

## ACCRETION

### Frequently Asked Questions – For All

#### 1. What is an accretion?

An accretion (also known as unit modification) is an effort to add certain unrepresented positions 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\(e\)\(1\)](#).

#### 2. 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.

#### 3. Are any positions excluded from an accretion?

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.

Additionally, to be deemed a statutory supervisor, the person must supervise two or more employees.

#### **4. What happens if a position is accreted?**

Once PERB issues a unit modification order adding a title to an existing bargaining unit, 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](#).

#### **5. Will an employee be notified if a position is accreted?**

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

#### **6. To whom should employees direct questions about an accretion?**

Employees should direct any questions they might have about an accretion to their local union representative. Managers and supervisors should reach out to HR or Workforce Relations with any questions.