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THE REGENTS OF THE UNIVERSITY OF CALIFORNIA

STATE OF CALIFORNIA

PUBLIC EMPLOYMENT RELATIONS BOARD

INTERNATIONAL UNION, UNITED AUTOMOBILE, AEROSPACE AND AGRICULTURAL IMPLEMENT WORKERS OF AMERICA (UAW), AFL-CIO, and its LOCAL UNION 2865,

Petitioner,

vs.

THE REGENTS OF THE UNIVERSITY OF CALIFORNIA,

Employer.

CASE NO. SF-UM-871-H

STIPULATION AND ORDER
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The parties to this stipulation, the Regents of the University of California ("UC" or "the University") and International Union, United Automobile, Aerospace and Agricultural Implement Workers of America (UAW), AFL-CIO and its Local Union 2865 ("the Union"), are parties to Case SF-UM-871-H.

The parties agree as to the terms and appropriateness of the Petition as to Teaching Assistants and Tutors at the University of California, San Francisco (UCSF) campus, and wish to ask the Public Employment Relations Board (PERB) to issue a unit modification order consistent with the Petition as to those positions. In furtherance of that agreement, the parties stipulate to the following:

1. On March 10, 2022, the Union filed a Unit Modification Petition and represented to PERB that it could provide proof of support upon request. (A true and correct copy is attached hereto as Exhibit A)

2. The Petition sought to add to the established unit. The Established Unit is comprised of Academic Student Employees as certified by PERB in petition number(s) SF-R-694-H and SF-R-830-H (Berkeley), SF-R-806-H (Davis), SF-R-834-H (Irvine), SF-R-813-H (Los Angeles), SF-R-831-H (Riverside), SF-R-828-H and SF-R-805-H (San Diego), SF-R-815-H (Santa Barbara), SF-R-829-H and SF-UM-741-H (Santa Cruz), and SF-UM-629-H (Merced). The Unit is referred to as the BX/Academic Student Employee unit. This established unit generally includes the following positions: Associate In, Community Teaching Fellows, Teaching Assistants, Teaching Fellows, Tutors, Remedjal Tutors, Acting Instructors, Readers, and Special Readers as described in the Union’s Petition, Attachment A.

3. The Petition seeks modification to the established bargaining unit through the addition of the following Academic Student Employees employed at UCSF:

   (1) Teaching Asst – GSHIP/NON REP, 2312
   (2) Teaching Asst – NON GSHIP/NON REP, 2313
   (3) TUT-GSHIP/NON REP, 2862
   (4) TUT-NON GSHIP/NON REP, 2863
(5) READER NON STDNT/NON REP, 2520
(6) READER-GSHIP/NON REP, 2854
(7) READER-NON GSHIP/NON REP, 2855

Excluded from the petition are employees in positions already exclusively represented at the time of the petition.

4. On April 4, 2022, the University filed its position with PERB in which it stated it does not oppose the Petition as to Teaching Assistants and Tutors (categories 1-4 in paragraph 3, above), consistent with the definitions set forth in HEERA, specifically Gov't Code section 3562.

5. The University has indicated that it does not employ any Readers at UCSF and thus prefers to defer inclusion of Readers (Titles 5-7, in paragraph 3, above) until such time as the campus employs individuals in those positions. The University agrees that it will first notify and meet and confer with the Union if it intends on hiring Readers at UCSF in the future.

6. The parties agree that petitioned for employees in Titles 1-4 of paragraph 3 share a community of interests with employees in the established unit, including but not limited to common skills, working conditions, job duties, and similar educational and training requirements. The parties further agree that, as of April 1, 2022, there are approximately 17,764 employees in the established unit. The parties agree that the University has verified that as of April 26, 2022, there are approximately 27 employees in the titles petitioned for at UCSF. Therefore, proof of support is not required under PERB Regulation 32781(e)(1).

7. The parties agree that this is an appropriate unit modification under HEERA and PERB regulations. Therefore, the parties agree to add to the established unit described above, consistent with HEERA, Academic Student Employees employed at the University of California, San Francisco campus in the following titles:

(1) Teaching Asst – GSHIP/NON REP, 2312
(2) Teaching Asst – NON GSHIP/NON REP, 2313
(3) TUT-GSHIP/NON REP, 2862
(4) TUT-NON GSHIP/NON REP, 2863
Excluded from the petition are employees in positions already exclusively represented at the time of the petition.

8. The parties agree that in compliance with HEERA Section 3583.5 deduction of dues and fees for those being added to the unit by this unit modification will commence when notice is given by the UAW to the University. The parties further agree that such notice and the timeline for implementation will be reflected in the collective bargaining agreement applicable to the full unit which will include the employees at UCSF as described in the unit modification stipulation.

9. The parties agree that the terms and conditions for those employees being added to the unit by this unit modification will remain status quo until such time as covered by the terms of the successor agreement between UAW and the University of California. The parties will meet and confer over their terms and conditions of employment as part of the successor agreement negotiations.

10. The parties respectfully request that the Board issue an order of unit modification for the unit petitioned as described herein.

Respectfully submitted,

SCHWARTZ, STEINSAPIR, DOHRMANN & SOMMERS LLP

DATED: May 9, 2022

By

AMY MOOOLIN CU
Attorneys for INTERNATIONAL UNION, UNITED AUTOMOBILE, AEROSPACE AND AGRICULTURAL IMPLEMENT WORKERS OF AMERICA (UAW), and its LOCAL UNION 2865

INTERNATIONAL UNION, UNITED AUTOMOBILE, AEROSPACE AND AGRICULTURAL IMPLEMENT WORKERS OF AMERICA (UAW), and its LOCAL UNION 2865

DATED: May 11, 2022

By

RAFAEL JAIME
PRESIDENT, UAW LOCAL 2865
DATE: May 10th, 2022

By Garrett Strain
Garrett Strain
UAW International Representative

The Regents University of California

DATE: May 9, 2022

By Jennifer Chin
Jennifer Chin
Principal Counsel, Labor and Employment

University of California
San Francisco

DATE: May 9, 2022

By Kelly Sheridan
Kelly Sheridan
Manager, Labor Relations
ORDER

For the reasons stated in the foregoing stipulation, consistent with the definitions set forth in HEERA, Gov't Code section 3562, employees at University of California (UCSF) who are designated as:

(1) Teaching Asst – GSHIP/NON REP, 2312
(2) Teaching Asst – NON GSHIP/NON REP, 2313
(3) TUT-GSHIP/NON REP, 2862
(4) TUT-NON GSHIP/NON REP, 2863

shall be included in the established University of California BX/Academic Student Employee unit represented by International Union, United Automobile, Aerospace and Agricultural Implement Workers of America (UAW), AFL-CIO and its Local Union 2865 as described above, excluding employees in positions already exclusively represented at the time of the petition.

DATED: __________________________

____________________________________
Administrative Law Judge