

HR BULLETIN

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Post-Doctoral Scholars FAQs about the Effects of Unionization at UC

On November 3, 2008, the University recognized the United Auto Workers (UAW) as the exclusive representative of UC's Postdoctoral Scholars in the title codes listed below for the purposes of collective bargaining with respect to wages, hours and terms and conditions of employment. This recognition followed the Public Employment Relations Board's (PERB's) October 30, 2008, certification that the UAW had gathered a sufficient number of cards from Postdoctoral Scholars to evidence majority support for exclusive representation status.

The University and the UAW commenced negotiations on February 5, 2009. In the meantime, the University has received an array of questions from administrators, PI's and postdoctoral scholars. Many of the questions touch upon terms and conditions of employment and can only be addressed by the parties in the negotiations process.

Questions about Exclusive Representation:

1. Will I be required to join the union (the UAW)?

No. HEERA, the law covering collective bargaining and union representation for higher education employees in the State of California, requires the union to represent equally all employees who are PostDoctoral Scholars, regardless of whether they join the union. The union will negotiate on behalf of all PostDoctoral Scholars, and will represent them after the contract is signed. The decision to become a union member is purely voluntary. However, even if you do not become a member of the union, HEERA allows the union to require that you pay agency fees as a condition of employment.

2. What is the difference to me if I become a member of the union.

Membership status usually affords employees the ability to participate in union affairs and decision-making to a greater degree than employees who are not members. For example, some unions allow only union members to vote on contract ratification. Each union has its own rules governing membership status. Further information about this matter should be obtained from the UAW.

3. How can I contact the union?

The UAW address and phone number is:

UAW REGIONAL HEADQUARTERS
6500 South Rosemead Blvd.
Pico Rivera, CA 90660
(562) 801-1500

4. How many Postdoctoral Scholars signed union cards? Is there a list of people who signed cards? What is the distribution of Postdoctoral Scholars that signed cards from each campus? (i.e., what percentage of UC Postdoctoral Scholars signed cards on the UCSF campus, the UC Berkeley campus, the UCSD campus, etc.) How can I check if the Union submitted a signed card from me?

The Public Employment Relations Board (PERB), the State agency that administers the collective bargaining statute has jurisdiction over the signed cards. PERB does not release information about signed cards. You may wish to inquire of PERB or the union about whether a signed card was submitted with your name.

5. How will Postdoctoral Scholars at the locations be included in the contract negotiations? Will the Union come to my campus to hold a seminar or roundtable discussions about what is happening and answer some of these questions?

The union decides the manner by which Postdoctoral Scholars participate in negotiations. The UAW also will decide how and when to communicate with the employees it represents.

6. How long will it take before the Union ratifies a contract?

The University and the UAW began contract negotiations in early February, and both parties hope to reach agreement in a reasonable time. However, first time negotiations can take anywhere from a couple months to a much longer time. Once the parties reach agreement, the union will set the process and timelines for ratification.

7. If a Postdoctoral Scholar works on the contract-negotiation committee, will she/he be reimbursed for their time? If so, how much?

HEERA requires the University to provide paid release time for a reasonable number of employees to negotiate the first contract.

8. Is the Union negotiating for all UC Postdoctoral Scholars in general, or for Postdoctoral Scholars located at different UC campuses? For example, will the Union specifically negotiate for UCSF Postdoctoral Scholars with the UCSF administration (i.e.; for parking or cost-of-living supplements), or are they negotiating for Postdoctoral Scholars in general?

The UAW is the exclusive representative of all Postdoctoral Scholars in the recognized title codes at all locations of the University of California. The parties may agree to variances for local conditions.

9. What are the rules for Postdoctoral Scholar-PI negotiations (e.g., for better pay or benefits) while the union is negotiating a contract with UC? Are all individual negotiations frozen?

The UAW was recognized as the exclusive representative of Postdoctoral Scholars on November 3, 2008. Terms and conditions of employment, e.g. pay and benefits, are now subject to negotiations. The PI should not directly negotiate pay and benefits with the Postdoctoral Scholar.

Questions about Financial Support for the Union (Dues & Agency Fees):

10. What are the financial differences between union membership and not being a member (i.e., being an agency fee payer)?

All employees are required to provide financial support to their exclusive representative (the union), with one exception, in an amount determined by the union. Employees who elect to become a union member pay membership dues, and they may be required to pay an initiation fee. Normally, membership dues are paid monthly, and are in an amount set by the union. HEERA requires employees who choose not to join the union to pay an "agency fee", if such fee is established by the union. As with union dues, the union decides on amount of the fees the union expects employees to pay. HEERA requires the employer to deduct these fees from the paychecks of the employees. The only employees who have not joined the union who are exempted from paying agency fees are members of a bona fide religion, body or sect that has historically held conscientious objections to joining or financially supporting public employee organizations." The union may require such employees to pay the same fee to an authorized charity, and only the union can agree to an employee's status as a conscientious objector. You should check with the UAW about its dues/agency fee policies and amounts.

11. Is there any way to opt-out of paying agency fees?

Once the union establishes the dues & agency fees contribution amount(s), all employees in the bargaining unit are required to provide financial support to the union. The sole exception is for employees who can demonstrate that they are "a member of a bona fide religion, body or sect that has historically held conscientious objections to joining or financially supporting public employee organizations." Such employee is required to pay the same agency fee amount to an authorized charity. Only the union can agree to an employee's status as a conscientious objector.

12. When will dues/agency fees start to be deducted from my paycheck?

Dues and agency fee deductions must begin whenever the union notifies the University to begin deductions, in the amount(s) set by the union. The Union has proposed that these deductions begin after the Postdoctoral Scholars ratify the initial contract.

