

# UNIONIZATION VOTE *TOWN HALL #2*

Hosted by the Engineering Graduate Student Council

Thursday, September 29, 2016

Presented by Emily Moore

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# BACKGROUND

- The National Labor Relations Board ruled last month that graduate workers at private universities have the right to unionize
- Graduate Workers at Columbia began collecting signatures from graduate students in 2014 and reached more than the required 30% to demonstrate support for unionization
- Columbia workers will now participate in a vote on whether or not to unionize
  - Voting is regulated by the National Labor Relations Board (NLRB)
  - Date is to be determined, but will likely happen in the Fall 2016 semester

## WHO IS AFFECTED?

All graduate students contributing to instruction are eligible to vote as defined by the NLRB, including:

- TAs
- RAs
- CAs
- Graders

NLRB currently deciding eligibility regarding timing of appointment

# UNIONIZATION PROCESS

Recognition by NLRB

Vote to unionize

Election of student committee

Administer survey to determine content of contract

Union works with UAW to write contract

Elected students negotiate contract with Columbia

Student body ratifies contract

Members begin paying dues

# UNION STRUCTURE

- Bylaws written by voluntary members that can attend meetings
  - Determine representation breakdown
  - Voted on by union members
- Student Union composition
  - Elected “department” representatives handle negotiations, gather feedback from constituents
  - Elected stewards handle grievances
- UAW involvement
  - Help with grievances (assist stewards)
  - Help run elections
  - Consultation when writing contract
  - Lawyer present for contract negotiation
  - Legal backing for disputes with Columbia
  - Help organize strikes

# TOPICS FOR DISCUSSION

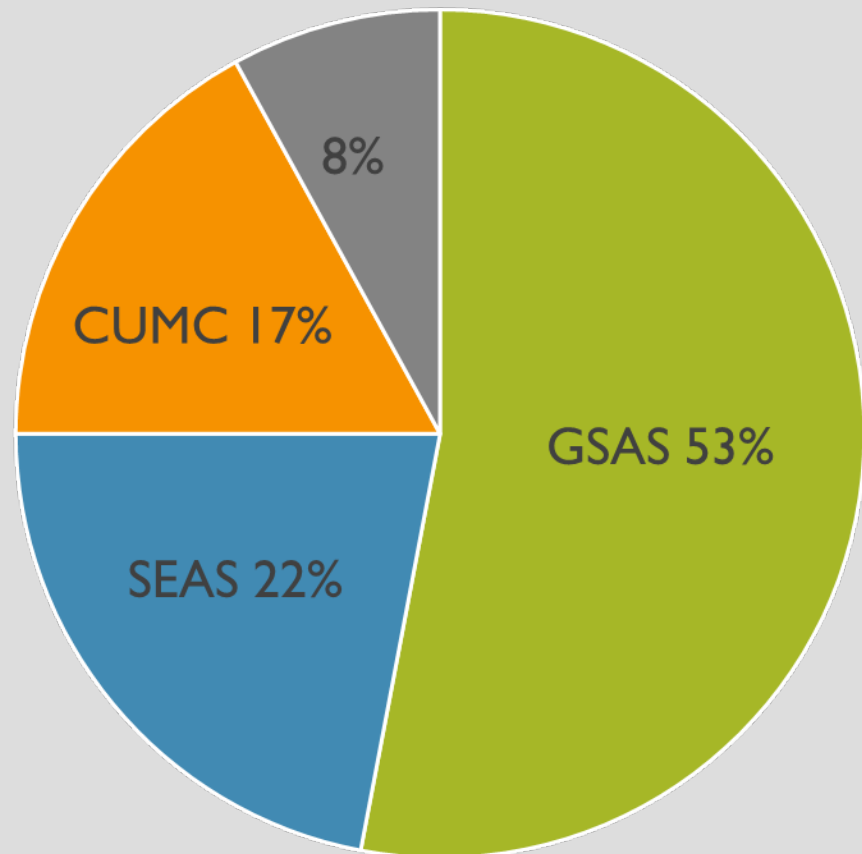
- Breakdown of representation and where SEAS stands when voting
- Current methods of student representation
- Breakdown of unionized universities under UAW
- Comparing Union and Columbia grievance systems
  - University resources
- Numbers on stipend increases compared to inflation
- Opting out of dues
- Strikes at NYU
- Clarifications on publicized content

