

>> Good afternoon, I'm Matthew Payea, I'm the President of the Graduate Student Society and I'd like to welcome all the graduate students from the School of Medicine and Dentistry and School of Nursing to our town hall meeting today on the subject of unionization. As you may have seen in the email I sent out this morning, the format of today's meeting will be different than initially advertised. There will be no representative from the Service Employees International Union present to answer questions. Representatives from the SEIU have said they are open to discussion with any graduate students about the formation of a union and membership in the SEIU, but did not wish to presume representation or to give the appearance of recruitment. Today's meeting will start with a statement from the university representative and then will proceed to an open forum for questions. So with that I'd like to welcome Dr. Seton Dewhurst [phonetic] who will be speaking on behalf of the university.

>> So thanks, Matthew, there's a couple of people in the room when we get to the questions who are I think are pretty knowledgeable about the issues, I think that's Allen and Matthew and there maybe others as well but, anyway so when we get to that that's I'm hoping the main point of what we're going to do. I do have some comments to make, some of them are probably in part written by one of our lawyers by way of explanation as sort of some of the issues and again Matt and Allen probably know more about this. But as you're probably all aware the National Labor Relations Board recently issued this ruling at Columbia that has to do with student assistants at private universities having the right to unionize. And that's actually a reversal of a previous decision that you may be familiar with and in fact there's a lot of history here so just to give you a little bit of background. The ruling says that quote, student assistants you have common law employment relationship, meaning there's a service requirement, with their university are statutory employees including those doing extramurally funded research. In other words, the decision that has concluded that you all, from this standpoint at least under the National Labor Relations Act will be considered employees. And that's a reversal of the Brown decision from 2004 that I'll come back to in just a second. So the history here as far as I understand it goes back at least to 1972. There was a ruling with the Del Phi University that held that grad students should be excluded from the bargaining unit because of a difference of interest with the faculty. So there was already some interest in this issue going back quite some time. In 2007 the NLRB ruled that some graduate assistants were considered employees with the right to collectively bargain and that topic was reviewed again in the Brown decision in 2004. So the Brown decision ruled that grad assistants cannot be considered employees because quote, they're primarily students and have a primarily educational, not economic relationship with the university. So the current decision reverses that and basically takes the position that that earlier judgment by Brown was in error. I'll only say that you know from my perspective and I think probably many of yours this is a very muddy area, are you employees, are you students, what's the relationship? I don't honestly really know what to tell you. And from the standpoint of a legal matter it doesn't matter, the ruling has been made at least for the moment, it may be overruled or challenged, I don't know but for the time being you are considered employees. At least from this particular standpoint the right to unionize if that's what you choose to do. So topics had a long history and has taken a lot of twists and turns and really I'm here more to just tell you that you have options and that's sort of self-evident

but just to belabor the point a little bit the first decision you'll have is whether you even want to hold an election in order to form a union. And you'll likely be asked to sign something either on paper or electronically, the only comment I would make is that sometimes you see you know an email and you'll just click a box, do think carefully before you do that, that's actually a meaningful thing when you do that in this instance. You are deciding that you would like to vote for forming a union if you do that so just keep it in mind. Also, keep in mind that if the union vote is successful, in other words if you do decide you'd like to unionize the university is obligated to give student information to the union. Absent that we're not obligated to give them anything but once that's been decided we are obligated to give it for all of you. Another important thing to realize that is probably evident to many of you but collective bargaining doesn't necessarily have to represent all students, so students can be represented in collective bargaining by specific disciplinary areas or divisions. So for example one could choose to unionize students only in humanities, one could even choose to unionize students only in a particular department. So there's no necessity that everybody would be included in that collective bargaining unit. So just something again to be aware of. Also important if a vote is held and you choose not to participate in that vote I would regard that as a mistake on your part and I'd urge you to vote. Whether you're yes, no, whatever but vote because the decision to unionize once it's made will be made by the majority of the people who vote but it will affect everybody, it's self-evident but it's worth reminding. And to me at least a good example of that is the Brexit vote in the UK, a lot of people stayed home and they must be very, very sorry they did that. So, do please whatever you decide do vote and don't let somebody else decide for you. And do be aware the if the vote to form a union is positive that will change some aspects of the way we interact with you as students, we'll be obligated to work with union representatives to discuss all grad student bargaining issues across all departments, so it changes things, I'll come back to that in a little bit. Now it's worth knowing too that in many industries people have the right unionize and may choose not to, you're just as protected by the National Labor Relations Act whether or not you unionize. If you negotiate or discuss with us on an individual basis you're protected as employees under the NLRA, so. What I would say it's a personal decision for each of you, I'd add that you know, I've been a faculty mentor for students, I'm still in touch with grad students who left my lab 20 years ago and that's because their career development really matters to me. And I would say that for the faculty as a whole your career development is really tremendously important, it's a great privilege for people like me or other faculty members who get to work with you. So I just sort of want to say that as the environment in which this is taking place. Your best interest creating an environment where you can really learn and develop as individuals is the most important thing here, whatever you decide otherwise. And that part of working together will continue regardless of whatever decision you make in the next few weeks. I should add that the union isn't obligated to give you any information that would be anything other than pro-union, that's fairly obvious. And in general you're all scientists, just go get the data, whatever data you need, go get as much data as you can. And if you don't get it today, you know we'll get it for you or go ask the union for it, you know whatever but just make sure you get the data. The last thing I would say you know if you're curious about the administration's position, the administration's position is that the interaction between the individual students and faculty advisors and departments is best fostered as individuals and not through collective bargaining units. It gives more flexibility but again that's a

