

Sinai's Email	What Sinai Leaves Out
<u>ANSWERS TO QUESTIONS CONCERNING RESEARCH ORGANIZING COMMITTEE</u> <u>AT MOUNT SINAI – UAW AND UNION COLLECTIVE BARGAINING</u> As you are aware, the Research Organizing Committee at Sinai – UAW (ROC-UAW) union has petitioned the National Labor Relations Board (NLRB) to conduct a secret ballot election on Wednesday and Thursday, April 9 and 10, for Icahn School of Medicine at Mount Sinai (“the School”). To help answer questions you and your colleagues may have about turning your workplace rights over to the ROC-UAW, we have researched and obtained answers to the most common questions we have received regarding the election and unionization process.	We agree with Dean Patel about the importance of every senior researcher colleague informing themselves about our historic NLRB election. To that end, we would like to provide some additional information that Sinai left out. Among other things, Sinai left out a basic description of the choices on the ballot. We can vote yes for ROCS-UAW as our union, which would mean for the first time ever the Sinai administration would be legally obligated to bargain with senior researchers over our pay, benefits and workplace rights, as more than 120,000 other UAW academic workers across the United States do with their institutions, including here at Sinai where postdocs won a historic first contract in 2023. Or we can vote no and retain the status quo where Sinai decides by itself if, when, and how to consider input from senior researchers and makes all final decisions on our workplace rights.
What does it mean for the ROC-UAW to be my exclusive bargaining representative? How does this affect me? If you are represented by a union, your wages, benefits, hours of work, and other terms and conditions of employment must be negotiated between the School and your union, and formally outlined in a labor contract. By law, the School is prohibited from bypassing a union and dealing directly with represented employees in connection with any terms and conditions of their employment. With other School bargaining units and in other academic institutions, the UAW has negotiated a requirement that all represented members pay union dues or an equivalent fee, regardless of their support for the union.	Sinai currently holds exclusive, unilateral control over our pay, benefits and workplace rights. Most employers would probably prefer to retain that power. Collective bargaining, on the other hand, is a process, protected by US law, that equalizes the power relationship between employees and their employer. The UAW currently represents more than 120,000 academic workers in collective bargaining at institutions across the US. Under collective bargaining, Mount Sinai senior researchers would elect representatives to negotiate on equal footing with the Sinai administration and put the terms of our employment into a legally binding contract. Through collective bargaining, <u>researchers and other academic workers in the UAW, including postdocs at Mount Sinai</u>, have successfully negotiated improved wages and benefits, <u>stronger protections against discrimination and harassment</u>, expanded family-friendly benefits like <u>paid leave</u> and <u>childcare subsidies or funds</u>, <u>retirement</u>, and other important provisions. Collective bargaining also allows for flexibility in areas we decide are appropriate. As an example, all UAW researcher contracts preserve the right of individual PIs and researchers to work out salary rates higher than the minimums negotiated in collective bargaining - see examples from <u>Mount Sinai (Art. 5)</u>, <u>Columbia University</u>

