representative, HURA would have the right to engage in collective bargaining with Harvard over so-called mandatory subjects, such as compensation, hours and other working conditions, on behalf of all individuals in the unit. Harvard would have an obligation to bargain in good faith with the intent of reaching a collective bargaining agreement with HURA.

*What terms would be contained in a collective bargaining agreement with HURA?*

Harvard does not know what demands HURA would make at the bargaining table. Therefore, we do not know and cannot predict what a collective bargaining agreement with HURA would look like or what it would mean for proctors, resident tutors or house aides. Collective bargaining involves give and take, and there are no guarantees in bargaining.

*Could the collective bargaining agreements for the two units be different?*

Yes, because there are two different units, the collective bargaining agreements could have different terms.

*Could the terms of my appointment change as result of collective bargaining?*

We do not know, but they could. After bargaining, individuals could end up better off on some things, worse off on others, or stay the same. According to HURA's website, "[t]he union may advocate for changes that may bear on your food and housing in the future" and depending on the terms of the contract, new forms of compensation are "likely subject to taxation."

*I have regular employment on campus that is separate from my residential life appointment. How would collective bargaining impact me?*

We do not know. If both units elect representation by HURA, the collective bargaining agreements with HURA will only govern the appointments for proctors, resident tutors, and house aides; however, we do not know whether or how changes to hours or compensation might impact individuals' abilities to maintain multiple positions on campus.

*How would bargaining impact hours of work?*

We do not know what would happen in bargaining. However, some individuals, such as international students, are restricted in the number of hours they are permitted to work. If they have other appointments and depending on what happens in bargaining, a collective bargaining agreement might require certain hours of work per week, thereby impacting such individuals.

*I am a graduate student on a fellowship. How would collective bargaining impact me?*

Again, we do not know what would happen in bargaining. Graduate students often receive additional funding support through fellowships, including DCFs, or Dissertation Completion Fellowships. Those fellowships often do not permit employment in addition to the fellowship.

*How long would bargaining take?*

That is also unknown. While Harvard is obligated to bargain in good faith and would absolutely do so, the process of collective bargaining can take weeks, months, or even years.

*What say will I have in HURA's bargaining priorities or the collective bargaining agreement it negotiates?*

Usually, a union's bargaining priorities are set by a bargaining committee. We do not know who would sit on that committee. As to a collective bargaining agreement, it is typical for union members, meaning those who pay monthly dues, to vote on whether to accept the contract. While we do not know how HURA would approach this, often non-members are not eligible to vote on the contract.

*If I do not like the agreement that HURA negotiates, can I opt out of unionization and negotiate my own arrangement?*

There is no right to opt out. Individuals who do not like the contract that HURA negotiates on their behalf cannot negotiate a separate deal with Harvard. Because HURA would be the exclusive bargaining representative of all individuals in the unit, Harvard could not deal directly with individuals regarding compensations, hours or other working conditions, unless HURA agreed or the collective bargaining agreement permitted it.

*Would I be required to pay monthly dues to HURA?*

We do not know but it is likely. HURA reports on its website that "we will need dues to fund legal and operational expenses." Unions often bargain for "union security" language, meaning that individuals must pay monthly dues or an agency fee as a condition of their appointment. Harvard did not agree to such language with Harvard Graduate Student Union (HGSU), but the union demanded it in bargaining and other unions on campus require monthly dues or agency fees.

*HURA claims on its website that unionization "will get us a better compensation package and offset the dues we pay." Is that true?*

Not necessarily. Collective bargaining is a give and take, and there are no guaranteed outcomes in bargaining.

*If we don't like the contract or are unhappy with HURA representation, can we just vote them out?*

The process of removing a union is called decertification. If HURA is voted in, it likely will be the exclusive bargaining representative for years to come. The NLRB will not allow another election for one year and for as much as three years while a collective bargaining agreement is in place. You could only seek to decertify HURA during a narrow window before the contract expires. It could be as long as four years before the NLRB permits another election. In contrast, if you vote HURA representation down now, you can seek another election in one year.