

Original Paper

Mitigating Interest in Union Organizing: Employee Relations

Plan Case Study

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Abstract

This discussion examined a case study regarding whether resident assistants were university employees who had the right to unionize under federal and state law. Factors contributing to employee interest in unionization were addressed. The university's strategy to win certification election as well as the union's strategy to win was evaluated. Finally, a plan for employee relations was developed to mitigate interest in organizing unions by university Resident Assistants (RAs) and their mentors known as CDAs on other campuses and institutions.

Keywords

collective bargaining, unions, unionization, university, higher education, human resources, management, training, employee relations, strategies, solutions, employee challenges, labor relations, leadership

1. Introduction

Recognizing and addressing conflicts before bargaining are necessary skills institutional administrators, leaders, human resource professionals, and managers should be aware of to minimize challenges and mitigate solutions (Allison & Blitz, 2018; Blitz, 2013; Bowling, 2016; Cross, 2015; Eagen, 2016; Miscimarra, 2014; Noggle, 2010). Topics discussed include the following: (1) RAs and CDAs; (2) factors contributing to employee interest in unionization; (3) are resident assistants employees with right to unionize? (4) university's strategy to win certification election; (5) union's strategy to win; and (6) employee relations plan.

2. Method

2.1 RAs and CDAs

The discussion will highlight collective bargaining and unionization challenges raised by RAs and CDAs employed by the university (McHugh, 2011). In addition to their employment status, RAs and CDAs are also students who must be in good standing to remain classified as student-employees. Resident Assistants (RAs) are undergraduate students, employed by the university, living in a residence hall for a minimum of two semesters (McHugh, 2011). RAs can advance to CDAs after two semesters in good standing with various other requirements. CDAs are mentors to RAs and work with programming activities and various other campus-related resources and problems (McHugh, 2011). CDA work-related requirements and compensation are equivalent to those of RAs.

3. Analysis

3.1 Factors Contributing to Employee Interest in Unionization

RAs felt the disciplinary grievance procedures and process was unfair and inconsistent. In addition, they believed code-of-conduct violations, warnings, and terminations were arbitrary rather than consistently and fairly applied (McHugh, 2011). Furthermore, RAs felt they did not have judicial due process for grievances and terminations (Lloyd & Parish, 2013; Lotito, Parry, & McDonald, 2017). RAs felt they did not have the same judicial processes as other student residents and if an RA breaks rules, they are terminated without due process and lose dormitory housing. A grievance proposal was developed by a subcommittee and later rejected by Residence Life representatives affirming that RAs are held to higher standards from those in place for student residents (McHugh, 2011). RAs felt they were being objectified, treated as throw-away employees, and were not receiving respect and dignity on a demanding job (McHugh, 2011). RAs believed a union agreement would get them respect (Lloyd & Parish, 2013). Moreover, RAs felt the pay was low, and with student housing deductions, they were underpaid and overworked. RAs clearly felt taken-advantage of and a high degree of angst, job dissatisfaction, underpaid, devalued, disrespected, and voiceless.

3.2 Are Resident Assistants Employees with Right to Unionize?

Are resident assistants, in this case study, employees of the institution with the right to unionize under federal and state law? According to The Massachusetts Labor Relations Commission (MLRC), the answer was yes. A collective bargaining agreement was ratified December 11, 2003 and included wage increases for each year of a two-year contract with retroactive pay back to September, 2003 (Sample, 2015). The MLRC's decision was to grant collective bargaining rights within the same unit to RAs and CDAs. Furthermore, the MLRC's decision included RAs and CDAs from other University of Massachusetts campuses in the same collective bargaining unit since the employment terms and conditions were similar with distinctive shared community interest (McHugh, 2011).

3.3 University's Strategy to Win Certification Election

The Associate Provost of the university made an official public statement that the institution believed the MLRC's decision leading to certification of a bargaining unit representing RAs was made in error (McHugh, 2011). The university stated the MLRC misapplied the state statute regarding union formation and declined to enter into any negotiations regarding the matter. The institution argued that RAs were mainly undergraduate students rather than employees. Further stating, labor undergraduate students are not covered by labor laws. The institution desired to advance its opposition in the matter to state courts in Massachusetts, awaiting a resolution there, rather than bargain with the union.

The institution stated that collective bargaining challenges raised by RAs and CDAs would create conflicts between their statuses as students and employees. In addition, this would cause problems regarding disciplinary actions or measures for each status category. University representatives issued a statement they would seek judicial review regarding the MLRC's finding that undergraduate students, selected to be resident assistants by the university, are qualified to unionize (McHugh, 2011). Institutional representatives published statements throughout the ordeal to inform the public regarding intentions, legal matters, and internal discussions or decisions pertinent to the on-going situation.

3.4 Union's Strategy to Win

Upon the institution's public statement, RAs, and their representatives, took their message to the public for sympathy and support claiming the institution had insidious motives. RAs and their representatives received widespread media attention as planned. Charges of international human rights violations were lodged against the university by commiserating, co-conspiratorial media outlets and subversive agents (Bodah, 2018; Sepler & Burke-O' Flynn, 2015; Reichman, 2018; Sheffield, 2018). Furthermore, challenges to the university's logo, brand, services, product, and reputation were lodged to damage the institution in the public thereby forcing a damage control, strong-arm technique to bring administrators coercively to the bargaining table (Bodah, 2018; Sepler & Burke-O' Flynn, 2015; Reichman, 2018; Sheffield, 2018). The United Auto Workers (UAW) filed unfair labor practice charges with the MLRC (Donovan, 2016; Wachter, 2014).

