



## Unionization FAQ

### What NAVTA Members Should Know

It is uncommon for employees of veterinary clinics to unionize. As a result, veterinary technicians may not know how unions seek to organize employees. They may also not understand what unionizing may mean for them. The NAVTA respects the right of its members who are employees to self-organize, to form, join, or assist labor organizations, and to bargain collectively through representatives of their own choosing. We also respect their right to refrain from any such activity.

To help technicians understand their rights and make informed decisions if a union seeks to organize them, we've provided the following frequently asked questions and answers.



**Q:** How do unions organize?

**A:** This varies, but unions generally organize by encouraging enough employees that they need better wages, better benefits, or better working conditions. They then get employees to sign union authorization cards.

**Q:** What is a union authorization card?

**A:** Like unions themselves, authorization cards differ, so it's important to read them carefully to be clear on what's being agreed upon. Some cards are designed to gather enough participants to petition with the National Labor Relations Board (NLRB) for a secret ballot election. The purpose of a secret ballot election is for employees to vote on whether they want to be represented by the union or not. On the other hand, some cards aren't seeking an election at all, but rather authorize the union to be the employees' collective bargaining representative after enough signatures.

Some cards do both. They are dual-purpose cards that authorize the union to petition for a secret ballot election and, also, authorize the union to be the employees' collective bargaining representative after enough signatures are gathered. Signing an authorization card can create a legal obligation between an employee and the union that is good for one year.

**Q:** If an authorization card says the employee authorizes the union to be the employees' collective bargaining representative, will the employees still vote in a NLRB election?

**A:** Not necessarily. If a union is able to get more than 50% of an appropriate bargaining unit to sign an authorization card, it may try to get an employer to recognize it without petitioning for an election. However, unions can file a petition for an election

with the NLRB if 30% of employees share enough interest in wages and other employment conditions to be deemed an "appropriate bargaining unit." But most unions don't file for an election unless they get more than half of the employees in an appropriate bargaining unit to sign authorization cards, because they need more than 50% support in an NLRB election to win.

**Q:** How can a union try to obtain employer recognition without an NLRB election?

**A:** One way is to try to get the employer to look at the signed authorization cards to show that the union represents a majority of the employees; therefore, if union representatives say that these cards are confidential, that is not always true. If the employers choose not to look at the cards, the union would likely file for an NLRB election.

**Q:** If an employee has signed a union authorization card, does the employee have to vote for the union if there is an NLRB election?

**A:** No. Regardless of whether or not the employee signed the authorization card, he or she is free by law to vote for or against the union in the election.

**Q:** What happens when a union wins an NLRB election, or an employer voluntarily recognizes a union?

**A:** The union earns the right to request an employer to make changes. However, the union cannot require anything of the employer. The National Labor Relations Act states that the obligation to bargain "does not compel either party to agree to a proposal or require the making of a concession." No collective bargaining agreement can be reached until the employer and employees agree to all of the terms. With this being said, the union may encourage a strike when changes do not occur.



**Q:** If a veterinary practice unionizes, do employees automatically get raises and better benefits?

**A:** No. All that is required with a union is that the employer negotiate with the union in good faith. In negotiations, employees could get more, but they could also get less than they had before negotiations. As stated by the NLRB, "Collective bargaining is potentially hazardous for employees, and as a result of such negotiations, employees could possibly wind up with less benefits after unionization than before."

**Q:** How could employees end up with less as a result of negotiations?

**A:** Employers have the right to make changes, just as unions have the right to request them. Employers may also decide to make a final proposal if negotiations wind up at an impasse. Unions may also give up something that employees want or already have for something the union wants. One example of this is called union security.

**Q:** What is union security?

**A:** Union security refers to a provision in a collective bargaining agreement that requires employees to pay the equivalent of the union's initiation fee and periodic dues or an "agency fee" determined by the union in order to keep their jobs. Union security is lawful in all states except those that are the so-called "right to work" states, which have laws making union security illegal.

**Q:** Is this the same as union dues?

**A:** Possibly. Union dues are a regular payment of money made by members (employees). Dues are the cost of membership; they are used to fund the activities the union is involved in (negotiation). Nearly all unions require members to pay dues.

Dues are set by membership vote and are generally a percentage of pay.

**Q:** Can there be changes in wages and benefits while negotiations are ongoing?

**A:** Generally, no. Employers make any agreed upon changes after negotiations are complete.

**Q:** How long can negotiations last?

**A:** It depends on the specific negotiations. There have been situations where employers and unions have negotiated for 2 years or more. Work may continue during these negotiations.

**Q:** What if an employer does not agree to the union's proposals?

**A:** The union can continue to negotiate. Another option is to go on strike.

**Q:** How long can a strike last?

**A:** This varies. It could last a day, weeks, or, in some cases, even years.

**Q:** Does an employee's pay from the employer continue during a strike?

**A:** No. An employee's pay stops the moment the employee goes on strike. Also, an employer has the right to stop paying for striking employees' group health insurance. In that case, the employees would have to pay the entire cost while on strike to keep their insurance in force.

**Q:** Can a striking employee collect state unemployment benefits?

**A:** It depends on the state. However, most states do not allow strikers to collect unemployment benefits during a strike.



**Q:** Can an employer continue to operate the veterinary practice during a strike?

**A:** A veterinary practice may continue operating its business during a strike with non-striking team members. A practice can also hire new employees to permanently replace employees who strike for a union contract ("economic strikers"). If an economic striker is permanently replaced during a strike, the employer's only obligation to that striker is to offer him/her a job that becomes open and for which he/she qualifies after the striker or the union makes an unconditional offer to return to work.

**Q:** If a union goes on a strike, can an employee who is a union member choose to continue to work during the strike?

**A:** The employee can work but may be subject to fines by the union for crossing their picket lines.

**Q:** If a union wins a NLRB election and the employees decide they don't like it, can they get rid of the union automatically?

**A:** No. The law requires that if a union wins an NLRB election, the employer must recognize and bargain with it for 1 year after the NLRB certifies the

union as the employees' bargaining representative. Further, the NLRB has a 3-year "contract bar" rule. Under that rule, if a union and an employer negotiated a collective bargaining agreement for a term of 3 or more years at the end of the 1-year period, the employees could not vote the union out for 4 years.

**Q:** Who can join the union?

**A:** Any member of the veterinary team that is not in a management or supervisory role.

**Q:** Would a union be right for me?

**A:** It depends. Some unions are able to successfully negotiate for their members (better wages, benefits and working conditions). The other side of this is the potential cost of membership dues, the possibility of supporting a strike which could impact patient care. Once these are balanced, it is an individual decision only you can make.



**NAVTA**

National Association of Veterinary Technicians in America

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