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To: Non-Tenured and Non-Tenure Track Faculty
From: Brian Rosenberg and Kathy Murray
Re: Upcoming Union Election Details

As we discussed at Tuesday's faculty meeting, a number of issues relating to the union organizing petition at Macalester were still being negotiated. Those issues have now been resolved, so we want to share with you the details that we have received.

WHO IS INVOLVED?

- The group that is involved in this union effort has been defined as follows:

All full-time and part-time non-tenured and non-tenure eligible faculty including the following:

- Adjunct Professors
- Post-Doctoral Fellows
- Senior Instructors
- Senior Lecturers
- Professors Emeriti (who are teaching)
- Laboratory Instructors
- Visiting Assistant Professors
- Visiting Instructors

Excluded from this process are:

- All of our tenured faculty (and those on a tenure-track)
- Faculty who might teach at a different location (we have none)
- Part-Time MSFEO faculty (because they no longer have teaching obligations)
- Anyone else on the campus who may have an occasional teaching responsibility but is actually a member of the staff or administration
- All Directors, Associate Directors, Managers and other Supervisors

Please note that full-time faculty members who have entered into MSFEO agreements have a status that is not yet agreed upon. Rather than hold up the process, however, the National Labor Relations Board, the Union and Macalester agreed that full-time faculty members who are teaching but who have signed MSFEO agreements *will* be allowed to vote in the election although their ballots might be subject to challenge by the Union.

WHO WILL BE ALLOWED TO VOTE IN THE ELECTION?

The agreement between Macalester and the Union makes clear that in order to vote in the election, an individual in one of the positions listed above would need to be on the payroll as of April 30, 2014 *and* be expected to return to teach in the fall of 2014 or spring of 2015. Regardless of a person's job title and regardless of full-time, part-time or post-doctoral status, a person will not be permitted to vote if she or he has not been scheduled to teach in the fall or spring of the 2014-15 academic year.

ELECTION DETAILS.

This election will be conducted entirely by a mail balloting process. The election is run by the National Labor Relations Board (NLRB), an agency of the Federal Government. It will be conducted by secret ballot, and no one will ever know how you vote unless you choose to reveal that information.

Ballots will be mailed to your home address by the NLRB on June 3, 2014. You will get an election kit that will spell out the details of how to vote, along with a return envelope.

The ballot will consist of one question only: "Do you wish to be represented for purposes of collective bargaining by SEIU Local 284?" Your choices will be "Yes" to be unionized, or "No" to continue without union control. You will need to mail your ballot back to the NLRB so that it is received by June 17, 2014. *If your ballot is late, it will not be counted.*

The ballots are scheduled to be counted on the morning of Wednesday, June 18, 2014. That is the date on which we will know the results of the election, subject only to possible legal challenge.

HOW DOES THE BALLOTING AND COUNTING WORK?

As we discussed Tuesday, *this election will be determined by those who vote.* In essence, declining to vote in this election means letting others make your decision for you. The election is decided by a majority of those who vote, not by a majority of those who would be affected. For example, if there are 80 people who are eligible to vote, only 40 actually cast a ballot, and 21 vote in favor of the union, all 80 would be subject to that decision. By not making your voice heard, you could find yourself in a union along with a majority of your colleagues who would have preferred a different outcome. For this reason, we strongly encourage you to exercise your voting rights and to cast your ballot so that it is received by mail at the NLRB no later than June 17, 2014.

IS IT POSSIBLE FOR FACULTY MEMBERS TO DECLINE ANY INVOLVEMENT IN THIS PROCESS IF THEY DO NOT WISH TO PARTICIPATE?

In short, no. If, by virtue of your status as a non-tenured/non-tenure track faculty member your position is one of those identified above as subject to the results of the election, you are involved as a matter of law. There is no "opt-out" in this process. Either a person's position is covered or it is not, and neither an individual nor a group can decline involvement. Similarly, if a union gets voted in, the faculty can't just change their minds and vote the union out. A "decertification" vote, as it is called, could not occur any earlier than a year after the election and would have to come entirely from the faculty. The College could not initiate that process on their behalf.

WHAT ABOUT THE MSFEO FULL-TIME FACULTY? WHAT ABOUT THEIR VOTING RIGHTS?

As we noted above, the Union is unwilling to agree that our MSFEO faculty who continue to teach full-time should be allowed to participate in this process. *They will be allowed to vote*, but the Union is prepared to challenge those ballots if and when received. Our records show that we have five individuals who would fall into that category at this time. Any of those ballots, if challenged by the Union in the counting process, would be set aside (they would still be secret) to see if they would be of sufficient number to make a difference. If they could make a difference if counted, then there would be a decision made as to how to go about deciding whether they should be counted or not.

We will be providing you with a great deal of additional information in the weeks ahead so that you have all of your questions answered and your concerns addressed. Please watch for more memos like this one and be assured as well that we will be holding open forums to allow for a full and free discussion of this subject. We highly value your work for our college and our students and owe you nothing less than honest and complete information. We remain confident that as you learn all the facts, you also will realize that a No vote in this election is in your best interest. We thank you for your careful attention and patience as we work together through a very new experience for all of us.