



PERB

California Public Employment
Relations Board

**An Update from NLRB and Public Sector Labor Relations
Agencies on Higher Education Issues.**

April 12, 2022

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PERB

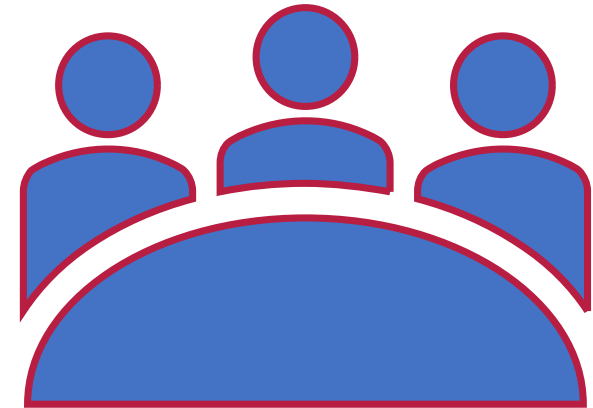
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Who and What are PERB?



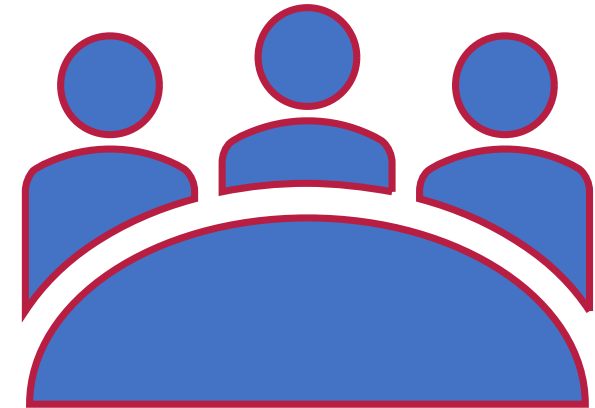
PERB JURISDICTION

- Five-member board appointed by the Governor
- California public employees only (with one exception)
- About 2.5 million employees under PERB's jurisdiction
- Twelve distinct labor relations acts, with two that include higher education employers:
 - Educational Employment Relations Act (K-12 and community college districts)
 - Higher Education Employer-Employee Relations Act (university employees)



CALIFORNIA COMMUNITY COLLEGES

- 73 districts and 116 colleges, the California Community Colleges make up the largest higher education system in the nation—with over 2.1 million students per year.
- One in every four community college students nationwide are enrolled in a California Community College.
- Three out of every ten Californians age 18-24 are currently enrolled in a California Community College.

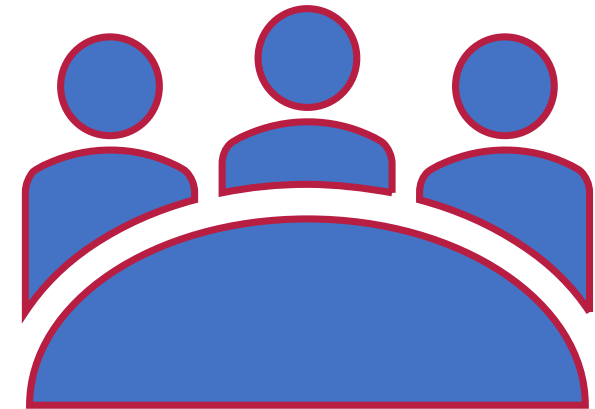


(Source: Foundation for California Community Colleges)



THE CALIFORNIA STATE UNIVERSITY (CSU)

- In 2020, the CSU enrolled 485,550 undergraduate students.
- 23 campuses
- 27,000 Instructional Faculty (about 50% are part time)
- 20,000 Non-Faculty Staff
- 3,200 Represented Student Employees
- 14 Bargaining Units (Statewide)

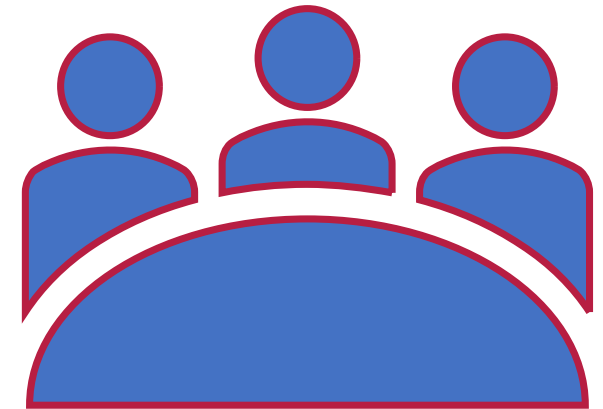


(Source: 2020 statistics from the CSU)



