

United Staff of Columbia College Position Statement

The United Staff of Columbia College (US of CC) will not appeal the National Labor Relations Board (NLRB) decision on the union representation election for Columbia College staff employees held on October 14, 2004. We strongly urge Columbia College to follow our lead and allow the ballots to be counted as ordered by the Labor Board.

US of CC has bent over backwards to make this representation initiative fair and allow it to proceed smoothly.

Going into this election, the most contentious issue to be resolved was the question of voter eligibility. In order to reach a settlement with the College and avoid lengthy litigation, we agreed to exclude many employees the College considered managerial, supervisory or confidential. We also agreed to exclude more than 50 other administrative employees as well as all employees in the following departments: Legal, Payroll, Human Resources, Institutional Advancement, Accounting and Informational Technology.

We signed off on an election agreement believing we had narrowed our differences with the College to a handful of disputed employee positions that would not likely affect the outcome of the election. However, the College had a much broader view of exclusions that they did not share with us at these meetings.

When we received from the College a list of voters (Excelsior List), many employees we considered eligible were not included. Our lawyer tried several times to discuss this matter with the College's legal counsel prior to the October 14th election but never received a response.

In rendering its decision on the question of eligibility, the National Labor Relations Board stated that "...at least 69 eligible employees were omitted from the Excelsior List submitted to the Regional Director [of the Labor Board] on September 29, 2004."

This situation resulted in a large number of employees voting under challenge because their names were left off the eligibility list. When the votes were counted, 158 ballots were cast for no representation and 138 for US of CC. There were 60 uncounted (challenged) ballots that could affect the outcome of the election. This fact left the results in limbo.

For three weeks in December, US of CC and the College presented evidence and called witnesses to testify before the Labor Board arguing their respective positions on the challenged ballots. In its 36 page decision released this week, NLRB made it clear that the College had a **very weak case**.

- In describing the case put on by the College, **the NLRB repeatedly uses phrases such as “no evidence”, “no documentation was provided”, “failed to meet its burden”, “vague and often speculative testimony”, “no examples were given”, and “inaccurate.”**
- The NLRB stated that: “It is apparent that when the College refers to individuals generically as supervisors, their perception and understanding of the supervisor is significantly less stringent than the definition of supervisor as defined in Section 2(11) of the Act.” **The decision states that 42 of the 60 challenged ballots should be counted.**
- The Labor Board Hearing Officer concluded, **“Should the Petitioner [US of CC] fail to receive a majority of the valid votes counted, I recommend that the first election be set aside and a second election ordered.”**

Federal law gives the College 14 days to appeal the decision. An appeal could only be construed as an attempt to delay a resolution and to frustrate the employees.

We believe that it is in the interest of the College, its faculty, students and staff to settle this matter in a timely manner. An appeal could easily take more than a year and is fiscally irresponsible and legally pointless. The Administration has already indicated its intention to appeal this decision. We urge the College to rethink its position and consider what is best for the college community.

We agree **THE BALLOTS SHOULD BE COUNTED.** We have a steep hill to climb; we have to overcome a 20 vote margin with only 42 votes to be counted. If the College agrees to forego an appeal, US of CC will abide by the vote count no matter what the outcome and will not exercise our right to rerun the election as prescribed in the NLRB decision.