Memorandum to Presidents

Date: November 3, 1976

From: Office of the Vice Chancellor for Faculty and Staff Relations

Subject: Potential Employee Organization Challenges

As you are aware, the current Agreement with United University Professions, Inc. (UUP) expired on June 30, 1976, although the Director of the Office of Employee Relations has extended its provisions for an indeterminate period while negotiations continue.

Under the Taylor Law, an incumbent employee organization may, during specified periods, be subject to challenge from competitor employee organizations seeking certification. Pursuant to the Rules of the Public Employment Relations Board (PERB), UUP became subject to challenge on August 1, 1976.

During a challenge period, an employee organization may file with PERB a petition for decertification of an incumbent employee organization provided it can demonstrate a showing of interest from at least 30 percent of the employees in the negotiating unit. You may anticipate, therefore, an increase in union activities at the campus level should any employee organization actively attempt to mount a challenge. (You should be aware that the New York State Office of Employee Relations has received a request from the New York Educators Association for the names and addresses of State University employees in the Professional Services Negotiating Unit.)

Should an organizational campaign develop, our general policy regarding campaign activities must be one of neutrality and evenhandedness as between competing employee organizations, while ensuring that organizational activities do not interfere with ongoing campus operations. The attached document provides, in greater specificity, a guideline for actions during the challenge period. I commend it to you and appropriate members of your staff.
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Please feel free to call on me should you have any further questions.

Jerome B. Komisar

Attachment

cc: Acting Chancellor Kelly

This memorandum addressed to:

Presidents, State-operated Campuses

Copies for information only:

Presidents, Community Colleges
Deans, Statutory Colleges
Mr. Barlow
President Rose
1. Position of State University. Employees of State University of New York have the right under Section 202 of the Taylor Law to form, join, and participate in, or to refrain from forming, joining or participating in, any employee organization of their own choosing. Employee organizations have the derivative right to undertake to persuade our employees to engage in organizational activities, including the signing of authorization cards and election petitions.

Our position must be one of neutrality as between competing employee organizations during organizational campaigns, pre-election periods and the election process. During such periods, it is inappropriate for management/confidential employees to use their official positions to help or hinder employee organizational campaigns or activities or to permit employees under their supervision to use their official positions to help or hinder such activities.

Neither, of course, is it appropriate to harass, coerce, promise or give special treatment to employees in an effort to influence them to join or support a particular employee organization or to participate in its activities. Management/confidential employees shall not distribute material or any information to any employee organization or interrogate any employee concerning his or her organizational activities.

Organizational activities by employee organizations must be conducted so as not to interfere with the safe and efficient conduct of campus operations and the discharge of work responsibilities by employees. Appropriate action should be taken to prevent the violation of these guidelines by any person acting on behalf of an employee organization.

2. Requests for Lists of Names and Addresses of Employees and Related Information. Lists of names and addresses of employees and related information demanded for organizational purposes should not be released by individual campuses. Campuses receiving requests for such lists should transmit them to the Office of the Vice Chancellor for Faculty and Staff Relations. Such requests will then be transmitted to the New York State Office of Employee Relations which will provide such information to all employee organizations, incumbent and challengers alike, upon request. There will be an appropriate charge for such lists. (An employee organization shall be requested to affirmatively indicate that it is seeking this information exclusively for purposes related to organizational activities among State University employees.)

3. Policy of Nondiscrimination Between the Incumbent Organization and Challenging Organizations. All organizations shall upon request be accorded equal access to employees for campaign purposes,
i.e., soliciting memberships, distributing literature, obtaining signatures on authorization cards and petitions and related activities during a campaign period.

4. Use of University Facilities for Meetings. Meeting space in buildings or areas owned or leased by the University shall not be made available to an employee organization for campaign purposes (as defined above in subdivision 3) except under the following conditions: (a) the employee organization reimburses the University for any extraordinary costs incurred as a result of making such space available, and (b) the organization requests the use of such space in advance, pursuant to the normal procedures concerning the use of facilities of the campus involved.

No employee shall be released from work for the purpose of attending such meetings.

5. Organizational Activities on a Campus. Discussions between and among employees concerning organizational activities, the solicitation of organizational support, and the distribution of membership and authorization cards and organizational literature are permissible, provided that such activities shall not impair the normal operations of the campus nor interfere with work duties or work performance.

Staff members of employee organizations who are not University employees, or University employees who are not employed by the particular campus involved, may be permitted to set up, in areas of the campus normally open to the public, manned tables for the purpose of conducting organizational and campaign activities, subject to the proviso set forth above that such activity shall not impair the normal operations of the campus nor interfere with work duties or work performance.

In no event shall organizational or campaign activities be permitted to interrupt employees in their work area during hours of work.

6. Use of Bulletin Boards, Posting or Organizational Materials, and Utilization of Campus Mail Systems. The policy of nondiscrimination set forth in subdivision 3 above shall be applicable to the use of bulletin boards and the posting of materials for campaign purposes (as defined in subdivision 3 above).

Meeting notices and other organizational materials shall not be hung upon, posted or otherwise affixed to the walls, doors, windows or other appurtenances of facilities and buildings owned or leased by the University.

During the campaign period, all employee organizations, incumbent and challengers alike, shall have equal access to the campus mail system, subject, of course, to normal procedures concerning the use of such system at the campus involved.
PROCEDURES FOR HANDLING COMPLAINTS

A responsible official or officials should be designated at each campus to receive initial complaints. Employee organizations will be asked to direct complaints, insofar as possible, to the designated campus official. If the campus official cannot dispose of the problem or has any questions as to how to handle it, he should request advice of the Office of the Vice Chancellor for Faculty and Staff Relations.

Regarding the disposition of complaints, the campus designee should, where practicable, respond quickly by informal contacts. The disposition of complaints should reflect an evenhanded treatment of interested employee organizations and an avoidance of interference with campus operations.