decision you're going to have to make about what you think is best for you. I would say in conclusion you know we recognize you are all very smart people or you wouldn't be here if you weren't you're going to go out and figure this out for yourselves, whatever you decide, the faculty and the administration will be here to support you. You know, whether you decide to unionize or not, either way, your future is the most important thing that's at stake here and I don't want you to have any misunderstanding about the commitment to that. So I'm going to stop and I think the more important part is for you to have the chance to ask questions and to the extent we can we'll answer those. So I don't know if you want to come up Allen and Matthew and just please just anybody that wants to start with questions please do.

>> If we're considered employees does that mean that we get retirement now?

>> I will let Allen take that one.

>> Can you repeat the question [inaudible].

>> Yeah, sure so if we're considered employees do we get retirement now? So that is a good question, I think that there's probably two ways to answer that, one has to do with different legal standards in different units of the federal government defining what is an employee in different ways. And so while the National Labor Relations Board is defining you as employees for its purposes, it doesn't mean that the Department of Labor would necessarily define you as employees in its purposes. And this creates headaches for universities all the time in terms of how we pay people, how we classify benefits and so on. For example, graduate students are not eligible for worker's comp because under those regulations both state and federal, you know, you're not considered employees in that capacity. So that I would say that it probably would not change I believe -- there are no lawyers here and I'm not a lawyer, but I do a RESA which I believe is the law that guides this. That nothing has changed and so your status will stay the same as far as that is concerned. The second piece of this though is that I think this ruling has created some interest in Washington D.C. and elsewhere about what they sometimes call harmonizing statuses because I think people recognize in various sectors of the economy and different parts of the country that all of these different rulings create different status for people are not really helpful or create a lot of confusion. And so that may happen in the future but you know your guess is as good as mine in terms of that, so, yeah.

>> Just following up from that is there anything other than the right to unionize [inaudible]?

>> In terms of benefit, so is there anything?

>> In terms of anything about our experience as graduate students.

>> So I mean --

>> Can you repeat the question.

>> Yeah, sorry, so is there anything other than -- anything about the experience of being a graduate student it changes as part of unionizing.

>> Part of the NLRB decision.

>> Oh, part of the NLRB decision. So no the NLRB decision gives you the right to unionize, the right to unionize allows you if you successfully form a union to negotiate for some of the conditions of your employment. And those are the things we change but it depends on whether people want to authorize and election, you know whose part of that bargaining unit, how the vote goes and then the contract negotiations that proceed from that.

>> I'm sorry I guess the question was is there anything more broadly than [inaudible] other than just specifically the right to have [inaudible]. Is there anything other about the definition that changes [inaudible]?

>> No, nothing, nothing, yeah, no this is the National Labor Relations Board basically changing your status but everything else around it is not changed.

>> So we can't get employee benefits like [inaudible] and our current insurance will stay [inaudible].