	(Art. 2), University of Washington (Art. 32), and University of California (Art. 4).
How are contracts negotiated? Representatives from the School and the union meet to negotiate the terms of an agreement. During these negotiations, both sides discuss contract-related issues and present proposals and counterproposals. Federal law requires that both sides engage in good-faith negotiations to try to resolve any differences and work to reach an agreement in a timely manner, but there is no legal requirement to reach an agreement, for the School to agree to all the union’s demands, or for the ROC-UAW to agree to all the School’s demands.	After our union is formed, we will elect bargaining committees made up of Mount Sinai Instructors and Scientists, who will use surveys and other feedback to develop initial bargaining goals to be voted on by each group of Sinai researchers. Our bargaining committees would then negotiate with groups chosen by the Sinai administration to represent them, typically a combination of administrators, legal counsel, and faculty, in pursuit of those goals. During our negotiations, we would develop a participatory campaign to support our bargaining committee in achieving improvements at the bargaining table. Once our committees reach tentative agreements they feel they can recommend, Instructors and Scientists would vote on each group’s respective agreements to decide whether to approve them as our first union contracts. It is true that there is no legal requirement that Sinai reach an agreement, but if they bargain in good faith, we are confident we will reach a fair agreement, like the more than 120,000 other UAW academic workers across the US who have already done so.
How long does it take to negotiate a labor contract? There is no way to predict this. Contract negotiations can last for several months, and first agreements in particular typically take longer; in some cases, like our most recent negotiations, it has taken 18 to 24 months. Again, there is no legal requirement that the parties come to an agreement or that the agreement include everything the union has promised to gain your vote. You should also be aware that in bargaining first agreements, both the union and School start from step 1—benefits that currently exist will not automatically be preserved in the collective bargaining agreement, but will have to be negotiated like all other matters.	Without a union, we have no ability to predict how long it will take for working conditions to improve because Sinai can decide unilaterally whether to make changes, what they will be, and whether to notify us beforehand. After we vote yes for our union, they will be legally obligated to bargain these decisions. The length of time necessary to negotiate a strong first contract has depended on the strength of the campaign and the willingness of the employer to bargain in good faith. At other major research institutions where researchers have formed unions, they have been able to negotiate significant improvements. Postdocs at Mount Sinai, Postdocs and Associate Researchers at Columbia University, Research Scientists at the University of Washington, and Academic Researchers at the University of California negotiated for 15 months, 16 months, 10 months, and 7 months, respectively. But it is also possible to negotiate much more quickly. For example, with a serious commitment to reach a fair agreement by the administration, 4,000 student employees at the University of Washington negotiated their first contract in just under two months. We hope Sinai would commit to an efficient process.

If I signed an authorization card, am I automatically a member of the union? No. The ROC-UAW may use your signature to pressure you to join, but you are not automatically required to join the union. If the ROC-UAW becomes your exclusive bargaining representative, the union can negotiate a contract requiring you to pay dues or fair share fees even if you do not become a member.	Signing an authorization card is not the same as membership. It means you support authorizing our union, Researchers Organizing Committee at Sinai-UAW (ROCS-UAW), to represent us in bargaining collectively with our employer. As Instructors and Scientists, we make up ROCS-UAW. For information on dues and fees, see our response to Sinai's question below <i>"How is the amount of union dues established, and who is responsible for paying this?"</i>
What's the difference between being a union "member" and just being "represented"? If the union becomes your exclusive bargaining representative because a majority of those who vote choose union representation, the union would obtain the sole authority to bargain with the School over all terms and conditions of employment for bargaining unit members. Becoming a member of the ROC-UAW (and the required payment of dues) is a separate process. The ROC-UAW may bargain away something you like to get the School to agree to make membership and the payment of union dues a condition of your continued employment. Only members get to vote on the contract and be involved in union politics, such as voting for union leaders and representatives.	Without collective bargaining, Sinai has exclusive unilateral control over all of our workplace rights. If a majority of voting researchers choose ROCS-UAW in our election, we would all have the right to participate in the democratic process of collective bargaining through ROCS-UAW. If Instructors and Scientists vote yes and our two bargaining units are certified, we encourage all senior researchers to participate in the collective bargaining process and the campaign to win a fair agreement that makes our lives better as postdocs. There is no formal membership or dues until we vote to ratify a first contract. During the process leading to a first contract, anyone can sign a ROCS-UAW card, at no cost, and participate in the process. And signing a ROCS authorization card does not bind anyone to be a union member later on. After ROCS-UAW has been recognized by Mount Sinai, we will start the process of negotiating union contracts with the administration - see our response to <i>How are contracts negotiated?</i> above for details or visit our website FAQ.
If I signed an authorization card, can I vote NO to the union in the secret ballot election? Absolutely. You can vote NO to the ROC-UAW no matter what you may have signed or said before the federally supervised secret ballot election. No one will know how you voted.	Whether you signed a card or did not sign a card before, every senior researcher has the right to vote yes or no in this election. ROCS-UAW encourages all senior researchers to vote and a big "yes" vote will help us to negotiate stronger improvements in collective bargaining.
If there is an election, is there a minimum percentage of eligible voters that must vote to decide the outcome?	This is how most elections work in the US. Just like a US presidential election, you cannot opt out by not

No. A simple majority (50 percent plus one vote) of the votes cast will decide the election for the whole group and bind all who are eligible to vote, regardless of whether they do. Voter indifference and apathy can result in a minority of the unit deciding the issue for the majority. This is why you should make sure to vote. For example, if there are 100 eligible voters, but only 50 of those people vote, then 26 “yes” votes would be sufficient to certify the union as the exclusive bargaining representative for all in the unit.

voting. ROCS-UAW encourages all senior researchers to vote.

