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GRADUATE STUDENTS—A NEW UNION AT UC BERKELEY

by Lori Glodstein

Stagnant salaries, rapidly escalating fees, deteriorating work conditions, and arbitrary treatment brought graduate student employees together in the early spring of 1983 to discuss collective action and unionization. Graduate student employees had seen their real gross salaries decline by 11-13% since July 1981, while registration fees nearly doubled during this period. Since graduate student employees must be registered to be employed, each fee hike represents a real wage cut. These employees in many departments no longer earn a living wage even if they are employed all year, and there are not enough teaching and research assistantships available to keep most of them continuously employed. Realizing the need for collective action, nearly 200 graduate student employees voted in April 1983, to form a labor union, the Association of Graduate Student Employees (AGSE). As of March 1984, AGSE is organized in 55 departments with 1200 members.

Background of AGSE Organizing — AGSE is not the first graduate student employee union at Berkeley. Local 1570, University Employed Graduate Students, formed in 1965 as an affiliate of the American Federation of Teachers (AFT). It became the third largest local affiliate of AFT in California. Local 1570 was never formally recognized as an employee organization by the university, but it negotiated a grievance procedure and won all of the grievances it filed. Without formal recognition and the right of dues checkoff, Local 1570 never achieved the stability needed to assure its continued existence.

Teaching Assistants form the core of AGSE's present membership. TAs meet students each week in discussion sections or labs, and do all the grading of course work. They provide approximately 50% of undergraduate contact time with teaching faculty. Teaching is just one part of their day; they must also do their own work to meet their Ph.D. requirements. They have been described as "generally the most enthusiastic, underpaid, and overworked members of a university teaching staff." (*Time*, October 1965.)

Teaching Assistantships are one semester appointments only; there is no guarantee of continuous employment. AGSE also includes Research Assistants, who are subject to arbitrary dismissal if the funding for their jobs runs out. The number of hours which both categories of graduate student employees are required to work varies greatly, since those hours are determined autonomously by the academic departments in which they work.

Graduate student employees receive no benefits such as health care. In general, they are poorly paid, and out of their salaries they must pay fees, rent, other living expenses and, in many cases, provide support for their own families. All university employees have been squeezed financially by budget cuts in recent years, but graduate student employees have been hurt even more by the substantial increases in registration fees.

Most importantly, in no state in the nation are graduate student employees recognized as employees with rights of collective bargaining. Instead, they are regarded as students and academics--two groups never well represented in the labor movement.

Getting to the Negotiating Table — AGSE's present strength comes from departmental organization. Each shop, or academic department, elects at least one shop steward. The stewards help keep the union leadership informed of the concerns and needs of the diversity of students in far-flung departments. The leadership consists of an eleven member executive committee, with ten members elected at large from the general membership, and one member elected as ombudsperson to monitor internal union democracy. All meetings of the executive committee (and all union committee meetings) are open to the general membership. The leadership organization, shop stewards council and the dues structure were approved as a part of the union constitution in September 1983.

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In May 1983, AGSE requested a meeting with Berkeley campus administration to discuss salaries and other working conditions. The university delayed in granting a meeting, and on June 2, from a noontime picket on Sproul Plaza, 60 union members marched on the Employee Relations office and demanded an appointment. Negotiations commenced on June 15, with the membership approving proposals on the following issues: salaries, late paychecks, an installment plan for the payment of registration fees, and revival of the Local 1570 grievance procedure. AGSE gained protection on several fronts: An installment plan for fee payment became available to graduate student employees for the Fall 1983 semester, enabling them to pay registration fees through payroll deduction. In the fall of 1983, the university agreed to distribute to each graduate student employee a copy of the grievance procedure and all sections of the Academic Personnel Manual pertaining to the appointments of Teaching and Research Assistants and Readers.

In a second round of negotiations, AGSE proposed again the appointment of a late paycheck expeditor. AGSE estimates that as many as 10% of graduate student employees do not receive monthly paychecks on time. The appointment process for graduate student employees is long and bureaucratic; appointments are initiated in the academic departments and must be approved in Graduate Division and the appropriate college before going to the payroll department. In the fall, the university agreed to the appointment of a late paycheck expeditor for the Graduate Division.