THE UNIVERSITY OF CALIFORNIA (UC)

- In 2021, UC enrolled 294,662 undergraduate students.
- 10 campuses
- 24,000 Instructional Faculty (about 50% are part time)
- 48,600 Other academic (postdocs, etc.)
- 96,000 Represented Employees (both systemwide and local bargaining units)



(Source: 2020 statistics from the CSU)





Bargaining Priorities

Outsourcing Bargaining Unit Work because either:

- “exigent circumstances” or other time-related need,
- special equipment & skill is required that bargaining unit does not possess, or
- insufficient manpower due to unfilled vacancies for one reason or another.





Bargaining Priorities

Adjunct Faculty dissatisfaction with transient employment at different CCDs, CSUs & UCs:

- disparity in pay and benefits compared to Full-Time Faculty,
- cost or lack of health benefits,
- want for seniority in assignments and classes to teach, and
- non-guarantee employment for following semesters.





Bargaining Priorities

Administrative Support, Blue-Collar & Classified Employee complaints their contributions and efforts in providing student services are not valued, to wit,

- pay is not a living wage,
- unable to afford health benefits,
- use of part-time positions purposefully is obstacle to obtaining health benefits,
- inaccessibility worksites, e.g., no parking available on campus or exorbitant parking fees being charged and/or no public transit services requiring lengthy walks.





Misc.

- Full-Time Faculty dissatisfaction in disparity between their “hourly pay” and that of Adjunct Faculty for Summer Courses;
- Use/Weight of Student Evaluations for Performance Evaluations; and,
- What constitutes “Instructional Work” loads (i.e., how many hours are required per course). Called IWC (Instructional Work Credits) at UC, WTU (Weighted Teaching Unit) at CSU.
- Distance learning flexibility for district / university and related compensation issues.
- Student/faculty ratios
- Compensation / benefits versus budgetary stability.



Graduate Student Researchers

United Auto Workers

- One statewide bargaining unit of 17,000 GSRs.
- Initially UC agreed to recognize 11,000 GSRs but claimed that 6,000 were not appropriate.
- 6000 were not funded by UC but by private or government grants.
- Parties reached agreement in mediation whereby UC agreed to recognize all categories of GSRs (and Graduate Student Research Assistants).



Players at Academic Institutions

United College Athletes Association

- Questions about PERB's unit determination standards and proof of support requirements.
- Pursuing a campaign to organize college athletes and considering California as a test case, although they are investigating other locations - notably Oregon and Florida.
- Have in house counsel and people knowledgeable to some degree about organizing.
- Evaluating whether the unit should be campus-wide, or system-wide, or only focus on specific sports.
- Also interested in the process and general timelines, including the process of appealing to the courts.



Janus v. AFSCME, Council 31

- Laws that enhance the union's ability to access or communicate with public employees.
- Laws that require employer neutrality where its employees are deciding whether to become union members.
- Laws that create rules and procedures for payroll deductions of union dues.



***Regents of the University of California
(2021) PERB Decision No. 2756-H***

***Prohibition
Against
Deterring or
Discouraging
(PEDD)***

- Teamsters' charge alleged UC violated the Prohibition on Public Employers Deterring or Discouraging Union Membership Government Code section 3550 when it posted a document on its website which compared salary increases between represented and unrepresented staff, and then made a series of claims about UC's efforts to compensate, protect, and support unrepresented employees.



Mandatory Vaccines

Regents of the University of California (2021) PERB Decision No. 2783-H

- Union alleged that UC violated the Higher Education Employer-Employee Relations Act (HEERA) by issuing an Executive Order requiring “all students, faculty, and staff living, learning, or working” on University premises to receive an influenza vaccination by November 1, 2020, without prior notice or an opportunity to meet and confer over the decision or its effects.
- Held: UC not required to bargain over the decision but is required to bargain over the effects.



Thank you!

