

Frequently Asked Questions Collective Bargaining

1. How do I know if I am considered “in-unit” or “out-of-unit”?

Response: The determination is made based on your position. If your position is one that is covered under the certification granted by PERC (Public Employees Relations Commission), you are in-unit and covered by the collective bargaining agreement applicable to your position.

2. What if I never joined the Union? Am I still covered?

Response: If your position is one that is covered under the certification granted by PERC (Public Employees Relations Commission), you are in-unit, whether or not you have joined and whether or not you are a dues paying member. The respective unions have been recognized as the exclusive representative for the employees that they represent.

3. What is the ratification process?

Response: First, the bargaining teams for both sides reach a tentative agreement. Then, the Union takes the tentative agreement back to their membership for a vote. If the Union members vote in favor of the tentative agreement, then it is taken before the USF Board of Trustees (BOT) for a final vote. If the BOT ratifies the tentative agreement, then the contract is finalized and implemented.

4. What if the parties do not reach an agreement?

Response: If, after a reasonable period of negotiation concerning the terms and conditions of employment to be incorporated in a collective bargaining agreement, a dispute exists between a public employer and a bargaining agent, an impasse shall be deemed to have occurred when one of the parties so declares in writing to the other party and to the Commission (PERC).

5. What happens when an impasse is declared?

Response: A PERC coordinator will provide a panel of Special Magistrates for the parties to jointly select from or select by striking names. In addition, the parties may jointly decide to bypass the Special Magistrate process and pursue resolution directly with the Legislative Body (USF’s Board of Trustees).

6. What happens if the Special Magistrate process is pursued?

Response: The Special Magistrate will conduct a hearing. Both sides will have an opportunity to present their case.

7. What happens after the hearing?

Response: The Special Magistrate issues a recommended decision. If neither party rejects in writing to any recommendation, then the recommendations become binding. If, however, either party rejects the recommendation(s) of the Special Magistrate, the disputed issue proceeds to a public hearing before the Committee of the Legislative Body. In our case, the Legislative Body is the USF Board of Trustees. The decision of the Legislative Body is captured in a document along with the tentatively agreed upon items and submitted for ratification by each party, if both vote favorably, that document effectively serves as an agreement. If one or both sides reject it, the decision of the Legislative Body will be implemented and will remain in effect until the end of the first full fiscal year of negotiations. Any items that had been tentatively agreed upon by the parties become invalid until the end of the first fiscal year when the parties resume negotiations in an effort to reach an agreement.