>> Your current insurance, yeah as far as I know right now would stay student insurance, although I will tell you that you know the student insurance plan, because you are a younger population, a healthier population is you know generally cheaper for you than the employee plan if you were to look comparatively. There may be some you know, things on the edges that are better in one or the other but it's you know generally speaking. One of the reasons we made a move for postdoc health insurance which were previously kind of split between the student and the employee plan was that by creating a postdoc pool, health plan pool, you know one group for them. It actually gave them relatively similar coverage to the employees at much less cost. And so there are some benefits in other words at the end, you know in a younger population of people for health insurance purposes, yes.

>> So some of us are supported by [inaudible] so how [inaudible].

>> No, that would not be effected, I think, it's not clear to me and this is something I think would have to be clarified, those that are on fellowships and training grants, you know similarly funded. Whether they would be considered employees because under the rules of those of that funding you're not considered employees. And so maybe that if you're fully funded off of one of those sources you wouldn't be within the bargaining unit at all. But it certainly wouldn't change the status of your funding so.

>> And what I would add on that is with postdocs that issue has come up a little bit, some people on training grants being considered different than some people who are not and we've tried to make sure that the way people are treated with respect to benefits is the same regardless of the nature of the appointment. So philosophically if anything like that came up we wouldn't want to see you disadvantaged because you are on a training grant, we like training grants [inaudible].

>> With regards to like [inaudible] people are asking about, obviously the right to unionize doesn't change our right to those benefits but then as if you were to join the union would those be benefits that we could then could potentially bargain for. Or like are those just two separate issues?

>> So the question is whether benefits can be included in bargaining if a union was voted in. So yes, I mean some of the conditions of your employment could be considered -- there would be a set of conditions of your employment that would be included within bargaining and benefits could be part of that, typically it is. I think that's really something that would come out, it's really kind of a question for the union in a way too, I mean what would they bring up as issues. Because if it were to get to the collective bargaining stage, the union would put forth a proposal, you know, the university would react to it. And if it included benefit related things then you know those would have to be negotiated out. So I mean in theory yes it could be included in practice, it depends really on the composition of the group and what people want.

>> How are the collective bargaining unit boundaries created and defined?

>> Okay so how are the collective bargaining unit boundaries created and defined? So that's where the comment about don't click on buttons and sign, you know how that you know, union authorization process go forward is really important. So what the union will do is it will petition the National Labor Relations Board around a certain bargaining unit. That bargaining unit will be determined by whether it thinks it has 30% of that groups, union authorization cards form 30% of the people that it defines in that group. And so when you sign a union authorization card you're basically expressing interest to the union and the union will take that interest and try to define a group that it thinks that it can petition the National Labor Relations Board to accept for a vote. So what it means is that you know to kind of step back from that is that it's not the case, and it's not the case in practice anywhere that all graduate students at an institution will be considered part of the same collective bargaining unit or one large collective bargaining unit. If you look at and I think we have these posted or will have these posted if you look at I think it's NYU's contract or you look at what's happened at Yale recently, certain departments have been selected as part of the proposed bargaining unit. So maybe ten departments you know it may be all humanities or it may be a wide range of groups, wherever the union and the National Labor Relations Board has allowed the union flexibility in crafting these groups. So wherever the union feels like it can have, you know it has support it can create a bargaining unit around that group. And the reason it knows it has support is through those union authorization cards. So it's a little bit of a roundabout answer for you but it's really not -- it's the union that decides what I wants to propose and I just kind of told you how it determines what it wants to propose.

>> What other information do you give them when you fill out that card other than your [inaudible].

>> Yeah, it's just your name and your contact information and then I think the ones I've seen have little -- the electronic ones at least have a little bar on the side and maybe in orange or something like that, that says union authorization card. And then you click submit and like I said you'll get on a mailing list so you will get information, you know but you're also doing something in addition to that which is showing your interest in --

>> How do they delineate between names; like how would they say like oh the humanities department [inaudible].

>> So you'll give a bit more information, I mean you give your personal information, I think you give your department and so on and so that's why. Or they will reach out and contact you later and find out what department you're in, I mean this is a strategic decision for them so they have ways of finding those kind of things out. I mean, I'm not saying it's nefarious, I mean they probably will just ask you right, you know. They'll write you and say you know what department are you in, you know as simple as that, you know. All right, yes.

>> You were talking about the bargaining unit, can you define more what [inaudible] bargaining unit, is it at the university?

>> Right.

>> Are they people [inaudible].

