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OFFICE OF THE PRESIDENT

DANIEL M. DOOLEY
Senior Vice President – External Relations

Office of State Governmental Relations
1130 K Street, Suite 340
Sacramento, California 95814
(916) 445-9924
Steve Juarez, Associate Vice President and Director

April 2, 2013

The Honorable Jim Beall
Chair, Senate Public Employment and Retirement Committee
State Capitol, Room 2068
Sacramento, CA 95814

Re: SB 259 (Hancock), as introduced on February 13, 2013
Scheduled for Hearing in the Senate Public Employment and Retirement Committee on April 8, 2013
Position: OPPOSE

Dear Senator Beall:

Regretfully, I am writing to inform you that the University of California (UC) opposes SB 259.

SB 259 seeks to amend the Higher Education Employer Employee Relations Act (HEERA) to create collective bargaining rights for new classes of working students, including UC graduate student researchers (GSRs). Since its enactment, HEERA has allowed student employees whose employment is contingent on their status as students to organize only if: the services they provide are unrelated to their educational objectives, their educational objectives are subordinate to the services they perform and coverage under HEERA would further the purposes of the act. SB 259 would eliminate these two conditions and, if passed, permit all working students to be considered employees and become unionized, including students who are engaged in paid research as an integral part of their academic pursuits. This would severely impair the University's ability to excel in its mission of teaching, research and service and would undermine UC's competitiveness as a world-renowned research university.

Negative Impact of Fundamental Change in Faculty-Student Relationship
As a major research university, UC seeks to form a graduate student body that has the training and experience necessary to assume its function as the next generation of faculty, researchers and other professionals. The faculty-student research relationship differs from the employer-employee relationship. While faculty do teach their graduate students in a classroom setting, they also teach them by collaborating on research. As mentor in this relationship, faculty provide graduate students with opportunities to learn uniquely from the process and serving as a GSR is a valuable tool of preparation for the graduate program qualifying examinations and the preparation of the student's dissertation.

Research is not "work" in the traditional employment sense, in that it does not represent an exchange of wages for services. By conducting research as a GSR the student is participating directly with faculty in the primary purpose of doctoral education: to do research at a high level of competence. Supplanting the student-faculty relationship with a labor-management relationship could negatively affect UC's ability to attract renowned faculty and talented graduate students. The University would anticipate the loss of faculty drawn to other institutions that enjoy less restrictive relationships with their graduate students. Further, SB 259 would diminish UC's ability to attract the best graduate students due to new work restrictions that would increase the time it takes to earn a graduate degree at UC.

Increase in Time Required for Students to Complete Their Degree

SB 259 includes a provision stating that what is required for students to achieve satisfactory progress toward their degrees does not fall under the "scope of representation" for the purposes of collective bargaining. However, wages, hours of employment, and other terms and conditions of employment, clearly do fall under the "scope of representation". Academic research is unique in that individual discoveries do not follow a set timeline and hours of employment and other terms and conditions that could be negotiated through collective bargaining could ultimately increase the time required for students to complete their degrees.

Faculty, whose grants in large part fund these student positions, may begin to shy away from hiring GSRs if they become subject to the same or similar employment restrictions as teaching assistants (TAs). For example, if the terms of a contract require a period of employment of one year, but a faculty project provides funding for only six months, the effect will be to preclude faculty from selecting graduate students for the work. Additionally, the hours typically worked as a GSR are not based exclusively on the goal of obtaining a work result within a specified time frame, as with TAs. Instead, the time spent on research is often determined solely by the student in an effort to control her/his time-to-degree and to expedite the conclusion of the research to achieve her/his educational objectives.

Because SB 259 fails to recognize these distinctions, the time that GSRs would otherwise devote to their dissertation research could be in direct conflict with the workload provisions of a union contract. The insertion of collective bargaining into the process could—through negotiated GSR hours and pay—lengthen the average time it takes for graduate students to receive their degree.

Graduate Student Researchers Will Receive a New Child Care Benefit In the Next Academic Year

In response to inquiries from the Legislature last year, UC has reviewed the benefits provided to GSRs. As part of UC's commitment to support students in their academic pursuits, UC campuses will begin helping graduate student researchers cover the cost of childcare starting this fall. UC understands that some GSRs are parents who juggle school and family life. The university also recognizes that rising childcare costs can pose a significant financial burden for students, which can affect their academic focus. UC already offers this childcare benefit to union-represented academic student employees, such as teaching assistants, tutors and readers and believes that it will provide much-needed financial aid and support for GSRs.

Inasmuch as this was raised as part of the rationale behind the prior bill on this topic, we believe that this decision addresses any inequities that were cited.

Financial Impact

There would be substantial financial costs to the University and to the State associated with the implementation and ongoing administration of the provisions of SB 259. Last year, UC calculated the initial cost to the University to adopt SB 259 provisions to be in the range of $10 million to $18 million. We believe that the costs associated with this version to be largely unchanged and so the bill would create significant financial issues for UC. Moreover, funds to support graduate student researchers are already under significant strain due to federal sequestration, which went into effect March 1, 2013, and as a result, grant levels from funders such as NIH, NSF and DOD for research will be impacted. When coupled with sequestration cutbacks, SB 259 would further impair the University's ability to support graduate research.

Thank you for your consideration of the University's views. Should you have any questions on the University's position on SB 259, please do not hesitate to contact me at (916) 916-445-9924.

Sincerely,

Steve Juarez
Associate Vice President and Director

cc: Senator Loni Hancock
Members, Senate Public Employment and Retirement Committee
President Mark G. Yudof
Provost Aimée Dorr
Senior Vice President Daniel Dooley