

UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD  
**STIPULATED ELECTION AGREEMENT**

**Yale University**

**Case 01-RC-305762**

The parties **AGREE AS FOLLOWS:**

**1. PROCEDURAL MATTERS.** The parties waive their right to a hearing and agree that any notice of hearing previously issued in this matter is withdrawn, that the petition is amended to conform to this Agreement, and that the record of this case shall include this Agreement and be governed by the Board's Rules and Regulations.

**2. COMMERCE.** The Employer is engaged in commerce within the meaning of Section 2(6) and (7) of the National Labor Relations Act and a question affecting commerce has arisen concerning the representation of employees within the meaning of Section 9(c).

The Employer, Yale University, with a campus located in New Haven, Connecticut, is engaged in the operation of a private nonprofit university. During the past twelve months, the Employer derived gross revenues in excess of \$1 million, excluding contributions which, because of limitations by the grantor, are not available for operating expenses, and purchased and received at its New Haven, Connecticut facility goods and materials valued in excess of \$5,000 directly from points located outside of the State of Connecticut.

**3. LABOR ORGANIZATION.** The Petitioner is an organization in which employees participate, and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work and is a labor organization within the meaning of Section 2(5) of the Act.

**4. ELECTION.** A secret-ballot election under the Board's Rules and Regulations shall be held under the supervision of the Regional Director on the date and at the hours and places specified below.

**DATES: Wednesday, November 30, 2022, and Thursday, December 1, 2022**

**HOURS: 9:00 am to 2:00 pm and 4:00 pm to 8:30 pm**

**PLACES:**

1. Humanities Quadrangle, Room 131, 320 York Street, New Haven, CT
2. Yale Science Building, Steep Café Mezzanine, 260 Whitney Avenue, New Haven, CT
3. Brady Memorial Laboratory, Room BML137, 310 Cedar Street, New Haven, CT
4. West Campus Conference Center, Room 216, 800 West Campus Drive, Orange, CT

The Regional Director has and retains full and complete discretion to determine whether it is unsafe, for any reason, to conduct a manual election on the scheduled dates. If the Regional Director determines, after consultations with the parties, that it is unsafe to conduct a manual election on the scheduled dates, the Regional Director may exercise their discretion to reschedule the date, time, place of the election and/or manner of election, including converting the election to a mail ballot.

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**MAILING:** The election will be conducted in part by United States mail. The mail ballots will be mailed to employees as identified and agreed to by the parties who are employed in the appropriate collective-bargaining unit from the office of the National Labor Relations Board, Subregion 34, on **November 30, 2022**. Voters must return their mail ballots so that they will be received in the National Labor Relations Board, Subregion office by close of business on **January 6, 2023**.

Voters must sign the outside of the envelope in which the ballot is returned. Any ballot received in an envelope that is not signed will be void.

If any eligible voter does not receive a mail ballot or otherwise requires a duplicate mail ballot kit, he or she should contact the Subregion office by no later than 5:00 pm on **December 21, 2022** in order to arrange for another mail ballot kit to be sent to that employee.

If the election and/or count is postponed or canceled, the Regional Director, in his or her discretion, may reschedule the date, time, and place of the election.

All ballots, manual ballots and mail ballots will be comingled and counted at the Subregion 34 office located at 450 Main Street, Suite 410, Hartford, CT 06103 at 10:00 am on **January 9, 2023**, or, at the Regional Director's discretion, by videoconference at a date and time to be determined by the Regional Director in consultation with the parties.

**5. UNIT AND ELIGIBLE VOTERS.** The following unit is appropriate for the purposes of collective bargaining within the meaning of Section 9(b) of the Act:

**INCLUDED:**

All students enrolled in the Graduate School of Arts and Sciences, including those affiliated with a professional school, who are appointed as Teaching Fellows, Writing Fellows, Project Assistants, Research Assistants or Research Assistants - University Fellowship;

All students enrolled in a professional degree program in the School of Management who are appointed as Teaching Fellows with the Position Detail of Discussion Section Leader;

All students enrolled in a professional degree program in the School of Music who are appointed as Teaching Fellows with the Position Detail of Discussion Section Leader, Lab Leader or Teaching Assistant;

All students enrolled in a professional degree program in the School of Medicine who are appointed as Teaching Fellows with the Position Detail of Discussion Section Leader or Teaching Assistant; and

All students enrolled in any other professional degree program at Yale University who are appointed as Teaching Fellows or Writing Fellows.

**EXCLUDED:**

All Teaching Fellows with the Position Detail of Course Assistant – Jackson Institute;

All students enrolled in the Drama School and appointed as Teaching Fellows with the Position Detail of Class Assistant;

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All first-year students enrolled in the School of the Environment and appointed as Research Assistant – University Fellowship;

All students enrolled in the PhD program in the School of the Environment and appointed as Research Assistant – University Fellowship; and

All other employees, proctors, travelling proctors, office clericals, managers, guards and supervisors as defined in the Act.

