

## UNION REPRESENTATION PETITIONS

### Frequently Asked Questions – For All

**1. What are the two primary types of union representation petitions?**

The two primary types of union representation petitions that have been filed at the University of California include an accretion petition (also known as unit modification) and a new unit petition (also known as petition for recognition and certification).

An accretion petition is a process initiated by a union to add non-represented job titles to an existing bargaining unit. A new unit petition is a process initiated by a union to seek certification of themselves as the exclusive representative of a new bargaining unit comprised usually of non-represented job titles.

**2. What is an accretion?**

An accretion is an effort to add certain unrepresented job titles to an existing bargaining unit if the group sought to be added amounts to less than 10% of the current overall bargaining unit. If the group sought to be added would increase the overall bargaining unit by less than 10%, the California Public Employment Relations Board (PERB) regulations permit the inclusion of the group without requiring the union to show proof of support (i.e., signed authorization cards, petitions, membership applications). [PERB Regulation 32781\(e\)\(1\)](#).

**3. How does an accretion occur?**

PERB notifies the University that a unit modification petition has been filed and specifies the job titles of the employee group(s) sought to be added to an existing bargaining unit. The University then has an opportunity to review the petition and determine whether the job titles sought to be included share a “community of interest” with the titles in the existing bargaining unit. If they do, the University will generally consent to the addition, and PERB will issue a unit modification order, including the new titles in the existing bargaining unit. If the University does not agree, PERB may hold a hearing on the issue of community of interest.

**4. How does a new unit petition occur?**

A new unit petition refers to the process where the union seeks to form a new bargaining unit for the purpose of being the exclusive representative to non-represented job titles that share a “community of interest.” The union must file a petition with PERB showing proof of at least 30% support by impacted employees for PERB to initiate the certification process. PERB notifies the University that a new unit petition has been filed and specifies the job titles that the union is seeking for exclusive representation. The University then has an opportunity to review the petition and determine whether the job titles sought to be included share a “community of interest” among the positions in the proposed bargaining unit. If the University determines there is a community of interest, an election will be conducted. If a

majority of employees voting support the union, the union becomes the exclusive bargaining representative for all employees in the unit.

**5. What is a community of interest?**

A community of interest identifies whether there are fundamental similarities between job titles in a unit such as common skills, working conditions, job duties, supervision, wages, or similar educational or training requirements. It is not a requirement that employees' work need to be identical.

**6. Are any positions excluded from an accretion or new unit petition?**

Pursuant to the [Higher Education Employer-Employee Relations Act \(HEERA\)](#), managerial, confidential, and - except under limited circumstances - supervisory employees are excluded from any bargaining unit.

A confidential employee is defined as an employee required to develop or present management positions for collective bargaining, and/or an employee whose duties normally require access to information which contributes significantly to the development of such management positions. In order to be excluded from a bargaining unit on the basis of confidential status, it is not enough that the employee might have access to sensitive information. To achieve confidential status as defined by HEERA, the employee must develop or present management positions for collective bargaining or have access to information contributing to the development of such management positions. See the [PERB checklist for confidential employee status here](#).

The HEERA definition of supervisor is:

"... any individual, regardless of the job description or title, having authority, in the interest of the employer to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other employees, or responsibility to direct them, or to adjust their grievances, or effectively to recommend such action, if, in connection with the foregoing, the exercise of such authority is not of a merely routine or clerical nature, but requires the use of independent judgment. With respect to faculty or academic employees, any department chair, head of a similar academic unit or program, or other employee who performs the foregoing duties primarily in the interest of and on behalf of the members of the academic department, unit or program, shall not be deemed a supervisory employee solely because of such duties; provided, that with respect to the University of California there shall be a rebuttable presumption that such an individual appointed by the employer to an indefinite term shall be deemed to be a supervisor."

Employees whose duties are substantially similar to those of their subordinates shall not be considered to be supervisory employees.

**7. What happens if a position is accreted or becomes exclusively represented under a new bargaining unit?**

Once PERB issues a unit modification order adding a title to an existing bargaining unit, or certifies a new bargaining unit after a new unit election, any non-supervisory, and non-confidential employees in that title become part of that bargaining unit. Upon accretion, wages, hours, terms, and conditions of employment become subject to bargaining with the relevant union. Employees can [review collective bargaining agreements here](#).

For newly certified bargaining units, employees will remain under the existing wages, hours, and working conditions until a CBA is negotiated.

**8. How does my employment change if I am accreted into a union or become exclusively represented under a new bargaining unit?**

For employees represented by a union, wages, hours, and terms and conditions of employment are collectively bargained through the union as the exclusive representative. The collective bargaining agreement is the final, legally binding contract that results from collective bargaining, and outlines the wages, hours, and terms and conditions of employment.

**9. What does it mean to be in status quo?**

Once PERB issues an accretion order, affected employees are immediately covered by the applicable collective bargaining agreement (CBA). However, certain items – such as wages, bonus incentive programs, contract appointments, or PTO – may remain in “status quo” until formal accretion bargaining occurs to integrate the positions into the unit.

For newly certified bargaining units, employees maintain “status quo” until a CBA is negotiated. This means that the employer cannot change wages, hours, or working conditions without notifying the union and providing an opportunity to bargain.

**10. Will an employee be notified if a position is accreted or become exclusively represented under a new bargaining unit?**

Yes, employees should receive a joint communication from the University and the relevant union regarding the accretion.

**11. To whom should employees direct questions about accretions, new unit petitions, union membership, and dues?**

Employees should direct any questions they might have on these topics to their local union representatives. Managers and supervisors should reach out to HR or Workforce Relations with any questions.