



UGSDW

GRINNELL, IOWA
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JACOB SCHNEYER
EXECUTIVE BOARD MEMBER AT LARGE

November 13, 2018

Frank B. Hartly
Nyemaster Goode PC
700 Walnut, Suite 1600
Des Moines, IA 50309

Dear Mr. Hartly:

We are in receipt of your letter, and of the Special Campus Memo sent out yesterday which more fully outlines the college's position.

First, I should make it clear that the concessions we offered were conditional on the college choosing not to appeal. While this involves the college "forfeiting its [*sic*] federally guaranteed legal rights," our concessions themselves represent UGSDW forfeiting its federally guaranteed right to strike and to bargain for whatever wage its members see fit. The concessions were offered by our Board both to address some of the college's specific concerns and to open a dialogue that could lead to an agreement. These concessions remain on the table, and we are willing to be flexible on any other issues the college is concerned about.

To more specifically address your concerns about our supposed inability to bind our successors to these concessions, I would note that the strike and wage concessions are in relation to a first contract, and are therefore something we can commit to with certainty. Regarding UGSDW's affiliation, we are perfectly capable of amending our bylaws and constitution to prevent an affiliation in the next three years. Regarding possible language relating to FERPA and Title IV/HEA, UGSDW is still able to credibly commit to preserving such language. Since these privacy-related issues are not a mandatory subject of bargaining, UGSDW would sign a separate side agreement with the College with a duration of fifteen or twenty years which would cover these non-mandatory issues. We are a legal entity just like the college, and can enter into contracts which may bind our successors.

Second, I would like to clarify what seems to be a misunderstanding regarding our ability to engage in a strike and/or picket. UGSDW will certainly try to bargain a CBA if we win the election, though we question the college's "good faith" commitment to the process, since it plans to pursue an appeal in parallel which would destroy its bargaining obligation. As there is no contract in effect in the petitioned-for unit and no FMCS notification requirements, striking over economic issues would be legal, even if impasse has not yet been reached. However, our members are also concerned with the college's pattern of coercive behavior and other unfair labor practices. Furthermore, handbilling directed at prospective students is protected regardless of the status of bargaining or NLRB processes.

Finally, UGSDW is frustrated in particular about the college's most recent coercive statements, made in the previously-mentioned Special Campus Memo. The hypocrisy exhibited in the memo, which simultaneously threatens students and reiterates that "threats have no place in a community committed to open inquiry and civil discourse," is shocking. Since these coercive statements affect

student workers who work not only in the petitioned-for unit, but also in Dining Services, I am hereby submitting an information request for any and all documents, data, or other information used as evidence in concluding that “As part of that [centralized] control, we would have to insist upon prioritizing work assignments for students with financial need,” and that “a union representing all student employees... would interfere with the institution’s core educational mission, and ultimately harm students.” Please provide this information by noon on Friday, November 16. And please be advised that, should the college choose not to provide this information in a timely manner, UGSDW plans to file another unfair labor practice in response. The college’s continued practice of NLRA violations is unacceptable and antithetical to its core mission and its stated desire to foster “open inquiry and civil discourse.”

Sincerely,

/s/ Jacob Schneyer

Jacob Schneyer

cc: Quinn Ercolani, UGSDW President
Dr. Raynard Kington, Grinnell College President