>> So yeah, what defines the bargaining unit, so this is graduate students at the University of Rochester, so it's not other schools, it's only graduate students at this point. The National Labor Relations Board ruling was a bit broad and included undergraduates, a mention of undergraduates and so far. I don't think that there's any nationally sort of any movement that undergraduates would be involved in this. But so it's primarily going to be graduate students at the University of Rochester have the possibility within that the union will create what it thinks is a proposed bargaining unit should it want to move forward.

>> So just to follow up with that question [inaudible] so currently all graduate students but if segments of the graduate student body wanted to do different things you said the union could then make these smaller segments [inaudible] somehow by participation [inaudible].

>> Right, right so is it the union that creates smaller segments for those who didn't hear. Yes, it's the union that will initially petition the National Labor Relations Board, the university may or may not know what the proposal is before it goes to the National Labor Relations Board so it really is the union's decision and they will base it on where they think they have interest. It's, you know a good question for them how they gauge that, clearly if you sign the card, that's one obvious expression of interest and they have other ways of gauging interest as well but yeah.

>> So again probably not along the same line, so different departments give different benefits [inaudible] for their students. So if for example, all graduate students in the entire university of Rochester are under one union, but let's say if humanities or [inaudible] departments [inaudible] that particular group wants something changed about what they get, then the entire union of all the graduate students changes all the policies for the university regardless of what other students want, can the union dictate who they want to represent [inaudible]?

>> Okay, so there's a lot there [inaudible] so it's really about the question of how are the interests of graduate students in different units represented in a collective bargaining situation, how does a union represent them. That's a very good question, that's a good union question and I guess that's really their challenge, right. I mean if it was all graduate students across the university then it is quite a diverse group of people with different career trajectories, different options after graduation, different stipend amounts, other

sorts of requirements to the degree and so on. And so I mean the union will have to figure out how to be representative across that group. And I mean I don't know that -- I can't give an answer about how they go about doing that, in fact what I can see from other you know, contracts is that, you know that they signed or how they approach the NLRB, that actually might want smaller, more coherent groups because that might make it easier for them. But you know that's a strategic decision for them, the question for you is that yes, I mean if the entire graduate population or some subsection or whatever type of subsection of it were to unionize, the question for you is what do you think your interest would be accurately represented within that group and how that would work, you know. And that really is something that I encourage you to speak to your union representative about.

>> I did want to just comment on the idea that there's differences across students. I don't know if Edith or Sharon wanted to speak to that. As far as I know with the medical I think should be pretty much the same standardized across programs. I'm not as knowledgeable about River campus so Allen may -- but at least on the medical center that's quite right [inaudible] it is the same.

>> [Inaudible] that's pretty much true, I'm not sure there may be other you know programs [inaudible].

>> The Dean of the school of nursing is in the back, Kathy.

>> There are some slight differences [inaudible] I'm not sure what the differences are [inaudible] and I think there's probably more similarity than differences.

>> Yeah, I just [inaudible] I just want to make one more comment on that so the union is unlikely to come in and start gathering up departments with departments that do not want to be a part of that union. So they're not going to bundle together people who are not interested. If a department or a group of departments had expressed interest and had reached out to the union, which is important to know the unions are not really on campus looking for people right now. You would have to go to them to be part of this. Then they would start deciding the bargaining unit that would likely be made up of the people who are interested in the union.

>> So currently we receive a stipend regardless of the decision to unionize, do we now receive a salary instead of a stipend and how does that change our tax status?

>> So the question was currently we receive a stipend, will that change into a salary? How does that effect tax status? So that I don't think has any -- well, there are some changes I think that we're going to make to graduate student payments that are going to predate all of this that may have some implications on how we think about stipends and salaries. But I don't know that anything specific to the unionization issue is going to have any direct effect on that. As a practical matter whether we call them stipends or salaries right now, there's still tax withholdings on it and you still get a W-2 every year. So the implications of unionization won't affect that right now, so. Yes, in the back.

>> I have two questions, first of all [inaudible] you were saying that the current situation and the way that the university would prefer is if we have individuals [inaudible]. And so I

wanted to know, maybe this is [inaudible] emails just to reiterate what the options are for students currently, if they have issues [inaudible]. So we can compare, what are our options to negotiate with the union, what are our options [inaudible].

