

Right to Work – Frequently Asked Questions

What is “Right to Work”?

This term refers to legislation that prohibits requiring employees to join (pay dues) or financially support a union (through service fees) in order to keep their job in a unionized workforce.

Which other states have Right to Work legislation?

In addition to Michigan, 23 other states have right to work laws: Alabama, Arizona, Arkansas, Florida, Georgia, Idaho, Indiana, Iowa, Kansas, Louisiana, Mississippi, Nebraska, Nevada, North Carolina, North Dakota, Oklahoma, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia and Wyoming.

What is the impact of Public Act 348 of 2012 and Public Act 349 of 2012 (formerly known as SB 116 and HB4003, respectively) on Michigan employees?

These amendments prohibit requiring Michigan employees to either join a union as full members or to join as “service fee” payers in order to be hired or to remain employed in a position that is part of a collective bargaining unit in a unionized workforce.

What is the difference between a “union member” and a “bargaining unit member”?

A bargaining unit member is an employee who, by virtue of their position title and/or job duties, is “covered” under a collective bargaining agreement. At CMU, we have three academic bargaining units (FA/MEA/NEA; UTF/AFT-Michigan, AFL/CIO; GSU/AFT-Michigan, AFL/CIO) and six staff bargaining units (AFSCME 1568; UAW 6888; NABET 412; STA/MEA; POAM; FOPLC).

A union member is a bargaining unit member who agrees to membership in the union as demonstrated by his/her signing a dues authorization card.

What are the costs involved in union membership?

The amount of union dues and the benefits of union membership can be provided by your union.

What generally are the four types of union shops?

Whether or not you are required to join a union for a particular job depends on the “shop” of your workplace.

The four types of shops in unionized workplaces are:

- Closed shop -- requires employees to be union members as a condition of being hired (e.g., a union “hiring hall”). These are no longer legal.
- Union shop -- requires employees to join a union within a certain period of time after starting work (generally 30 days).

- Agency shop -- employees are required to pay union dues (“Member”) or fees (“Fee payer”) and are not required to have an actual membership in the union. The union is still required to fairly and equally represent these bargaining unit members. If you are a service fee payer, your “fees” cover the cost of activities related to collective bargaining, contract administration and grievance administration, not fees resulting from political activity or organizing costs. Fee payers are not eligible to participate in union elections (including contract ratification votes) or to serve as an officer of the union.
- Open shop -- employees are not required to be a member of the union or pay dues/fees, but the union is still required to fairly and equally represent all employees in the bargaining unit. Only open shops are permitted in Michigan as a result of the new legislation.

What is a “union security clause”?

A union security clause is a provision in a collective bargaining agreement that requires bargaining unit employees to pay dues or service fees as a condition of employment. These clauses are now prohibited in Michigan.

When do these laws go into effect?

The laws go into effect March 27, 2013, but would not apply to individual employers and their bargaining units until a collective bargaining agreement expires, or is renewed, extended or revised by the parties.

For practical purposes, at CMU the collection of union dues/fees will remain status quo in each collective bargaining agreement until its current expiration date.

What does the law do?

The law effectively makes Michigan employers “open shops” by prohibiting any requirement that bargaining unit members join a union or become service fee payers as a condition of employment. It also makes it clear that employees may not be retaliated against for their decision to join or not join a union. The law makes it illegal for any person to use force or intimidation to attempt to compel employees to join or not join a union.

What wages and benefits am I eligible for if I choose to resign/not join the union?

If your position is covered by a collective bargaining agreement, you are still a bargaining unit employee whether or not you choose to be a member of the union. This means your benefits, wages, conditions of employment, rights and responsibilities under the collective bargaining agreement still apply.

If I choose not to be a member of a union, what is the impact on my employee rights?

Employee benefits and rights will continue to be established by the collective bargaining agreements and CMU policies, as well as state and federal laws.

Will the union still represent me in investigations, grievances and arbitration?

Yes, unions are required to represent all bargaining unit members regardless of their membership status.

If I decide to resign from union membership or revoke my service fee agreement, how do I go about that?

After your collective bargaining agreement expires, or is renewed, extended or revised for the first time after the effective date of Public Acts 348 and 349 (March 27, 2013), you may elect to be a member or elect not to be a member. Some unions require a “notice period” before the election can occur. Such requirements are specific to the union and can be provided by your union. After the initial application of these acts to the applicable collective bargaining agreement, an employee may elect to join or elect not to join union membership at any time (subject to restrictions established by the union such as a notice period).

Who has access to my union membership status?

Your colleagues and/or supervisor would not know your membership status unless you shared that information. Union officials may have access to that information for business purposes, but this is an internal union process/matter and questions about their procedures should be directed to the union.

Are CMU Police covered under Public Acts 348 and 349?

Police and fire departments covered under Michigan Public Act 312 are exempt. However, the Central Michigan University Police and Central Michigan University Sergeants are not covered by Act 312 and are thus covered under Public Acts 348 and 349.