



EMORY

Office of the President

21 May 2010

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Emory College of Arts and Sciences
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Dear Lynne and Jonathan:

Thank you and the other faculty signatories again for your well-stated concerns and questions about Emory's position relating to the national campaign to encourage union organizing of Sodexo workers serving as contract employees on university campuses. We all share the common goal of ensuring that everyone on Emory's campuses is treated with respect and dignity, even though the avenues that are available to Emory employees are, of necessity, different from those available to employees of our contractors.

As you know, Emory respects the rights of workers to vote to organize or not, and does not wish to interfere with that process; indeed we are prohibited by law from interfering. In response to your specific concerns, we would note that Emory's policy is not one of disengagement; we regret that some members of the faculty have interpreted it that way. Indeed, Emory has carefully considered the demands made by the Emory and non-Emory students, and others, regarding the dispute between Sodexo and the Service Employees International Union (SEIU), and we have decided that it would be inappropriate and unwise for us to take the actions requested by the students. For reasons stated in this letter and in our original statement, this is more complex than it may appear on the surface, but we hope you will appreciate our efforts to respond thoughtfully and appropriately.

As you point out, Emory manages a total workforce of more than 20,000 faculty and staff. In addition, Emory hires dozens of contractors in a myriad of areas, so that we can focus more of our resources and energies on core functions of the University. For instance, we contract with separate companies providing shuttle service, mail distribution, campus security (beyond the police), construction, and, of course, food services with Sodexo. In contracting with these companies we take into account a number of factors, including the relationships between companies and their employees. We require our subcontractors to abide by a minimum rate of pay equal to that of Emory's own policy (a difference between Emory and many employers), and our contracts with Sodexo and other companies require the employers to commit to following federal, state, and local anti-discrimination laws and other applicable laws that protect employee rights, as well as Emory employee policies. Indeed, Emory would never knowingly contract with a company whose policies and practices violate the rights of its employees.

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Your thoughtful letter in some respects appears to pre-suppose that Sodexo subjects its employees to unfair labor practices such as unlawful harassment and retaliation, and that the employees' liberties are not being safeguarded. While the SEIU and others have made such allegations, the fact that allegations have been made of course does not mean the allegations are true or false. Indeed, Sodexo management has stated that it has asked the SEIU to provide specific examples of such employee mistreatment so that the company can investigate the allegations, yet Sodexo reports that no specifics have been forthcoming. The first order of business, it seems, is for employees to report specific alleged problems to Sodexo and to give the company an opportunity to address them. If allegations go unaddressed, Sodexo employees, like all employees here and elsewhere, may of course file unfair labor practice charges with the National Labor Relations Board (NLRB) if they allege unlawful interference with their right to organize, or may file charges of discrimination with the Equal Employment Opportunity Commission (EEOC) if they allege unlawful discrimination on the basis of race, color, religion, sex, national origin, age, or disability.

Even if Emory were willing to assume the responsibility for investigating allegations of unlawful conduct, it is difficult to envision practically how we could better protect Sodexo's employees, since Sodexo's management employs the workers, has their personnel files and time records, has its own employment policies and human resources team, and now has its own labor dispute with the SIEU and a competing union that are vying to organize. Practically speaking, if Emory were to assume that responsibility, we would take on a role that we pay our contractor to assume. Instead, we rely on our vetting of these companies before contracting with them, depend on the company employees themselves to report their concerns to the companies, ask that the companies appropriately address those concerns under their fair employment policies, and expect government agencies to address those concerns if they are not properly resolved.

We urge you and your colleagues, as engaged faculty, to examine the sources of the allegations and the actual allegations critically and open-mindedly. We also hope you will examine the systems already in place to safeguard the rights of all employees on campus, whether they are Emory employees or not.

Thank you again for your engagement, and we wish you a restful and restorative summer break.

Sincerely,



James W. Wagner
President



Earl Lewis
Provost and Executive Vice President