>> So what I would do I think in that instance is I would ask -- the question was can we provide information to clarify for students what the university would offer in terms of negotiation for individual students and discussion of issues. And I think the way that could be handled and should be handled is probably for me this office for the School of Medicine and Dentistry from Kathy's group and then also from the River campus and put something together for you that would summarize the way that that would be approached and at least give you a clearer delineation of the way that would work. So we will huddle about that after the meeting and figure out how best to do that.

>> But maybe I could just add [inaudible] School of Medicine is you know I'm happy to talk to anyone at any time about these issues. And if two or three or twenty of you want to get together and talk to me as a group, then obviously it's a stronger voice and I would welcome that at any time. So you know if you have an issue, don't hesitate to talk about it, right, whatever it is, maybe we can again negotiate right and I personally would rather negotiate directly than indirectly because I think that's in people's best interest. And it's always easier to have a two-way conversation than a [inaudible] conversation is my experience, so just to put that out there.

>> And my second question was related to international students that are here on visas [inaudible] [laughter].

>> Right, so for international students that are here as students and permits illegal to work how does one be considered an employee. That's a good one, that's a federal government question, you know I think again I mean the ruling or the different government agencies think about who's an employee, who's an employee in very different ways. You know the funding agencies think about it different than the Department of Labor, Health and Human Services thinks about it a little differently, now the National Labor Relations Board thinks about it a little differently. My understanding from our lawyers here is that international students are considered employees for the purpose of union organization, you may not be in other capacities. But that's part of you're the murky status [inaudible].

>> So if we were to say unionize what are some examples of how things would be different of how we interact with the faculty or I guess at what point if we have a problem would we go to them versus does the union go for us?

>> Okay so how would interactions with faculty change as a result of unionization? So I can't speak for the specifics [inaudible] and maybe other folks want to jump in on that, I will just say generally that if a union were to be voted in and negotiations take place there would be certain things that would be considered part of the negotiation. And I mean there'll be a negotiation on what things were included in that. Those things once they are part of the negotiation, once they are negotiated and a contract is signed the university and those schools would have to adhere to what is agreed upon. There can't be any sort of additional negotiation kind of behind the scenes with individual students because that's actually a violation of law around unions. I mean that's basically going around them, for

those particular issues that are included as part of that negotiation. There may be issues outside of it in which case then there would still be flexibility, so it's really a question of what gets included and doesn't get included. As far as you know again the specifics of you guy's interactions, I don't know if anybody else wants to say anything about it or --

>> I don't know that I can comment very knowledgably on that to say what would change. I would think most things with your individual advisor probably wouldn't change, I'd be rather surprised if it did. I think it's the higher order of things that Allen was alluding to, those might change because they would be -- they'd be negotiated with a group and so that becomes a little bit different than an individual conversation. But as far as you and your advisor, I would be surprised if it would really make much difference.

>> Yeah there's a single study that's been done on this from 2013 whose authors I don't recall but if you search the Wikipedia page for grad student unions you will find it as one of the references but it was quoted at the Monday night town hall so academic freedom it didn't seem that they found was any different, I didn't read it though so I can't comment on specifics but I read the abstract.

>> If we chose not to unionize like now is there anything that would prevent future students in future years from making a different decision like the issue [inaudible].

>> Sure, so if the choice is to not unionize now could it come up again as an issue in the future. Yes, it could, yep simple answer, yeah it certainly can. And the one thing union authorization cards I believe last a year, so if you sign one there's kind of a year and then after that they expire and they have to be resigned. So not exactly to your question but expressions of interest have a time horizon I guess, yes.

>> I'm curious [inaudible] on what would be the horrible downsides you can imagine [inaudible] unionization is not the best.

>> Well, I mean we stayed away from -- sorry so the question is what would be the horrible downside, horrible would be a strong word so. It's not going to be whatever you decide; it's not going to be horrible from either side I don't think. So my guess is that they'll be some things that will be from the standpoint both of you in the administration that might feel a little more cumbersome in the negotiation and a little bit less direct. And the converse of that is you might feel that you were in a different position with respect to negotiation. So there's a certain amount of you know how you feel about interacting with the administration, how responsive you feel they are and again as Allen said you can revisit decisions about unionizing later so if for any reason you voted one way and or probably more likely if you didn't vote for a union now but you decided later that the administration hadn't been responsive in a way that you liked you can always revisit the decision. So to me that's the most likely thing it will just make things a little bit more cumbersome because they'll be negotiated in a group and there'll be a slightly different process involved in addition and I don't know if anybody else has any sense of that. I mean I don't have direct personal experience so I can't tell you much more than that.

