

Managers Guidelines for Handling Union Activities in the Workplace

Purpose

Over the next few months, employees and labor organizations may engage in organizing activities in the workplace. This activity is likely to increase with the current decertification window. The purpose of this document is to provide some general guidelines for managers and supervisors.

What is a decertification window?

A decertification window is a period of time where bargaining unit employees may petition the Public Employment Relations Commission (PERC) to hold an election of the bargaining unit employees to determine if:

- They want to maintain the current labor organization as their bargaining representative
- They want no representation; or
- They want to change their bargaining representative to another labor organization

During this time represented employees may request other represented employees in the bargaining unit(s) to sign interest cards indicating a desire to either have no union in the workplace or have a different union in the workplace.

- If enough cards are collected, the cards may be submitted to PERC with a petition for decertification.
 - If PERC validates enough of the signatures on the “interest cards” that accompany a petition, PERC will convene an election conference to determine the campaign rules that precede the election as well as an election timeline.
 - If there is a sufficient number of “interest cards” accompanying the petition, PERC will direct the agency to post decertification information in conspicuous locations throughout the agency.
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When is the decertification window

The decertification window period is in the spring of 2017. However, employees may engage in organizing or decertification activities prior to the opening of the decertification window period.

General Expectations

Under state law, employees have the right to join or assist a labor organization, as well as the right to engage in activities to decertify the current labor organization as their representative.

Additionally, the agency has the right to continue and maintain its business operations without disruption caused by the employee activities.

Expectation of Neutrality

Decertification elections are an exercise of employee rights covered under RCW 41.80. **As representatives of the agency, managers and supervisors must be very careful about their actions or comments to employees.** Unless otherwise directed, managers and supervisors will not engage in discussions with subordinate employees regarding decertification issues or related “union” subjects.

NOTE:

However, represented supervisors have the right to discuss decertification issues or related “union” subjects with other represented supervisors.

Best Practices for Managers and Supervisors

While each situation is unique, please keep the following guidelines in mind when dealing with any labor relation issues:

- Never imply or promise any gain or loss of any benefit to an employee due to support, non-support or opposition to a union.
- Do not discuss the subject of union representation with subordinate employees or attend meetings with those employees where union representation is the topic.
- Do not tell or respond to jokes related to the subject of union representation.
- If represented subordinate employees have questions about the union, direct them to contact their union representative or the Public Employment Relations Commission (PERC) at 360-570-7300.

NOTE:

Represented supervisory employees have the right to discuss decertification issues or related “union” subjects with other represented supervisory employees.

Warning Any perceived “promise of benefit” or “threat of reprisal” by managers or supervisors regarding the benefit of having or not having a union may be construed as an unfair labor practice.

Placement of Documents in the Workplace **(Insert name of agency/college and policy number(s) here)**, address the use of public resources and do not allow for e-mail communications or the posting of either pro or anti-union literature in the workplace. However, bulletin board space and distribution of material is provided for in the Collective Bargaining Agreement (CBA) and may only be used by **(insert name of union(s) here)**.

To the extent that the agency allows other publications and communications, like the FTE newspaper, in lunch and break rooms or other public reception areas, campaign literature must also be allowed in those locations. While management retains the right to make sure that such locations are neat, orderly and appropriate to the workplace, the agency does not have the obligation to “police” any literature.

Discussions in the Workplace To the extent that non-work discussions are allowed in the workplace, such as discussions about school, family, vacations, cars, homes, etc, we must allow “union or non-union discussions” also. However, discussions that are disruptive in the workplace and/or interfere with carrying out work of the agency are not appropriate regardless of subject and should be dealt with accordingly.

Questions If you have any questions regarding a specific situation, please feel free to contact **(insert name & email/phone of agency/college contact person)**.