In this context, a yes vote would make the union the “exclusive bargaining representative” of senior researchers in that bargaining unit (either Instructors or Scientists), meaning an obligation to represent all researchers equally regardless of how they voted. More importantly, **all senior researchers would receive the improvements under a contract once ratified**. So, any pay increases, improved health benefits and other rights and protections, as have been negotiated at other universities, would be available to all regardless of how they voted. It is important for a strong majority of senior researchers to vote yes, so we can have the power to win strong first contracts as we go into bargaining.

How is the amount of union dues established, and who is responsible for paying this?

The union determines the amount of dues and fees and would be able to inform you about their current dues structure. You will be responsible for your own dues—the School will not pay these. If the ROC-UAW has not provided you the exact amount of how much you would have to pay, you should make sure that you ask them this specific information before you vote.

This makes it seem as if dues could be forced on us without our consent, which is not the case. In fact, we only begin to pay dues once we have elected a bargaining committee, negotiated our first contract, and voted democratically to approve that contract. Dues are 1.44% of gross salary, and voting yes to the contract would mean we believe it is “worth” the investment of paying dues to sustain our representation and to enforce our rights under our contract moving forward. Dues provide critical resources to be able to represent ourselves long term, and this is even more important now when our future careers are increasingly unpredictable.

For examples of the kinds of effective representation and action made possible with membership dues, read [this great summary from UAW 4121 at University of Washington](#). For more details on union dues and a breakdown of where dues money goes, [check out our FAQ](#).

Will I have a say on what will be negotiated and the ultimate agreement?

Whether represented employees can express their views on contract matters depends on the internal procedures and decision-making process of that particular union and its officers.

Yes. In contrast to the current system, where Sinai decides if, when, and how to ask for or respond to input from senior researchers, voting “yes” means we would participate in every step of the fair and democratic process of collective bargaining. ROCS-UAW encourages maximum participation so that we have both a strong and democratic union. See the description of the process in the answer to the question *How are contracts negotiated?* above.

	Unions are democratic organizations. In April 2021, the unionized teaching and research assistants at Columbia (UAW Local 2710) voted not to ratify an agreement negotiated by their bargaining committee, made up of student workers, as their first contract and to continue bargaining. Subsequently, student workers developed an updated bargaining survey and actively reached out to colleagues to identify areas where improvement was needed. <u>A stronger and more expansive agreement</u> was reached and ratified by an overwhelming 97.6% in January 2022. The base wages for UC postdocs have <u>gone up an average of 45%</u> since they ratified their first contract in 2010 as a result of collective bargaining.
How can I express my opinion about whether or not I want to be represented by a union? You have options. You have every right to express your opinions to your colleagues. It is unlawful and inappropriate for anyone to be bullied into voting one way or the other. Supporting or not supporting the ROC-UAW is a right provided and protected by the federal government and, just like any voting decision in a democracy, we should respect differences of opinion. Remember, no one will know how you voted in the secret ballot election.	Our right to vote in a union election is protected by federal law. This secret ballot election will be run and supervised by the National Labor Relations Board (NLRB), which means that no one at Sinai, including your PI, or anyone from your department, will know how you voted. We agree completely that no one should be bullied or pressured into voting one way or another. But let's be clear: talking about unionization and organizing for it is how working people have always built power and made change. When we share information, answer questions, and talk with each other about why we support the union, we are exercising our democratic rights.
In the case of a strike, would my visa status be affected in any way? In the case of a compulsory strike, would my visa status be affected in any way? Under the current state of federal law, holders of certain visa classifications may be affected in the case of a union strike. Generally speaking, visa holders may participate in a strike. Employers are obligated to notify the Department of Labor of a strike; however, employers cannot submit new petitions to extend the visa status of those striking. Upon receiving notification of the strike the government can choose to deny any pending cases and can also choose to deny admission to those seeking to enter the US from overseas during a strike. Of course, the current state of federal law could change, which could add additional uncertainty.	It is not clear why Sinai sent both versions of this question to Instructors, but only the second version to Scientists. However, it's important to remember several things: in the UAW, a strike could only happen if we decide democratically to authorize a strike, with a $\frac{2}{3}$ majority vote; and participation in a strike, if one is called, is an individual decision. Strikes by researchers are also rare. More than 10,000 postdoctoral and professional researchers in the UAW (at <u>Columbia University</u>, <u>University of CA</u>, <u>University of WA</u>, University of Connecticut, UMass) have negotiated strong contracts with <u>significant improvements</u> without having to strike. If Sinai commits to bargain in good faith, we should also be able to reach a fair agreement without striking. As these cases show, there are many ways to generate an effective contract campaign that wins improvements that do not involve calling an actual strike.