>> My understanding [inaudible] is once a union is formed it's required [inaudible].

>> That's why I changed my wording, yes, I was going to say it could go either way but I think that's true, once the union is in place it -- that decision is a little bit harder to reverse I believe.

>> Yeah, I think there are certain rules around it and I think it's that you can't -- there's a process called decertification of a union and you can't do it for one year after the union is formed and I think you can't do it until the last year or two of an existing contract. So in other words there's certain rules around when the process can start and then the process itself is essentially kind of the reverse of -- it's not the reverse it's the same as you just -- it's the same as an up and down vote as to whether or not you want to continue or not. But there are certain rules around it to protect those who are unionized.

>> Again some unions have specific requirements for dissolution and the SEIU I think, I read their constitution twice and I'm not positive that I'm still reading correctly but they said if there is at least seven members that don't want to dissolve then it can't be dissolved. I think maybe then they would go to an up and down vote. But it's difficult from the federal sense and it's difficult in the [inaudible], yes.

>> Is there a resource out there maybe someone could comment on it, of the main differences between the School of Medicine now employees versus the humanities or River campus. In terms of the financial benefit that we get, the stipend, the tuition that's waived, the health care, all of it, is there a resource out there that we can compare and contrast.

>> Right so the question was, is there a resource out there to compare benefits, salary other sorts of things across schools. There is not, should there be, well that's a good question. I mean you know that's something we can consider, I think in the past what's happened, you know there are HR rules around you know talking about people's specific salaries both in terms of talking about ranges and so on is something that would have to be you know discussed by people well beyond me. But you know I mean it's something that I can take to them as coming out of this conversation. One of the reasons I think we don't have it now is because this is a decentralized university like many research universities, the schools manage those issues themselves. And so and they do that in accordance with the needs, you know educational research and so on of their population. And so there is variation there because you know the schools have different missions and so on and there's a lot of that flexibility here, yes.

>> So what's the time frame for like starting a union, like bargaining a new contract, like how long would that take?

>> So what's a time frame for the process, so you know in terms of the initiation of the process, you know signing -- or the union going to the NLRB with their petition, that's just open ended. I mean whenever they feel like they have the support then they'll go. My understanding is once they petition the union has a week to respond particularly around the excuse me, the proposed bargaining unit. At that point the NLRB will make a ruling about what the bargaining unit is and if the election should go forward or not, what I've heard is that union elections these days are taking about two to three weeks so there would be kind of a big publicity blitz, there would be a vote at the end of that period of time. And then after that if a union is voted in then you move it to another stage, the contract

negotiations stage. So that process can take a long time, it can take varying amounts of time, really it depends on what people are negotiating. I can say that in the case of what they call contingent faculty which SEIU has worked with in their faculty forward campaign they made contracts that have taken probably about a year or so to negotiate. Sometimes a little bit of time before they go into effect after that, just you know to sync up with academic year or what not. So I mean the negotiation can take a little while but it does depend on you know how big the group is, what you're talking about, how far apart you know, the different negotiating units are, yes.

>> Can you imagine how unionization might change the role the GSS plays in advocating for students?

>> So can I imagine how a union would change the way that GSS advocates for students? So [inaudible].

>> I can't imagine the way it would because legally we can't be a union representative since we're funded by the university, GSS can't be -- speak on behalf as part of union activities. We will still do all the other events that we do, this town hall is probably the extent of the efficacy we've done this year. So I wouldn't think there would be any major changes in the Graduate Student Society.

>> How are the representatives of bargaining units once they're defined, do people step up, is there a vote within a collective bargaining unit to decide a representative, who negotiates on behalf of --

>> So who decides who the representatives are within the proposed bargaining unit or the actual bargaining unit. That's a good union question, I think it varies on how it works and I think you have to, have to work with them on that and who they take representation from now.

>> Can the bargaining unit decide to just abstain from negotiating?

>> Could a bargaining unit abstain from negotiating; well I mean I suppose you could you know if you were a bargaining unit. I don't know -- I'm not sure what -- are you talking about a subsection within a larger bargaining unit or the bargaining unit as a whole. I mean you know if you're saying can you opt out of the process then you know that's difficult to do. I mean you know people will probably negotiate on your behalf in that case. You know I don't know that a bargaining unit would decide not to entirely I mean given all the trouble of putting it together and engaging with the university on issues, you know, so.