# VOTING REPRESENTATION

- PhD students (2015 enrollment: 3,339)

Voting representation

- **SEAS PhDs: 741**
- **GSAS PhDs: 1,767**
- Other: 831
  - GSAPP (55)
  - **Business (109)**
  - **SIPA (30)**
  - Journalism (26)
  - Social Work (37)
  - **Phys & Surg (384)**
  - Nursing (190)



# WHO DOES UAW REPRESENT?

89 contracts



40 graduate workers

(32) TAs, CAs, graders

- California State Univ system (23)
- Univ California system (9)

(8) TAs, CAs, graders, RAs

- Univ of Washington (3)
- Univ of Massachusetts (3)
- Univ of Connecticut
- NYU

Public  
(State Laws)

Private  
(Federal Laws)





# PRIVATE UNIVERSITIES SUBJECT TO NLRA, PUBLIC UNIVERSITIES STATE LABOR LAWS

## Board: Student Assistants Covered by the NLRA

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Office of Public Affairs  
202-273-1991  
[publicinfo@nrlb.gov](mailto:publicinfo@nrlb.gov)  
[www.nrlb.gov](http://www.nrlb.gov)

August 23, 2016

### *3-1 Columbia Decision Overrules Brown University*

Washington, D.C. — The National Labor Relations Board issued a 3-1 decision in [Columbia University](#) that student assistants working at private colleges and universities are statutory employees covered by the National Labor Relations Act. The Graduate Workers of Columbia-GWC, UAW filed an election petition seeking to represent both graduate and undergraduate teaching assistants, along with graduate and departmental research assistants at the university in December 2014. The majority reversed *Brown University* (342 NLRB 483) saying it “deprived an entire category of workers of the protections of the Act without a convincing justification.”

For 45 years, the National Labor Relations Board has exercised jurisdiction over private, nonprofit universities such as Columbia. In that time, the Board has had frequent cause to apply the Act to faculty in the university setting, which has been upheld by the Supreme Court.

Federal courts have made clear that the authority to define the term “employee” rests primarily with the Board absent an exception enumerated within the National Labor Relations Act. The Act contains no clear language prohibiting student assistants from its coverage. The majority found no compelling reason to exclude student assistants from the protections of the Act.

Chairman Mark Gaston Pearce was joined by Members Kent Y. Hirozawa and Lauren McFerran in the majority opinion. Member Philip A. Miscimarra dissented in the case.

The decision reverses the case dismissal by the Regional Director and remands the case to the Agency’s Region 2 Office in Manhattan for further action.

# CURRENT INFRASTRUCTURE FOR STUDENT REPRESENTATION

- EGSC
  - Committee on Instruction
  - Constant interaction with Graduate Student Affairs
  - Monthly meeting with Vice Dean Kachani
  - University Health committee
  - Admin visits (Ombuds, ISSO, Public Safety, Facilities, Alumni assoc., EVP University Life, etc.)
- University Senate
  - Monthly plenaries
  - Committee participation
    - Student Affairs Committee (at least 1 rep each school)
    - Executive Committee (3 student reps)
    - Education, Housing, Budget

# GRIEVANCES (UNION)

- Elected stewards (students) handle with help from UAW
  - Knowledge on how to navigate appropriate Columbia offices to minimize bureaucratic hassle for students
  - Can offer other help using UAW resources
    - Outside contacts that may specialize in area
    - Legal procedures and team outside of Columbia
    - Most grievances handled within university
- Academic affairs are to be resolved by university
  - NYU contract: Graduate employees use their discretion to accomplish their assignments within the scope of directions given by their advisor and fiscal and time constraints
  - UW contract: University has sole and exclusive authority to make all decisions in academic matters including who teaches, what's taught, and how it's taught.
    - University determines to whom duties are assigned.
    - University maintains the right to code of conduct, academic calendars, university operations including facilities, evaluation procedures of workers, schedule hours of work, continued

# GRIEVANCES (CU): OMBUDS

- **Confidential** resource for guidance and to help navigate bureaucracy
  - workplace issues (disputes with PI)
  - academic concerns
  - issues relating to administrative paperwork and process
  - explanation and interpretation of policies and procedures
  - “we are not part of any formal University process. We don’t take sides in disputes and operate independently of the Columbia administration, reporting only to the president.”
- Offices on Morningside, CUMC, Manhattanville, and Lamont campuses
- <http://ombuds.columbia.edu/>