Co-conspirators with RAs and union supporters, began publicly harassing administrators, on campus and at their private homes, using various nefarious, subversive public activities to gain sympathy by using embarrassing, shaming, and ridiculing tactics (Bodah, 2018; Sepler & Burke-O' Flynn, 2015; Reichman, 2018; Sheffield, 2018). In addition, RAs and supporters, charged, bullied, intimidated, and harassed campus administrators' offices claiming institution representatives were breaking the law by not coming to the bargaining table (McHugh, 2011). Protestors were arrested for resisting arrest, disorderly conduct, crossing the picket line, trespassing, and linking arms and blocking a bus (McHugh, 2011). RAs, with union agents and co-conspirators, employed common subversive bullying, intimidation, and harassment tactics to force and demand university representatives to negotiate terms. In addition, these tactics are commonly used to antagonize opponents while agitating public opinion for support (Bodah, 2018; Sepler & Burke-O' Flynn, 2015; Reichman, 2018; Sheffield, 2018).

4. Result

4.1 Employee Relations Plan

Unfortunately, it is difficult for employers to protect their interests and reputation and protect their employees from possible union attacks because union bullying, harassment, and intimidation strategies have been so effective in USA (Sample, 2015). In addition, union conspirators, agitators, and antagonists have had a long history of inverting the notion of “fighting for worker rights” or “civil rights” with bullying and intimidation techniques whereby convincing the public and workers that their form of bringing parties to the negotiation table is a “civil right” rather than blatant harassment (Bodah, 2018; Sepler & Burke-O’ Flynn, 2015; Reichman, 2018; Sheffield, 2018). If employers would use the same common subversive, antagonistic tactics that unions employ, employers would be charged with harassment. Yet, unions can use these bullying and defamation tactics to damage employer’s reputation in the public and this is not viewed as subversive in USA courts. Union subversion and bullying tactics is a one-way street and work chiefly to the advantage of unions and supported in the USA legal system. Developing effective employee relations plans can help mitigate some challenges to employer’s interests, reputation, brand, and employee welfare from nefarious union attacks (Lloyd & Parish, 2013; Lotito, Parry, & McDonald, 2017).

The following ideas can be implemented to help minimize attacks from union agitation and subversion tactics: (1) effective, knowledgeable human resources, leadership, and management teams; (2) on-going, comprehensive training programs for leadership and management teams; (3) on-going, comprehensive training programs for employees; (4) open-door and supporting communications policy between leadership and employees; (5) easy-to-understand, responsive company policies; (6) supportive health and well-being employee programs, services, and training; (7) enrichment programs and services; (8) fair and consistent grievance procedures and policy; (9) fair and consistent due process procedures and policy; (10) participatory, servant, transformational leadership models; (11) opportunities for advancement, growth, and income generation with clear, visible, procedural channels; (12) find ways to make employees feel appreciated, valued, recognized, praised, heard, empowered, and important to the goals of the organization; (13) be open to employee suggestions for improvement in established policies; and (14) be open to employee suggestions for new policy creation ideas.

5. Discussion

It is legal for employers to explain unions to employees regarding opinions, experiences, and facts about unions (Lloyd & Parish, 2013). The following ideas can be expressed to employees by employers in a legal and effective manner:

- Employers are able to legally explain that unions will not guarantee improved income.
- Employers are able to legally express that since unions are the sole agent of employees, concerns related to simple shifts in scheduling, are presented and negotiated by the union. Employees lose direct negotiating power and autonomy when dealing with management in a face-to-face manner.

- Employers are able to legally explain that unions are expensive. As an example, union dues can be quite high and are charged consistently and compulsorily regardless of whether employees have grievances. This can be an on-going monthly and annual drain of income to the employee and his or her family. Gaining small increases in income only to pay high union monthly fees benefits unions with a new income source and another payroll deduction for employees.
- Employers are able to legally express what their experiences with unions have been. For example, employers are able to demonstrate to employees what negative effects occurred when other organizations unionized and income decreased rather than increased (Graves & Kapla, 2018; Lavin, 2018; Lotito, Parry, & McDonald, 2017; Sample, 2015).

Employers can effectively work toward the health and well-being of employees in a variety of methods to minimize attacks from union agitators. The key is to desire the happiness, satisfaction, safety, and success of one's employees with policies that reflect that desire. In addition, balancing the interests of all involved stakeholders while efficaciously serving the organization's clients should be evident in policy development as well.

This discussion examined a case study regarding whether resident assistants were university employees who had the right to unionize under federal and state law. Factors contributing to employee interest in unionization were addressed. The university's strategy to win certification election as well as the union's strategy to win was evaluated. Finally, a plan for employee relations was developed to mitigate interest in organizing unions by RAs and CDAs on other campuses and institutions. Topics included (1) RAs and CDAs; (2) factors contributing to employee interest in unionization; (3) are resident assistants employees with right to unionize? (4) university's strategy to win certification election; (5) union's strategy to win; and (6) employee relations plan. When mitigating collective bargaining challenges, union members involved should have characteristics and attributes conducive to negotiating such as competency in advancing the interests of the bargaining unit above his or her own, ability to invest time, a proficiency in skill contributing to negotiations in a variety of ways, patience, and time (Graves & Kapla, 2018; Lavin, 2018; Lloyd & Parish, 2013; Noggle, 2010).

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