You can find more information about the effect of a strike on your visa status here:

[https://www.ecfr.gov/current/title-8/chapter-I/subchapter-B/part-214/section-214.2#p-214.2\(h\)\(17\)](https://www.ecfr.gov/current/title-8/chapter-I/subchapter-B/part-214/section-214.2#p-214.2(h)(17))

[https://www.ecfr.gov/current/title-20/chapter-V/part-655/subpart-H/section-655.733#p-655.733\(a\)](https://www.ecfr.gov/current/title-20/chapter-V/part-655/subpart-H/section-655.733#p-655.733(a))

Nevertheless, postdocs on visas are covered by the National Labor Relations Act (NLRA), which provides the right to strike. This right is clearly described in the reference provided by Sinai in their email. International academic workers – including on J1 visas – have participated in strikes going back to the 1990s without any reported repercussions to visa status. Researchers here at Mount Sinai, at the University of California, and at the University of Washington have participated in strikes. Most recently at Sinai, our postdoctoral colleagues went on strike for 12 days, winning a historic contract that raised standards across the country without negative repercussions to any researchers' visa status.

Sinai is correct that the current state of federal law could change. It is therefore even more important that we have a significantly bigger voice at the national level, alongside more than 120,000 other academic workers, to advocate for rights that protect international researchers, including our right to strike if we choose to do so.

Will our salaries be reduced to a flat uniform scale if the union is voted in?

As with your benefits, salary is a term and condition of employment that must be bargained between the union and the School. While we cannot predict the outcome, the nature of union bargaining necessarily tends towards a centralized decision-making process rather than one that accounts for the varying financial situations of individuals in their labs.

Currently, Sinai has a centralized decision-making process on minimum salaries that is totally unpredictable, because Sinai decides unilaterally if, when and by how much to increase it. By contrast, collective bargaining is a flexible process that would allow us to negotiate over those types of decisions, including salary rates, when and how any changes would be implemented, and any outside factors to consider.

No academic workers with the UAW have negotiated a contract that requires all covered employees to make the same amount. Because we as senior researchers will make our own decisions about our contract it is unlikely that we would decide to negotiate for or vote to approve a contract that requires all researchers to be paid the same.

Instead, UAW academic contracts have established minimum rights on different aspects of researcher working conditions, while preserving the ability of PIs and researchers to negotiate above those minimums. At Columbia University, for example, associate research scientists negotiated pay scales that guarantee minimum salaries but stipulate that the institution may

	pay more . The same type of provision is also in the Mount Sinai postdoc contract (Art. 5 Sec. 6) .
Will I lose my current health benefits or will these change? You will not lose health benefits, but the union will have the authority and the exclusive right to negotiate your wages, benefits, and working conditions and these will be subject to the bargaining process. We therefore cannot confirm with any certainty whether or how your current medical benefits may change.	Our Postdoctoral colleagues at Mount Sinai negotiated and won the highest minimum salaries for postdocs in the country in the first year of their contract, with increases to their previous minimum rates ranging from 23-26% upon ratification. Postdocs at the University of California bargained a contract that includes: 1) A minimum salary that exceeds the NIH base wage; 2) Guaranteed annual wage increases; 3) The right of PIs to pay above the scale; and 4) Strong enforcement provisions that enable us to grieve through the union if we don't receive contractual pay increases.
<u>If you have additional questions:</u> • Speak with your PI or Administrator • Contact the School's Employee and Labor Relations Office at (212) 241-4097 • For immigration-specific questions, contact International Personnel at hamel.vyas@mountsinai.org	In case you have further questions, feel free to check out answers to some of the most common questions and concerns we have heard from our co-workers at sinairesearchersunion.org/faq/. Or feel free to reach out to us at info@sinairesearchersunion.org.