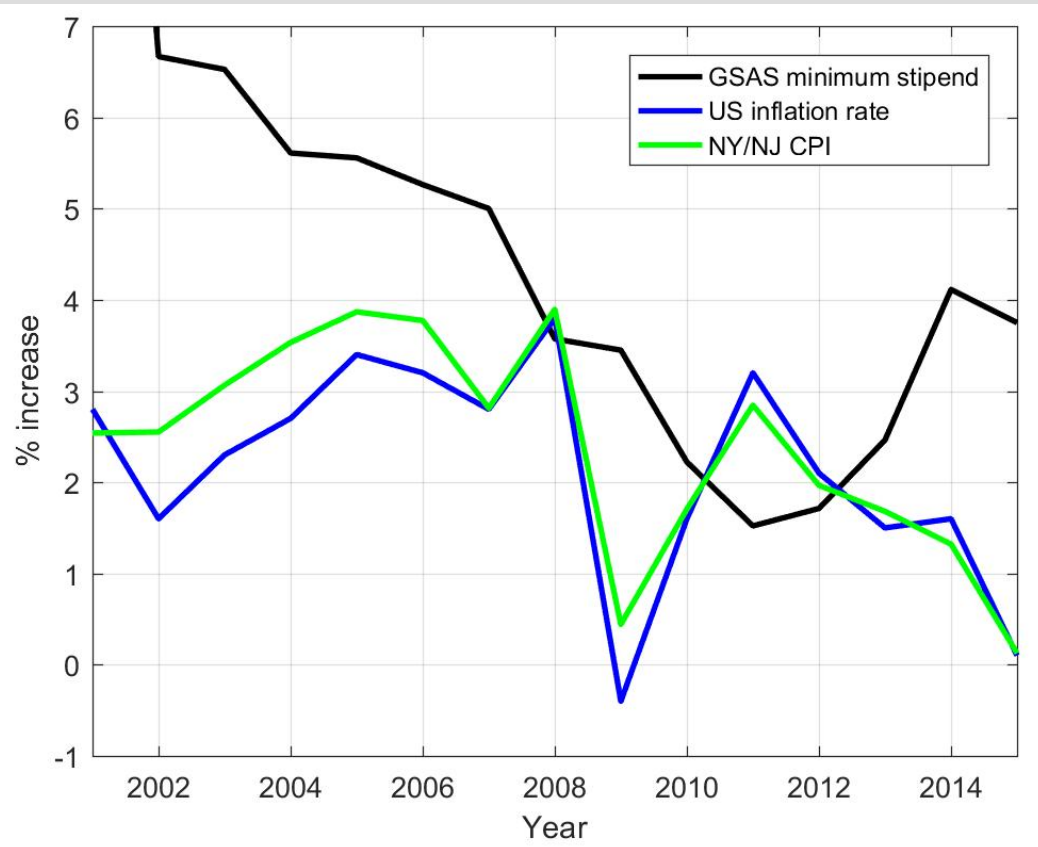
# GRIEVANCES (CU): GENDER BASED MISCONDUCT

- Locations on Morningside, Barnard, CUMC campuses
- 24/7/365 hotline for emergency support: provide options and resources, accompany to hospital/ police/ public safety, etc.
- Counseling services
- Advocates: personal confidant for survivor
- **Case Managers: sees student through entire process including filing complaint, arranging accommodations, directing student to appropriate resource**
- Title IX investigators: investigate complaints, facilitate resolutions
- Peer Educators: hold workshops on campus and coordinate orientation programs to educate Columbia community on prevention and response
- Met with EGSC Spring 2015 to discuss disseminating information, educating students during orientation, how to best serve our constituents
- <https://sexualrespect.columbia.edu/university-policy>

# GRIEVANCES (CU): UNIVERSITY JUDICIAL BOARD

- University Senate passed a set of Rules of Conduct and created a Judicial Board in Spring 2015 to fairly adjudicate student conduct issues
  - Response to the retirement of an administrator: realized needed a set of principles to protect students and faculty academic freedoms
- Overseen by Rules Administrator: Suzanne Goldberg
- Judicial Board: composed of students, faculty, and administration to conduct a hearing in instances where allegations of misconduct cannot be internally resolved
  - Appointed by the Executive Committee of the Senate
- Must resolve every report of misconduct within 2 months
- Most heavily used with activist groups, primarily composed of undergrads
- <http://www.essential-policies.columbia.edu/university-regulations-including-rules-conduct#conduct>

