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SANTA BARBARA • SANTA CRUZ

STAFF HUMAN RESOURCES – EMPLOYEE & LABOR RELATIONS

SANTA CRUZ, CALIFORNIA 95064

December 20, 2019

Sent via electronic mail

Dear Veronica,

I am responding to the email you sent yesterday requesting to meet-and-confer for the purposes of re-opening the University of California-United Auto Workers (UAW), AFL-CIO, Local 2865 contract to discuss a side letter. Consistent with the past practice between the parties, individual campus local chairs of the union do not have the authority to request a re-opening of the system-wide contract and/or negotiate a side letter.

Defined in the contract, graduate students have the ability to wear two hats - one of employees and one of students. When you are acting in your capacity as employees, the terms of your employment must be negotiated and implemented in your collective bargaining agreement. A COLA is a term and condition of employment which must be negotiated, and this can only be done by and through systemwide negotiations.

Your work stoppage is an employment action, inextricably linked to your employment rather than your student status. This concerted wildcat strike is also [prohibited by your collective bargaining agreement](#) and [unsanctioned by your union](#). To that end, while you continue to engage in a wildcat strike, you remain entangled in a collective bargaining process in which the campus cannot participate. *Because this strike is unsanctioned and you demand a COLA, any negotiation with you during the strike would constitute unlawful direct dealing.* Your most recent meet-and-confer request is no different. You are again requesting to bargain directly with the University, to the exclusion of your union, which is an unfair labor practice. As the University has previously expressed, it is precluded by law from engaging in such direct dealing under the [Higher Education Employer-Employee Relations Act](#). (Cal. Gov't. Code § 3571(f); see also [Frequently Asked Questions about Union Representation](#)).

The University reiterates that we look forward to engaging with you as graduate students once the unsanctioned work stoppage ends to discuss practical solutions to address the housing burden. Any such discussions must be with you in your role as graduate students and not while you are striking employees. This is why the unauthorized work stoppage must end before we can engage in this dialogue.

Please contact me if you have any questions. I can be reached at 831-459-1930 or at jschiffn@ucsc.edu.

Sincerely,

A handwritten signature in cursive script, appearing to read "jschiffn".

Jennifer Schiffner
Director, Employee and Labor Relations