>> Yeah, if you're part of the union or you're part of the unions voting unit you're included in the bargaining there's no opting out, that's state law right now. So that it's illegal to not and be included in that union. If you're part of the voting unit.

>> So other than potentially going to [inaudible] is there currently anything in place where graduate students can gather and talk about the things that they want to negotiate?

>> So the question is, is there a place where graduate students can gather and talk about the issues? I don't know, yeah is there --

>> I'm sorry is there a place that graduate students can go and talk about the issues?

>> To negotiate them.

>> I guess not through the university but GSS would be more than willing to host such an event. I will talk to my people.

>> Yeah, I mean you can gather however you would like university is not going to -- we don't need to know about it, we're not going to get in the way and so on, so yeah whatever you would like to do, yes.

>> I think one of the main concerns as this moves towards that we'll be receiving a lot of literature and information from SEIU in favor of unionization, without having that data we can get on the other side of the view point against it. So I was curious if you had any other resources that you would recommend we go to, to see that data that you would encourage us to [inaudible].

>> Right, so this question was about if there's resources you know, they'll be union resources sent to you but if that's the case are there university side resources available. So there is I believe, Tony is that true -- so there is a graduate student unionization web page that is meant to be a clearing house of information on unionization. That's something that would be linked off of the Probst main page, so you just go to the University of Rochester Probst you'll find it. That page will have and correct me if I'm wrong, but it will have information on the university's position, any letters that come in, in support of the union. Any letters that come in against you know the unionization effort, other sources of information, you know FAQ's and so on in unionization process and so on. So that it, you know and it's meant to be kind of neutral clearing house basically you know if something comes in. One caveat I should say is that it will include anything from the university community or to the university community that comes in. So it's not an attempt to kind of go out into the rest of the world and collect whatever information there is on unions but any event that's relevant to the campus community. But on either side of the issue, so that would be -- and there may be other things as well but that definitely is there.

>> Yeah, as a reminder the union does not currently have any of your contact information nor is the university obligated to give that to them [inaudible] gave it to them you wouldn't be getting email blasts or anything from them. And just to reiterate the unions aren't coming here to recruit you if you wanted to join a union it would take a significant effort on the behalf of graduate students to go to a union and invite them or to contact them in order to form it, it won't happen the other way around, you're not going to wake up one morning and be part of the union [laughter].

>> So just to follow that up, do you have a since of the River campus outgoingness of their -- what is their feeling?

>> Okay, so what is the feeling of the folks on the River campus, you guys could probably find that out easier than me but I think -- I have not heard of any specific -- nothing has come to me but nothing would probably come to me, all right so I guess that's my answer to it. I mean is their interest, yes, I mean are their discussions were there town halls, yes. I

mean there were students who came, there's certainly students who are thinking about it, what specifically they think about it that's not something I can answer [inaudible] well there you go.

>> Some graduate students in the humanities department [inaudible] and the SEIU demonstrating [inaudible].

>> I didn't know that, so there you go, I mean so there does seem to be some things but I don't know of anything more than that. In the back there, yes.

>> So my question, I don't know any union that doesn't pay attention to the number of hours worked by the people in the union and I mean it kind of relates to the recent ruling postdocs that if you made under \$40,000 they should get overtime. Do you see any -- because maybe that changes that rule too, I don't know? I know graduate students were included in that but do you see maybe are we going to have to log our hours? I mean because I mean [inaudible].

>> Wait so [inaudible].

>> If we have 20 hours of overtime a week, I mean our [inaudible] is limited and so now it's going to take us now eight years to graduate.

>> Right so given the number of hours that you work will a union contract effect that number of hours and what impact will it have on your length of time to graduate and so on, is that accurate? Yeah, that's a good question, I mean it's really going to come out of negotiation, you know I think it's -- you know I can't say exactly how if all this were to go through and they be negotiation where the you know -- what limitations will be put on, what the union would insist on, what the university would agree on. But it likely would be a point of discussion, you know but I can't -- that's something to be determined, right?

>> So there is some precedents in graduate student unions at public universities for a while they have had the right to unionize. The University of Wisconsin, Madison I think is the most notable example of that so you could look to see what the outcomes were although often in those cases the hours worked that I've found were in regards to teaching assistants. I didn't find anything about student research assistants. But it's possible that there was one and I didn't see it but I recon I'm looking at unions that are already currently in existence, I think Buffalo may have one as well [inaudible].