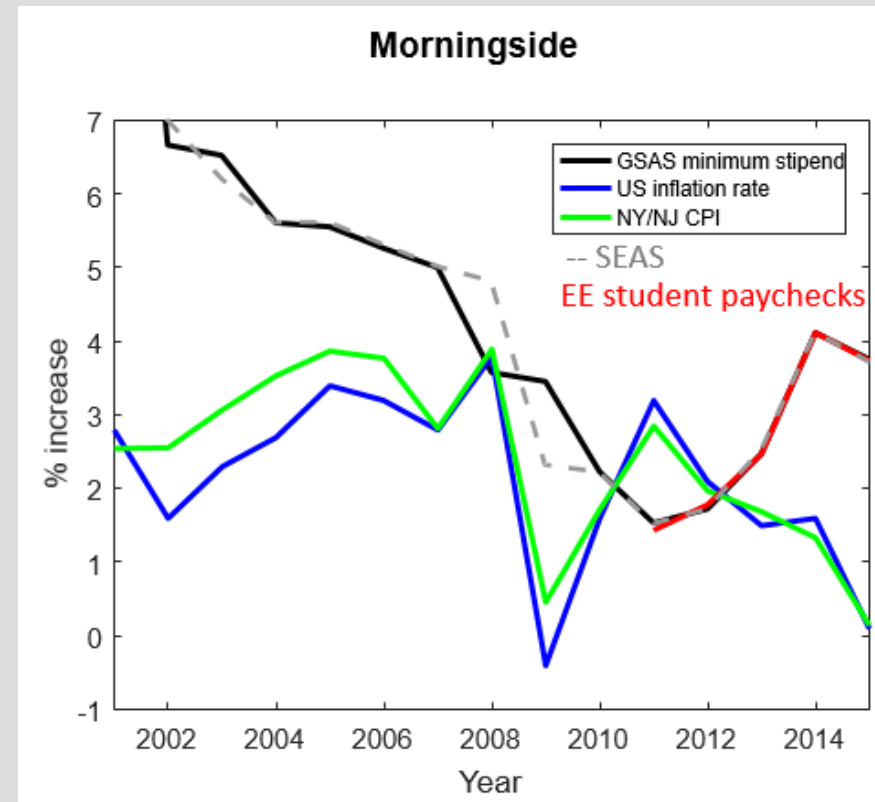
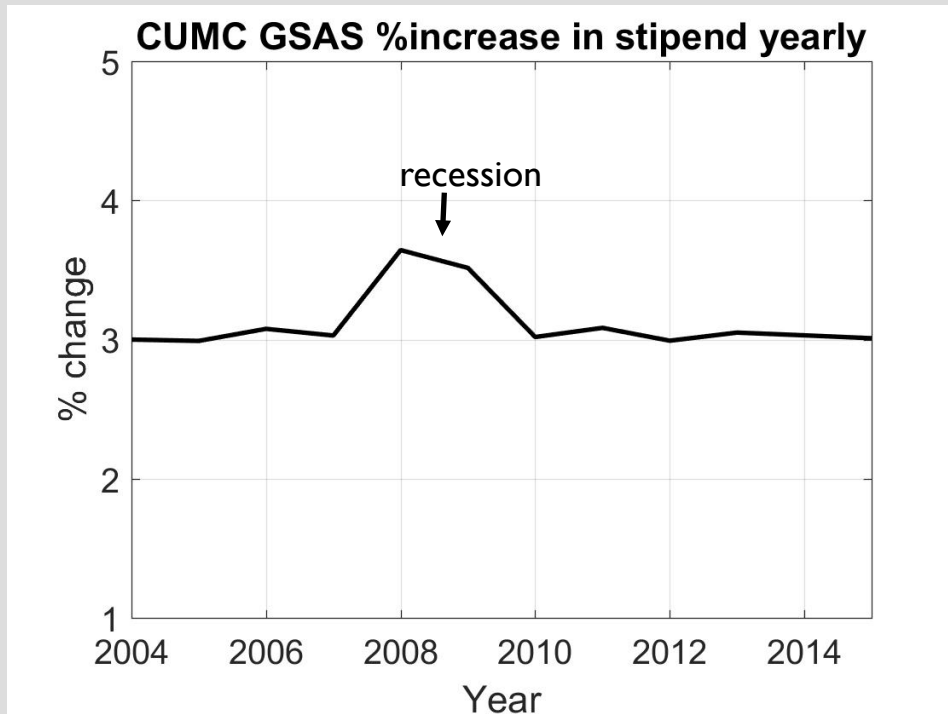
# GSAS MINIMUM STIPEND MATCHES INFLATION