In September 1983, AGSE filed a grievance against the university for reneging on its agreement on the registration fee installment plan. AGSE contended that the university had agreed to a four month repayment option, but in the implementation of the plan, the university allowed only three months to repay. Two graduate student employees were allowed the four month option, and AGSE charged the university with arbitrary implementation and with revoking its agreement. At this time, the chancellor's ruling that the charge is not grievable has been appealed, but the administration did grant, retroactively, the four month option. For Spring semester 1984, there is a five month repayment period.

Gaining Union Recognition — According to Debra Harrington, of UC Berkeley Labor Relations, "It is the university's official position that Research and Teaching Assistants are excluded from coverage under HEEERA." According to the university, all meetings with AGSE are considered discussions with a student organization, not negotiations with an employee group. In November, 1983, AGSE filed three unfair labor practice charges against the university: i) failure to grant graduate student employees payroll dues checkoff, a right granted all other employee associations, ii) failure to meet to discuss matters relating to graduate student employment, a right granted under HEEERA, and iii) failure to follow the deadlines of its own grievance procedure. The unfair labor practice charges have been filed with the Public Employment Relations Board (PERB), whose decisions will be forthcoming in the next few months. AGSE cited as precedent the case of San Francisco Interns and Residents Association (SFIRA), an employee group which also filed an unfair labor practice charge against the University of California for refusal to grant dues checkoff. PERB ruled in favor of SFIRA; the university has appealed the case.

If PERB rules in favor of AGSE, as it did with SFIRA, Berkeley graduate student employees will be recognized as employees with collective bargaining rights. But every student employee group demanding recognition would then have to take the same route through PERB. To guarantee universal student employee status, AGSE has proposed an amendment to the California Higher Education Employer-Employee Relations Act (HEEERA). The amendment, introduced in the California State Legislature by Assemblyman Tom Bates (D-Berkeley), would recognize student employees as employees, giving them rights of collective bargaining. At present, the language in HEEERA is ambiguous; determination of employee status depends on the relative ranking of paid graduate student work (teaching and research) and unpaid graduate student work (own work completed as part of the degree program). The amendment would remove the ambiguous language.

The future of the labor movement requires organizing previously unorganized workers: white collar, technicians, academics, student employees. AGSE can make an important contribution to the renewal of labor's organizing efforts.

AGSE is located at Anthony Hall, UC Berkeley; 642-2877.

--Lori Gladstein

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GRADUATE STUDENTS—RECOGNITION OF EMPLOYEE RIGHTS

The following is a correction to LCR No. 116, April 1984, on graduate student unionization

Labor Center Reporter 116 noted that in no state in the nation did graduate student employees have rights of collective bargaining. The article should have stated that in several states, graduate student employees not only have employee rights, but have bargained collectively for contracts with their university employers. Graduate student employees in Michigan, Oregon, and Florida have been recognized as employees, and their rights are protected by state law. In New York, graduate student employees are part of the faculty unit of the American Federation of Teachers (AFT). The State University of New York has a case before the New York State Public Employee Relations Board to rule on unit determination for graduate student employees. Graduate student employees at the University of Wisconsin, Madison had a contract which was ruled invalid because it did not have a termination date. That ruling, however, was not on the issue of employee rights. Unfortunately, these state decisions are mixed: A Massachusetts court ruled that graduate student employees were employees, but that it was in the state's best interest that they not be given employee rights.

In California, the official University of California position is that Research and Teaching Assistants are excluded from coverage under the Higher Education Employer-Employee Relations Act (HEERA). This position is at odds with employer positions taken by other universities across the nation. A bill introduced in the California State Assembly by Assemblyman Tom Bates (D-Berkeley), AB 3251, is designed to remove ambiguous language that the University uses to deny employee rights to student employees.

Since April 1983, graduate student employees at the Berkeley campus, through their union, the Association of Graduate Student Employees (AGSE), have been demanding the democratic right to bargain collectively. During the past year, another union has emerged on the Berkeley campus to promote the interests of student employees. Where AGSE represents academically employed graduate students, staff student employees, undergraduate and graduate, are represented by the Student Employee Association (SEA). The rights of a large number of student employees are involved. There are 10,000 academically employed graduate student employees, and 15,000 staff student employees in the University of California system. As students and academics, these employees are not well represented in the labor movement. Legislation, such as the bill introduced by Assemblyman Bates, is needed urgently to insure the growth and future of the labor movement.

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