

My Union Doesn't Represent Me!

What
Are My
Choices?



Does Your Union Deliver on Its Promises?

Many of Michigan's public employees belong to a labor union that acts as their exclusive representative at the bargaining table. All union members can appreciate the services of an effective labor organization. But few members know how to rid themselves of an under-performing, abusive, or unresponsive union. If you feel trapped in a substandard union, this brochure is for you.

The complexities of labor law only contribute to employees' misconception that a union, once elected by workers, can never be removed. This publication is designed to give straightforward answers to the most common questions from employees who want to remove, or "decertify," their union and pursue other means of representation at the bargaining table. Please contact one of the organizations listed at the end of this brochure for additional information.

If I am unhappy with the way my union is representing me, is there a way to change unions or remove the union completely?

Yes. Employees can petition for a secret-ballot vote to decide whether to change or remove their union for any reason. The Michigan Employment Relations Commission (MERC) is the state agency that handles secret-ballot elections to determine whether public employees want to "certify," or approve, a union as their exclusive representative or to remove the union that currently represents them. An employee election to determine whether an incumbent union will continue to represent employees is commonly referred to as a "decertification" election.

How do I call for an employee vote on whether to change or remove the union?

Employees wishing to vote to change or decertify their union must file with MERC a petition signed by at least 30 percent of the bargaining unit members. The petition is called a “decertification petition.” The petition form is available from MERC, or see the sample petition at the end of this brochure. The bargaining unit members’ signatures attest to the fact that they no longer wish to be represented by their current union. These signatures are kept confidential by MERC and are not divulged to anyone. The petition is enough to demonstrate the employees’ desire for a vote, but a simple majority of those voting by secret ballot is required to formally decertify the incumbent union.

When can the vote to change or remove the union be held?

An election cannot be held while a valid collective bargaining agreement is in force. However, a collective bargaining agreement cannot bar an election where more than three years have elapsed since the agreement went into effect or was last renewed, whichever is later. A decertification petition can be filed when an agreement has expired or between the 60-90 days prior to the conclusion of the third year of an existing agreement. Employees can file a petition even if the employer and the union are in the process of bargaining a new agreement or have agreed to an interim contract.

How can I vote to be represented by a different union or form an independent union that is not affiliated with any state or national union?

Employees can vote to authorize a new union during a decertification election (competing unions

may appear on the ballot with a 10 percent showing of employee support), or as a result of a certification petition filed at least one year after an incumbent union is decertified. In either case, it takes a simple majority of those voting in secret to certify a new representative. A certification petition must also have a showing of interest for an election evidenced by at least 30 percent of the employees demonstrating that they wish to be represented by the alternative organization. All that is required is the signature of employees, who must be current members of the bargaining unit, and the date of signing.

If my co-workers and I file for a decertification election, can our current union or our employer punish us?

No. The Public Employment Relations Act (PERA) prevents either the union or the employer from engaging in conduct which restrains or coerces employees in their efforts to have a secret-ballot vote, which is a legally protected employee activity. Such conduct is viewed by MERC as an unfair labor practice and can be legally stopped and employees compensated for any economic injury they suffer as a direct consequence of the employer or union's unfair labor practices.

If my employer or union unlawfully interferes with our vote to change or remove the union, what can we employees do about it?

MERC requires any employee election to be free from any threats, promises of benefit for voting one way or another, or other undue interference which prevents employees from voting according to their best interests. These requirements are known as "laboratory conditions." Any election which does not meet these high standards will be set aside and a new election conducted to determine the voters' true choices.

Could I or a co-worker or a group of us represent all of our fellow employees in employment matters with our employer?

Yes, so long as there is no union currently certified as exclusive representative. In essence, this would be the formation of a “local only” union with local employees in full control of collective bargaining activities. A union or “labor organization” is broadly defined and can encompass an organization of local employees as long as they stand ready to deal with the employer to bargain wages, hours, or terms of employment on behalf of all of their fellow employees.

Can you tell me more about “local only” unions?

“Local only” unions are local employee groups who form their own unions, but do not affiliate with state or national union representatives. The Frankenmuth Professional Teachers’ Organization in Frankenmuth, Michigan, is one example of a “local only” union. A “local only” union represents a specific employee group without having to satisfy broader state and national union interests or being controlled by union officials who are removed from local needs and employment conditions.

Because they are not sending dues to state and national affiliates, “local only” unions are able to provide identical services, including legal and liability protections, to members at lower dues rates. Typically, the dues of a “local only” union are less than one-third of the dues of unions affiliated with state and national organizations.

Where can my co-workers and I get legal help in securing an employee election?

Employees interested in organizing a vote to change or remove their workplace union should

retain a skilled employment lawyer through the referral service of the Michigan State Bar Association. Other assistance is available through labor experts at the Mackinac Center for Public Policy by calling (517) 631-0900.

*What if I don't want to be a part of any union?
Are there alternative professional organizations?*

Yes. There are non-union professional educator organizations for teachers who want such services and benefits as optional liability insurance coverage, professional development, regular education newsletters, and resource opportunities. These organizations are not involved with political activity, but rather focus on issues directly relevant to the classroom. Teachers can call one of the associations listed below for free information.

Association of American Educators

Gary Beckner, President
26012 Marguerite Parkway
Mission Viejo, CA 92692
(800) 704-7799 or (714) 595-7999

Christian Educators Association International

Forrest Turpen, President
Suite 333, P.O. Box 50025
Pasadena, CA 91115
(818) 798-1124

Public Service Research Foundation

320-D Maple Avenue East
Vienna, VA 22180
(703) 242-3575

Education Policy Institute

PMB #294
4401-A Connecticut Ave., NW
Washington, D.C. 20008-2322
(202) 244-7535

Michigan Employment Relations Commission

State of Michigan
Plaza Building, 14th Floor
1200 Sixth Avenue
Detroit, MI 48226
(313) 256-3540

Sample Petition for Union Decertification Election

We, the undersigned employees of [the Employer], currently members of a collective bargaining unit represented by the [the Union], either no longer desire to be exclusively represented by the Union or wish to have a secret ballot election under the Public Employment Relations Act to determine whether the Union will continue to represent us for the purposes of collective bargaining with our Employer.

Employee	Date of Signature	Job Classification	Date of Hire	Signature
1.				
2.				
3.				
4.				
5.				
6.				
7.				
8.				
9.				
10.				
11.				



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