- **>4%** yearly increase in MINIMUM 9 month stipend rate from 2001 to 2007
- 2001-2005 gross MINIMUM stipend rate increase was **38%**, exactly matching NYU's contractually obligated stipend rate
- MINIMUM 9 month stipend rate was **significantly lower** than inflation in **exactly one year – 2011**

- Columbia's **worst** % changes were lower than NYU's **FUTURE** contract (2016-2019) in **exactly 2 years: 2011 and 2012**

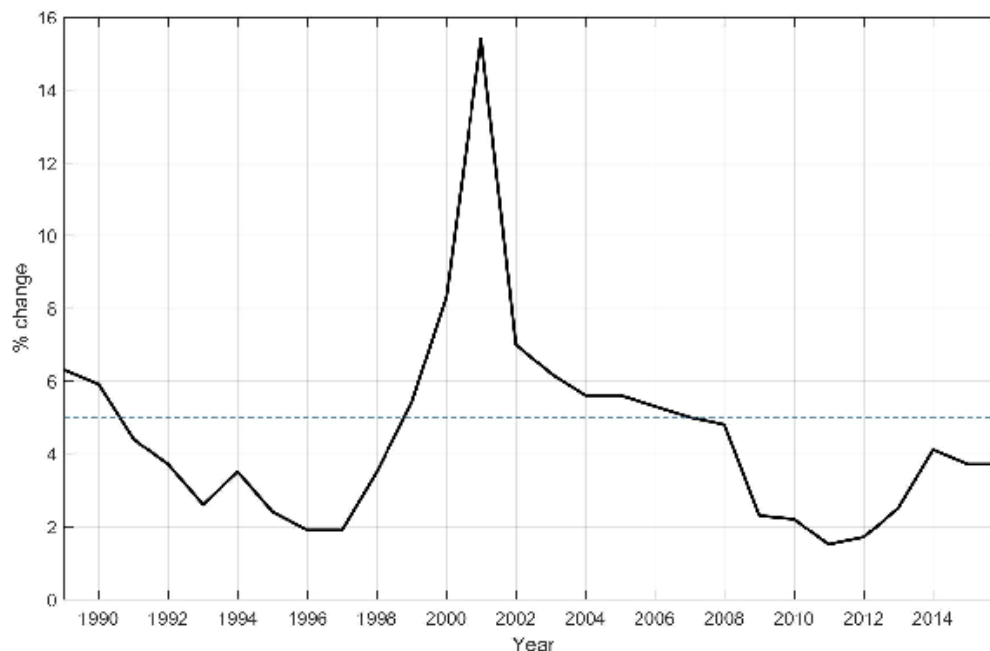
# STIPENDS MATCH INFLATION ACROSS SCHOOLS



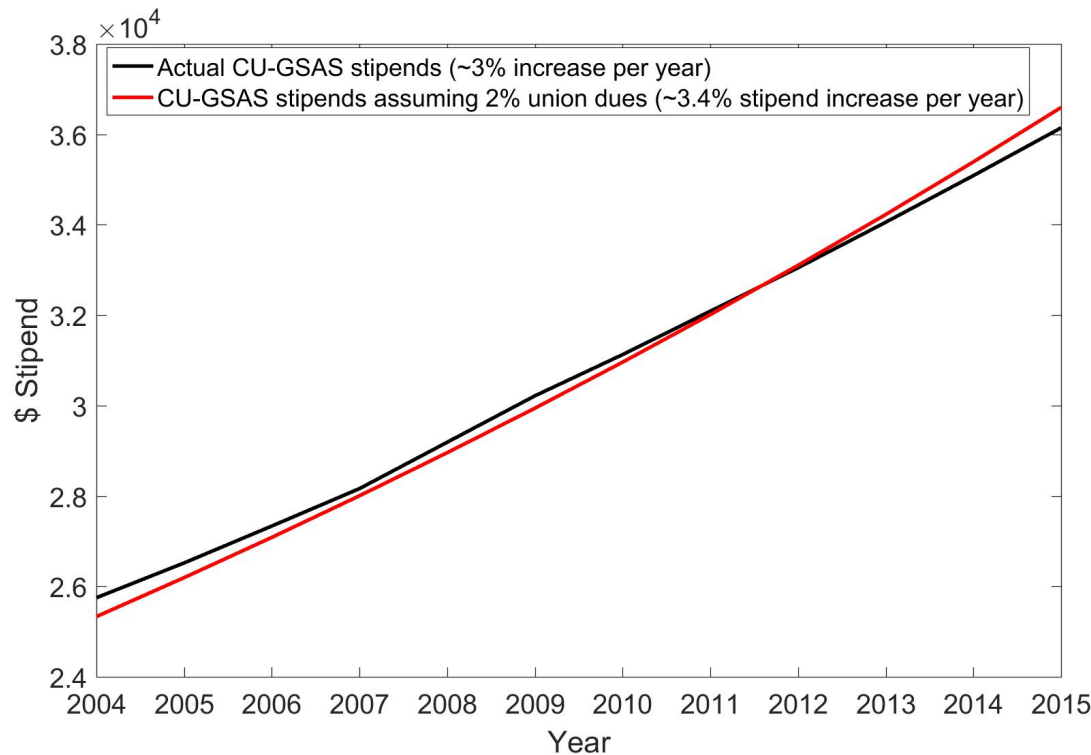


# SEAS STIPENDS ALSO INCREASE WITH INFLATION

SEAS yearly stipend increases  
(upto before some of us were born)



# SIMULATED EFFECT OF UNION DUES



- CUMC GSAS had a flat rate **3%** increase in stipend rates since 2003
- If they were paying union dues at **2%**, they would have had to negotiate an approximate yearly rate of **3.4%**, but still made the **same amount of money**

- CUMC GSAS (3%), **FOR THE PAST 11 YEARS**, exceeds NYU's **FUTURE** (2016-2019) graduate student contract (2.25-2.5%)

# CLARIFICATION: DUES

- Everyone must pay dues as mandated by the NLRB & because NY is not a Right to Work state



## **What are the rules about union dues?**

The amount of dues collected from employees represented by unions is subject to federal and state laws and court rulings.

The NLRA allows employers and unions to enter into union-security agreements, which require all employees in a bargaining unit to become union members and begin paying union dues and fees within 30 days of being hired.

Even under a security agreement, employees who object to full union membership may continue as 'core' members and pay only that share of dues used directly for representation, such as collective bargaining and contract administration. Known as objectors, they are no longer full members but are still protected by the union contract. Unions are obligated to tell all covered employees about this option, which was created by a Supreme Court ruling and is known as the Beck right.

An employee may object to union membership on religious grounds, but in that case, must pay an amount equal to dues to a nonreligious charitable organization.

## **What about Right to Work states?**

24 states have banned union-security agreements by passing so-called "right to work" laws. In these states, it is up to each employee at a workplace to decide whether or not to join the union and pay dues, even though all workers are protected by the collective bargaining agreement negotiated by the union. These states include Alabama, Arizona, Arkansas, Florida, Georgia, Idaho, Indiana, Iowa, Kansas, Louisiana, Mississippi, Nebraska, Nevada, North Carolina, North Dakota, Oklahoma, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, Wisconsin, and Wyoming.

