

June 18, 2018

Additional appeal filed on NLRB Regional Director's May 29 decision

As Provost Susan R. Wentz shared [May 29](#), the university has been evaluating the impact of the National Labor Relations Board Regional Director's decision on challenged ballots. The Regional Director found that **non-tenure track faculty administrators** in the College of Arts and Science can be part of a bargaining unit represented by the Service Employees International Union Local 205. He also found that none of the challenged voters exercise supervisory authority under the National Labor Relations Act. **On June 12, the university exercised its right to file a request for review of the decision on challenges to the NLRB in Washington, D.C.**

Throughout this process, the university's position has been that non-tenure track faculty holding administrative positions participate in the administration and management of the university and its colleges and departments, and it would not be appropriate for administrators to be represented by a labor union.

We are also troubled that the Regional Director's decision on challenged ballots resulted in the disenfranchisement of many faculty members during the 2017 union election. Over one year after the faculty cast ballots, the Regional Director redefined the scope of the bargaining unit, finding that faculty administrators who were expressly excluded from the unit, and not included on the voter list, are now part of the unit and will be represented by the union if it is certified. It is true that a handful of administrators did independently request a ballot directly from the NLRB. However, many did not and, thus had no opportunity to vote on this important issue.

In addition, many faculty who did vote cast their ballots with incorrect information. They assumed administrators would not be part of the unit; yet, after the election, the NLRB Regional Director decision made them part of the unit. Such information could have led many to vote differently. The Regional Director did not order a new election with a corrected voter list. Regrettably, these problems directly undermined the fairness of the union election,

It is for these reasons that the university has decided to file an appeal. The SEIU has an opportunity to file a response to the university's requests for review by June 26, 2018. Afterwards, the NLRB will decide whether to accept review of the university's appeals. Additional updates will be provided as soon as they become available.