13. Can union dues/agency fees be taken out of my paycheck before taxes? (Or, is there a way to make them tax- exempt)?

No.

- 14. Can I track what happens with my union-dues or agency fees? Can I decide how my union dues are spent?**
The union determines how union dues and agency fees are spent. The union is required to provide you with information about dues and agency fee expenditures, and will do so in a letter, called a "Hudson Notice". If you want more information, please see the union contact information in question #3., above.
- 15. Are there any fellowships or grants that do not allow unionization and/or for union dues to be taken out?**
As far as the University knows, no sponsoring agency - either for fellows or paid directs - takes a position on unionization. This needs further evaluation on sponsoring agency guidelines.
- 16. I have a Postdoctoral Fellowship from CIRM (title code 3253). When I was awarded my fellowship, Post Docs were not unionized. Since the union took effect after my award date, do I still need to pay membership dues or fees? Does my Fellowship allow that? If it didn't allow it, what would happen?**
While it is up to you whether you want to join a union and pay dues, the union may require you to pay agency fees. The union sets the amount of the dues and fees. The University is not sure whether fellowships will allow dues and fees to be deducted from the fellowship. However, Postdoctoral Scholars may pay such dues directly to the union. If a Postdoctoral Scholar on a fellowship does not pay the dues directly to the union, the union has the legal authority to require the University to terminate the Postdoctoral Scholar. This matter will be a subject of negotiations.
- 17. Can union agency fees & dues be deducted from a federal training grant (T32)?**
This question needs further evaluation.

Questions about Postdoctoral Scholar Terms & Conditions of Employment:

- 18. Will the union and the University bargain about salaries? Will there be cost of living increases? How does the negotiation around salaries take place?**
Salaries, including cost of living increases, are a term and condition of employment which is subject to the collective bargaining process. The negotiations about salaries will occur at the systemwide bargaining table.
- 19. Is it true that for Postdoctoral Scholars who are paid directly by a sponsoring agency, the sponsoring agency guidelines' are not subject to negotiation with the union? Does this include wages and appointment processes?**
Generally, sponsoring agency guidelines are not a subject of negotiations. The parties can only bargain over terms and conditions of employment of fellows and pay directs to the extent that the University controls those terms and conditions. If a sponsoring agency controls some terms and conditions, the union has no standing to modify the sponsoring agency's terms. Currently, post doctoral scholars paid by stipend (fellows) or post doctoral scholars paid direct are in the bargaining unit. One matter not subject to negotiations is the amount of money paid by a sponsoring agency/country.
- 20. Will this bargaining process result in fixed salary scales for Postdoctoral Scholars, and how will those scales relate to the NIH pay scales?**
Salary and salary scales are subjects for negotiations. Whether and how they relate to NIH pay scales is under review.
- 21. Work hours - right now there is no standard number of work hours for Postdoctoral Scholars (i.e. like residents, an 80-hour workweek). Will something similar be instituted for Postdoctoral Scholars?**
Work hours are subject to negotiations and the answer to this question is not known at this time.
- 22. Will leave time and sick hours also be changed by the contract?**
Leave and sick hours are subject to negotiations, and the answer to this question is not known at this time.
- 23. Will employees have the right to "strike" if they wish to voice their concerns about working conditions?**
Most contracts contain grievance and arbitration procedures that enable employees to resolve on-the-job concerns without resorting to a strike.

24. Will unionization change the relationship between the Postdoctoral Scholars and the University, including the Office of Postdoctoral Scholar Affairs - what pathways of communication?

The UAW is the exclusive representative of Postdoctoral Scholars about terms and conditions of employment. The University, including the Office of Postdoctoral Affairs, will continue to be the source of information about the myriad of Postdoctoral Scholar academic issues. Postdoctoral Scholars are encouraged to continue communications with their Principal Investigator or other department faculty about normal workplace issues.

25. Will the application process for Postdoctoral Scholar positions change?

We don't know.

26. Will union representation lead to detailed time reporting by Postdoctoral Scholars?

Absence or time reporting may be the subject of negotiations depending on the reasons behind the demand for time reporting.

27. Will we have to pay overtime from our grants?

We do not know the answer to this question. However, generally, exempt employees like Postdoctoral Scholars do not receive overtime pay.

28. How will unionization change the performance evaluation process?

Performance evaluation is subject to negotiations, and the results are not known at this time.

29. How will unionization change the process for disciplining or dismissing a Postdoctoral Scholar based on unsatisfactory performance or other problems?

The UAW and the University will negotiate the procedures and requirements for discipline and dismissal.

30. Will negotiations lead to a more formal hiring process, similar to SRAs?

Hiring processes are generally pre-employment, and not within the scope of bargaining.

31. Will there be a 'probationary' period for post-docs, just as with new university hires?

Probationary period could be a subject for these negotiations, although neither party raised this issue in their initial proposals.

32. Who will be involved in mediating disputes between PIs and Postdoctoral Scholars?

The parties will negotiate conflict resolution procedures. This will not eliminate the normal workplace discussions that take place between PI's and Postdoctoral Scholars.

33. NIH fellowship and paying insurance; NIH doesn't allow for life insurance and workers compensation at end of each fellowship year.

The rules governing NIH fellowships and insurance need further evaluation.

34. How will layoff be handled if funding ends?

The requirements for layoff are subject to negotiations. The procedures of APM 390 apply until the new contract is effective.

35. Is retirement for Postdoctoral Scholars on the table?

Yes. The UC and the UAW will address retirement issues in these negotiations.

36. How will negotiations affect the department's responsibility regarding benefits for the post-doc and their family?

Benefits are subject to bargaining.

If you have any questions, please consult with Employee & Labor Relations (530-754-8892).

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