- NYU has agency fee equal to that of membership dues - Article III
- UW - union security requires service fee by free agents - Article 29, Section I

# CLARIFICATION: NYU STRIKE IN 2005

- Aug 2005: NLRB declared private universities could not unionize (Brown decision) and NYU contract was nullified
- Nov 2005: TAs begin striking
  - Many international students did not participate over visa worries
  - Classes held off campus to respect picket lines
  - Faculty canceled recitation sections and picked up majority of the work themselves
  - No mention of RAs
- Dec 2005: Administration declares lockout and threatens to withhold stipends for up to 2 semesters
  - Most students cease striking
- “At the beginning of the strike, about 20 students in the math department signed a letter to faculty members in the department asking them to sign a neutrality pledge. They did not sign, and 6 of the 20 students went on strike. After the first week, only two remained, and then one a week later. Now, no math graduate assistants remain on the picket line.”
- Strike ends Spring 2006 without any contract negotiation

# CLARIFICATION: DENTAL INSURANCE

- Claim: Columbia took away our dental insurance
- Beginning Fall 2016 the add on Aetna Advantage package was discontinued
- 2.5% of graduate students paid for the additional service
  - Aetna elected to discontinue offering service because of low participation
- Columbia is currently investigating providing own dental, covered under general health package without additional charge
- EGSC is appointing member on University health committee to prevent future discrepancies!

# CLARIFICATION: WORKERS COMPENSATION

- Claim: graduate students don't receive worker's compensation if injured

## What you must do if you are injured on the job

### Seek Medical Attention

If medical treatment is needed, please seek medical attention at any location convenient to you. Please note that any private physician authorized by the [Workers' Compensation Board](#) can be used. Some of the treatment options closest to our campuses are listed below:

#### Morningside Campus

St. Lukes Emergency Room

#### Medical Center

Workforce Health and Safety, 1st floor Harkness Pavilion. Open Monday-Friday, 8:30 a.m. to 4:30 p.m.; phone (212) 305-7590. *Note: You must have a Columbia University ID to be seen.*

New York Presbyterian Hospital Emergency room

When treating for a workplace injury, you do not need to pay the doctor or hospital and your private insurance should not be billed, If any charges are incurred, please save all your receipts and mail them to our insurer, Gallagher Bassett Services Inc. for processing.

**Gallagher Bassett Services, Inc.**  
100 Wall Street, 25th floor  
New York, New York 10005  
**Phone:** 212-815-8900  
**Fax:** 212-672-7926

## How to Report the Injury

# CLARIFICATION: INTERNATIONAL STUDENT FEES

- Claim: unionization efforts resulted in international fees being covered
- **Fully funded international PhD students had their fees recently covered by the Dean's Office due to EGSC collaboration with ISSO**
  - Grad SEAS Senator reached out to David Austell, director of ISSO, requesting a meeting with EGSC
  - David met with EGSC in Feb 2015 and established action items:
    - Connect with Dean's Office to cover fee for fully funded PhD students
    - Include tax information on new website
    - Connect with SEAS students to demo new website to collect further feedback
  - October 2015 ISSO meets with SEAS students and Grad SEAS Senator to pilot new website
  - May 2016 Dean's Office (GSAS and SEAS) announces coverage of international student fees for fully funded PhDs

# CLARIFICATION: FAMILY SUPPORT BENEFITS

- Claim: unionization increased support for students with families and dependents
- **The Dean's Office has committed to increasing parental benefits since 2013**
  - Fall 2014, Grad SEAS Senator connects with GS Senator and Columbia University Family Support Network to increase family benefits for students at university level
  - Fall 2014, Grad SEAS Senator connects with Tiffany Simon, who has already been tasked by Dean's Office to expand family support benefits
  - Spring 2015, SEAS adds benefits:
    - Paternity leave + \$2000 stipend per child under 5, not in kindergarten. No cap on total benefits.
  - Spring 2016, University Senate passes motion to extend health coverage for special therapies for autistic children due to concerns from faculty, staff, and students
  - May 2016, Dean's office (GSAS and SEAS) announce:
    - Paid leave + semester of unpaid leave
      - Have to check this works with grant and fellowship stipulations!
    - Expand policy to cover both parents/guardians separately, when both are fully funded doctoral students
  - NYU = \$60,000 cap on total benefits increasing to \$100,000 by 2020
  - UW = \$45,000 cap on total benefits



# CLARIFICATION: FACILITIES FEE COVERAGE

- Claim: unionization efforts resulted in facilities fee being subsidized
- **The Dean's Office has committed to decreasing the facilities fee for fully funded PhD students since 2012.**
  - EGSC raised complaints with the fee in meetings with Vice Dean Kachani in Fall 2012
  - In 2013 the Dean's office announces it will begin a phased reduction of the fee
  - Fall 2014, fee is 25% subsidized with the intent to reach 50% by 2017
  - Fall 2016, fee is 50% subsidized