

ADMINISTRATIVE MEMORANDUM

SUBJECT

UNIVERSITY POLICY ON PERSONNEL RELATIONS

NUMBER 11 (Revised)

DATE March 2, 1970

The University, as an agency of the State, must comply with existing statutory requirements, decisions of the courts, regulations of the State Personnel Department, and the regulations of the Board of Trustees. The following information is set forth as a statement of policies and practices which reflect the foregoing considerations and under which the University must operate with regard to labor union activities.

I. UNION MEMBERSHIP AND ORGANIZING ACTIVITY

A. It is the right of University employees to join labor unions of their choice. Under present North Carolina law, State employees are free to join labor unions. If they choose to join, they will not be penalized in any way. Specifically, their job rights as University employees will not be affected by their decision to join a labor union. The University will not discriminate against any employee because he chooses to join a union. If any officer or supervisor of the University threatens an employee or otherwise attempts to prevent him from joining a union, the matter should be reported promptly to the Chancellor's office.

B. It is the right of University employees not to join labor unions. No one shall be permitted to force employees to join labor unions. If a person threatens or intimidates an employee in order to make him join a union, that person may be guilty of a crime. All such matters should be reported promptly to the Chancellor's office. In addition, it is unlawful under North Carolina law for an employer to require, as a condition of employment eligibility, that a person be a union member; if a person chooses not to join a union, he cannot for that reason be denied employment or be discharged from employment.

C. The question of union membership is one which each employee should resolve independently, after evaluating carefully all of the pertinent facts. The University will participate actively in the effort to insure employee access to relevant information concerning union membership.

D. Union organizing activities must not interfere with the performance of assigned job responsibilities by University employees. It should be understood that neglect of duty or interference with employee job performance, for whatever reason, is not permitted and will be subject to normal disciplinary procedures.

II. EMPLOYEE PARTICIPATION IN THE FORMULATION AND ADMINISTRATION OF PERSONNEL POLICY

The University will always welcome constructive employee suggestions and complaints designed to improve personnel policies and practices. Procedures which will facilitate employee access to and prompt responses from appropriate University officials have been established, are being reviewed and will be improved, to the end that employees may confidently and freely make known their concerns. Such procedures shall be designed to permit orderly processing of (1) employee grievances concerning the interpretation and application of established personnel policies and (2) employee suggestions concerning the adoption or modification of personnel policies.

With respect to grievances, complaints or suggestions concerning personnel policy and practice over which the University exercises no direct control, the University will evaluate and forward promptly to appropriate State agencies those matters which appear to have merit.

With respect to grievances, complaints or suggestions concerning personnel policy and practice over which the University does exercise control, the University will consider promptly and resolve fairly all issues presented.

In processing their grievances, complaints or suggestions, through procedures prescribed by the University, any employee or group of employees may be represented by a person or organization of his choice. If an employee or group of employees should decide to designate a union representative in connection with use of these University procedures, the University will treat complaints and suggestions from a union-sponsored source in the same manner that it treats complaints and suggestions from any other employee source, since by law the University cannot extend recognition to any union as the exclusive representative of University employees. Therefore, any employee who chooses not to use a union as his spokesman will have equal access to University grievance and decision-making procedures.

III. LIMITATIONS ON UNION REPRESENTATION

The University, as an institution of the State of North Carolina, and all University employees, as employees of the State, are not subject to certain federal labor legislation which regulates relations between employers and employees in the private business context. However, the University and its

employees are subject to State laws which prescribe the permissible nature and extent of formal relations between public employers and their employees. All employees should understand that the rights and responsibilities attending union membership as a University employee are different from the rights and responsibilities attending union membership as an employee of private business.

A. The University, as a public employer, is prohibited by law from entering into any agreement with a labor union. For example, the University cannot enter into a collective bargaining contract concerning terms and conditions of employment; it cannot enter into any agreement which extends recognition to any labor union as exclusive bargaining agent for any University employees; it cannot enter into any agreement to participate in or acknowledge the results of any election or other procedure designed to determine whether University employees wish to be represented by a union; and it cannot agree to collect union dues or agree otherwise to assist any union in obtaining or maintaining representation rights.

B. The University is an institution required to comply with the uniform policies established by the State Personnel Department. The University exercises no control over many of the most important aspects of the non-academic employment relationship, such as wages, hours and fringe benefit programs. Therefore, the University is not free to respond independently to issues raised in these and many other areas of concern which, by law, are the primary responsibility of other agencies of State government.


