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ACADEMIA'S J.P. STEVENS: THE UNIVERSITY OF CALIFORNIA

by John Paul Williams

In 1978, the California legislature passed the Higher Education Employer-Employee Relations Act, establishing a legal framework to support collective bargaining for the University of California's 112,000 employees. However, in 1982, the University of California Regents voted 11-9 to oppose collective bargaining for its workers as not in the best interests of the University. That decision set a course that would involve University administrators in a variety of unfair labor practices. Nancy Elnor, President of the University Council/American Federation of Teachers, (UC/AFT) who represents 2,000 non-Academic Senate faculty and librarians at UC, charges, "The University is waging the most vicious anti-union campaign since Reagan busted PATCO. They treat their employees with contempt."

Since 1982, Public Employee Relations Board administrative law judges (PERB) have convicted the University of unfair labor practices such as refusing permission to display union banners, selling insurance to unionized employees at higher rates than those for non union employees, denying workers their rights to union representation at disciplinary hearings, banning union literature from the University internal mail system, and refusal to bargain over changes in the working conditions of unionized employees (cases # 14013, 14118, 14139, 14143, 14154, 14166, 14258, 14280, 14288, 14293, 15038, 15047, 15057, 15065, 15071, 15074, 15196, 16014: 18 separate decisions). For comparison, J.P. Stevens, a Southern textile manufacturer who was for years the nation's leading labor law violator, took 20 years to compile 20 National Labor Relations Board unfair labor practice judgments. The Association of Graduate Student Employees alone has 286 unfair labor practice charges pending against a UC reclassification of their job title that could change their status as employees, making them ineligible to form a union. PERB issued complaints against UC in the first two cases in January. The AFT has unfair labor practice charges going to trial against UC in January for changing working conditions of non-tenured lecturers without negotiating with the union.

\$800,000 Spent On Anti-Union Attorneys and Consultants--Although UC has 28 labor relations lawyers on its staff, it also spent nearly \$1 million on outside attorneys who labor organizations characterize as "union busters." A *Daily Californian* article reported that in 1980 alone, UC paid \$500,000 to the Corbett, Kane & Berk law firm for litigating questions of what groups of UC employees would be "appropriate" for bargaining units. In some cases, this postponed union representation elections for years.

Laborers' representative Pat Hallahan described how this strategy delays his organizing of 196 protective service officers at the UC-managed Lawrence Livermore Laboratory. UC hired former Corbett partner Gerry Shaeffer, who argued at 1985 PERB hearings that the highly trained officers should be lumped into a bargaining unit with gardeners and comparatively unskilled service employees.

"The hearing alone took eight days," said Hallahan, "The university appealed it to the full PERB after we won at the hearing officer level." After the initial ruling against Shaeffer's contention that the officers should vote together with less skilled workers, UC switched arguments in its appeal, claiming the officers should now be lumped into the technical worker unit, even though police officers have their own bargaining units on UC campuses. Hallahan criticized the University's appeal: "It's to buy time, it's an effort to thwart unionization, and it's a union-busting tactic." An election is not yet scheduled, 17 months after the petition was filed. Public records show that UC has already paid Shaeffer \$43,000.

BERKELEY, CA 94721

(415) 642-0323

UNIVERSITY OF CALIFORNIA, BERKELEY

CENTER FOR LABOR RESEARCH AND EDUCATION
INSTITUTE OF INDUSTRIAL RELATIONS



UC Battles Union Representation Elections--After UC finished litigating the "appropriate" units of employees, the AFT, AFSCME, and the printing and building trades unions petitioned for representation elections. However, UC management carried out its November 1982 instructions from the Regents "to advise employees of its judgment that collective bargaining is not in the best interests of the University." Testimony at PERB hearings (#8-15065) revealed that UC sent 15 letters to the homes of the 31,000 employees voting on AFSCME representation, warning that unions could cause loss of individual freedom, strikes, and high union dues. UC also trained supervisors and managers to speak against the union. Although AFSCME won bargaining rights for 19,000 clerical, 7,000 service, and 3,000 patient care technical workers, it lost an election among 2,000 technical employees, and the UC managed Livermore Laboratory defeated unions for its 3,500 scientists, technical and service employees.

Public records reveal the University hired outside consultants Brown & Burke to assist UC in preparing letters that were mailed to the homes of 1,800 eligible employees during the AFT campaign for the non-tenured lecturers. Although public records show that UC paid the Brown firm \$103,000, the lecturers chose AFT by 2-1. UC also sent a series of nine letters to the homes of 6,700 employees during AFT and AFSCME elections among two units of researchers. One letter showed possible union dues of \$700 a year based on researcher salaries of \$80,000, when researchers average \$30,000 a year in wages. State labor law also mandates that union membership and the resulting dues are entirely voluntary. The AFT obtained labor relations handbooks that UC gave to professors on how to talk to the researchers they supervise about the union. AFSCME lost a November 1985 vote of 3,100 staff researchers. The 3500 academic appointment researchers cast ballots on AFT representation in January (results to be announced in early February).

Hardball Bargaining--Those unions winning bargaining rights, including AFSCME, AFT, and the skilled trades, negotiate against UC's adversarial policies. For instance, two years after winning the election, the AFT has not yet finalized a lecturers contract with UC. When AFT negotiators sought to link a UC benefits improvement to other issues, UC unilaterally implemented the improvements for non-union employees and sent lecturers a letter claiming that collective bargaining had delayed their benefits. "The University is behaving as if it wants to reverse the union's gains in this unit by stalling on benefits and trying to bargain a bad contract," Elnor said.

AFSCME faces the same tactic. "For us, it's become an annual ritual," said Libby Sayre, President of AFSCME #3211, representing clerical and allied service workers at UC Berkeley. "UC management delays pay increases for union-represented employees, and blames it on the union in their employee literature and newsletters....Fortunately we have a pretty well informed constituency; they figure it out. And it now takes much less persuasion than it used to to convince employees that they need a union."

UC, Unions, and the Future--The UC Regents, managers, and administrators could be contributing to UC worklife by developing positive collective bargaining procedures. The Regents and managers have instead implemented their advance judgment against collective bargaining. Apparently the UC administrators do not trust their employees' right to express an independent judgment about unionization.

Unilateral and adversarial management policies lead to adversarial labor relations. If the UC Regents authorize additional funds for special labor relations purposes, their goals should first be publicly defined, and a responsible management position should be required in the development of collective bargaining relationships. Most importantly, the words of the Regents that "collective bargaining is not in the best interests of the University" should be reconsidered.

- John Paul Williams

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