**ELIGIBLE VOTERS:** Those eligible to vote in the election are: (a) individuals who were employed in a unit position in the Fall 2022 semester; and (b) individuals who were enrolled in a PhD program in the Graduate School of Arts and Sciences and employed in a unit position in the Fall 2021 and/or Spring 2022 semesters, unless the person has graduated from or withdrawn from the program on the day on which they cast their vote.

**OTHERS PERMITTED TO VOTE (CHALLENGED BALLOTS):** The parties agree that with the exception of the Computer Science (CPSC) Department, all first-year students enrolled in the School of Engineering and Applied Sciences, and appointed as Research Assistant – University Fellowship AND all first-year students enrolled in the Combined Program in Biology and Biomedical Sciences in the Graduate School of Arts and Sciences and appointed as Research Assistant – University Fellowship may vote in the election, but their ballots will be challenged since their eligibility has not been resolved. No decision has been made regarding whether the individuals in these classifications or groups are included in, or excluded from, the bargaining unit. The eligibility or inclusion of these individuals will be resolved, if necessary, following the election.

Employees engaged in any economic strike, who have retained their status as strikers and who have not been permanently replaced are also eligible to vote. In addition, employees engaged in an economic strike which commenced less than 12 months before the election date, who have retained their status as strikers but who have been permanently replaced, as well as their replacements are eligible to vote. Employees who are otherwise eligible but who are in the military services of the United States may vote if they appear in person at the polls or by mail as described above in paragraph 4.

Ineligible to vote are (1) employees who have quit or been discharged for cause after the designated payroll period for eligibility, and, in a mail ballot election, before they mail in their ballots to the Board's designated office, (2) employees engaged in a strike who have been discharged for cause since the commencement thereof and who have not been rehired or reinstated before the election date, and (3) employees engaged in an economic strike which began more than 12 months before the election date who have been permanently replaced.

**6. VOTER LIST.** Within 2 business days after the Regional Director has approved this Agreement, the Employer must provide to the Regional Director and all of the other parties a voter list of the full names, work locations, shifts, job classifications, and contact information (including home addresses, available personal email addresses, and available personal home and cellular telephone numbers) of all eligible voters. The Employer must also include, in a separate section of that list, the same information for those individuals whom the parties have agreed should be permitted to vote subject to challenge. The list must be filed in common, everyday electronic file formats that can be searched. Unless otherwise agreed to by the parties, the list must be provided in a table in a Microsoft Word file (.doc or docx) or a file that is compatible with Microsoft Word (.doc or docx). The first column of the list must begin with each employee's last name and the

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list must be alphabetized (overall or by department) by last name. The font size of the list must be the equivalent of Times New Roman 10 or larger. That font does not need to be used but the font must be that size or larger. When feasible, the list must be filed electronically with the Regional Director and served electronically on the parties. The Employer must file with the Regional Director a certificate of service of the list on all parties.

**7. THE BALLOT.** The Regional Director, in his or her discretion, will decide the language(s) to be used on the election ballot. All parties should notify the Region as soon as possible of the need to have the Notice of Election and/or ballots translated.

The question on the ballot will be "Do you wish to be represented for purposes of collective bargaining by UNITE HERE LOCAL 33?" The choices on the ballot will be "Yes" or "No".

**8. NOTICE OF ELECTION.** The Regional Director, in his or her discretion, will decide the language(s) to be used on the Notice of Election. The Employer must post copies of the Notice of Election in conspicuous places, including all places where notices to employees in the unit are customarily posted, at least three (3) full working days prior to 12:01 a.m. of the day the ballots are mailed to employees. The Employer must also distribute the Notice of Election electronically, if the Employer customarily communicates with employees in the unit electronically. Failure to post or distribute the Notice of Election as required shall be grounds for setting aside the election whenever proper and timely objections are filed.

**9. NOTICE OF ELECTION ONSITE REPRESENTATIVE.** The following individual will serve as the Employer's designated Notice of Election onsite representative:

Vannesa Martinez Cecchini, Senior Associate General Counsel, Office of the Vice President and General Counsel, Yale University, 2 Whitney Avenue, 6th Floor, New Haven, CT 06510; (203)432-2111 (phone); [vannesa.martinez@yale.edu](mailto:vannesa.martinez@yale.edu)

**10. ACCOMMODATIONS REQUIRED.** All parties should notify the Region as soon as possible of any voters, potential voters, or other participants in this election who have handicaps falling within the provisions of Section 504 of the Rehabilitation Act of 1973, as amended, and 29 C.F.R. 100.503, and who in order to participate in the election need appropriate auxiliary aids, as defined in 29 C.F.R. 100.503, and request the necessary assistance.

**11. OBSERVERS.** Each party may station an equal number of authorized, nonsupervisory-employee observers at the polling places to assist in the election, to challenge the eligibility of voters, and to verify the tally. Each party may designate an observer or observers to participate in the count, including challenging the eligibility of voters.

**12. TALLY OF BALLOTS.** Upon conclusion of the mail ballot portion of the election, the manual and mail ballots will be comingled and counted and a tally of ballots prepared and made available to the parties.

**13. POSTELECTION AND RUNOFF PROCEDURES.** All procedures after the ballots are counted shall conform with the Board's Rules and Regulations.

**14. OTHER STIPULATIONS.** Given the COVID-19 pandemic, in order to protect the voters, observers, Board agent(s), and others during the election and ballot count:

- A. In the polling area, the Employer will provide 5 separate tables that will be placed at least 6 feet apart. The tables will be:
  - one for the Employer's Election Observer,
  - one for the Union's Election Observer,
  - one for the Board Agent,
  - one for the ballot box and writing utensils; and

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- the additional table will be for the voting booth.

In the event the space of the room will not allow for five separate tables; the Employer will set the room up to ensure that six feet of space between the voters, the Board Agent, and the Election Observers can be maintained at all times. A chair should be placed at each of the tables for the observers and Board Agent.

- B. The Employer will place markings on the ground throughout the voting areas, and in the immediate vicinity outside of those areas, to ensure proper social distancing for voters and to ensure that the voting lines do not exceed 10 voters at a time.
- C. Ensure the voting area is marked to show a separate entrance and exit for voters with markings on the ground to remind/enforce social distancing and/or sufficient room for voters to maintain 6 feet of space between one another when entering and exiting the voting area.
- D. The Employer will provide sufficient disposable pencils without erasers for each voter to mark their ballot.
- E. The Employer will also provide masks, hand sanitizer, gloves, and an abundant number of sanitizing wipes for the polling area. The Board Agent may sanitize the voting booth after each voter casts a ballot.
- F. All voters, observers, party representatives, and other participants should wear CDC-conforming masks in all phases of the election, including the pre-election conference, in the polling area or while observing the count. Signs should be posted in the polling area and/or immediately adjacent to the Notice of Election to notify voters, observers, party representatives and other participants of this requirement. The Board Agent has the discretion to advise a voter who is not properly masked to leave the voting area and return when properly masked.
- G. An inspection of the polling sites will be conducted by video conference or in person at least 24 hours prior to the election so that the Board Agent and parties can view the polling sites.
- H. The Employer will provide written certification, (Attachment A of Memorandum GC 20-10) no earlier than 48 hours before the election but no later than 24 hours before the election, certifying in writing:
  - that equipment provided for use in voting (i.e., tables and chairs) is cleaned in conformity with established CDC hygienic and safety standards prior to placement in the polling area.
  - Within the preceding 14 days, the known number of individuals within the voting unit who have been present in the facility who:
    - have tested positive for COVID-19 within the prior 14 days;
    - are awaiting results of a COVID-19 test;

- are exhibiting symptoms of COVID-19, including a fever of 100.4 or higher, cough, or shortness of breath; or
  - have had direct contact with anyone in the previous 14 days who has tested positive for COVID-19
- I. Each party, party representative and observer participating at the pre-election conference, serving as an election observer, or participating in the ballot count, must certify in writing that, by completing Attachment B of Memorandum GC 20-10, within the preceding 14 days:
- They have not tested positive for COVID-19 within the prior 14 days;
  - They are not awaiting results of a COVID-19 test; or
  - They have not had direct contact with anyone in the previous 14 days who has tested positive for COVID-19.
- Individuals who do not provide such certifications will not be permitted to be physically present at the pre-election conference, to serve as an observer, or at the ballot count.
  - Individuals who are not a party, party representative or an observer, must stay at least 15 feet away from the Board Agent at the pre-election conference or the ballot count.
- J. If the above certifications are not timely provided, the Regional Director or designee has the discretion to cancel the election.
- K. Based on the certifications, the Regional Director will consider whether the election should be held as scheduled.
- L. Each party shall be permitted to have only one observer during the election, and the Board Agent will provide each observer with their own copy of the voter list.
- M. Each party is permitted to have one representative attend the pre-election conference and ballot count.
- N. The Board Agent has the discretion to limit attendance at the pre-election conferences and counting of the ballots to the number of people who can maintain 6 feet of space between one another.
- O. Parties will notify the Regional Director if any known participant in the election, including all representatives, observers, and eligible voters, test positive for COVID-19 during the 14 days immediately following the election date.