>> I guess I'm a little bit confused on how if it -- this voting things is because in one of the emails I was given the impression it was just going to be us reading it. But the SIE union whatever they're called people were like handing out cards trying to recruit people and sent out emails, that was the impression that I got. And so now it's sort of sounding like they're just kind of like -- they're a little entity and they hang out by themselves and if we contact them that's showing interest and so invisible really like eminent, like is this something that --

>> Okay, yeah so is about eminent and exactly what's [inaudible]. So you know one thing to say is there won't be a vote until there's a bargaining unit authorized by the National Labor Relations Board and that will go through the union authorization cards and so on. So one

thing to say is there won't be a vote until there's a bargaining unit authorized by the National Labor Relations Board and that will go through the union authorization cards and so on. So the vote is a second step, the first step is just getting the proposed unit. So you'll know about that and if you're in it or not well before there's a vote. In terms of the union's activity, you know I think the university, one of the things we wanted to make clear right away was that you know if you're going onto the website and putting in your personal information and clicking that button then you know what it is. I mean you certainly can submit a union authorization card if you want, you know but just kind of know what you're doing. You know this was kind of the point of that message. Now the union did have a press conference a couple days after the NLRB ruling saying that they were going to start a campaign here, that's all I know. I mean you know there's something in the D & C about it and so on in which you can read. You know but it's -- you know so they were on campus for that you know since then, you know, you know you hear the current state of what they are talking about. I mean so you know, they maybe you know -- again I'm not in a position to know exactly what they're thinking but you know I do know they were around you know not last week, it was the week before but you know they were on campus recently. Now have they been since maybe --

>> Yeah, the vote is probably not eminent, especially not the actual election to vote a union, there has to be 30% of voting unit interested in a union, it has to be then submitted to the union and then to the NLRB before it comes back to us for an election. So it's not something that's going to happen tomorrow or even this year potentially.

>> So are there any cases [inaudible] where the union's decision obligates me to not come to work [inaudible]?

>> Okay, so are there any situations which unionization or having a union on campus obligate you not to come to work? Are you talking about striking or are [inaudible]? Well, so -- okay so on the strike issue just to start with that, there are union contracts for graduate students that have no strike clauses in it that are written into the agreement, let's just say this is not the way -- a strike is an industrial type of action, it doesn't work in a university setting. And so we'll figure things out in a different way, you know we won't have strikes. And so that's possible that could be put into a contract and I would expect that it would happen because it's happened elsewhere and so on. So I think that kind of thing you know is one point. The second point is about work, I mean this gets into the very gray area of what's worked for your -- what are activities for your education, what activities that are work, right. And so certainly a union if it was part of the contract negotiations could put some -- could set some criteria we'll say around about hours worked and on and negotiate that with the union. You're also researchers pursuing your education and so you know so that will create some sort of parameters around your activities but it doesn't mean that you can't be in the lab pursuing your own education beyond that. I mean there's no lock out of the labs that's going to happen, I don't think your advisors would want that. You certainly wouldn't want that and so on, so I think it kind of complicates the picture because certain things get formalized, you know the range of things you do over a week. Certain things get formalized as being one thing versus another thing. But I don't think that there's any fear here that [inaudible] but I don't think there's any fear here that those things that you're

pursuing for your educational purposes would be effected by this at all and so that includes [inaudible].

>> [Inaudible] have a comment.

>> Yes, I'm curious about your answer there, why would a strike -- hypothetically if a student body wanted to you know higher wages or something, why would a strike not be effective [inaudible].

>> Why would a strike not be effective [inaudible] I'm actually just commenting on other contracts with graduate students that they put in a no strike clause. I mean to debate it philosophically yes there could probably be situations in which that would be effective or not. You know and I think that it probably would depend on a practical level here on what the bargaining unit wanted to do and whether they wanted that included or not. But as just a factual matter you know there are other universities where that union contract doesn't have that, so or has that clause.

>> Ellen has a question.

>> Yes.

>> Just in terms of meetings [inaudible] negotiating within any union are there certain issues that are non-negotiable now that would be on the table in union?

>> Well, I think that -- yeah so there would be certain issues that are non-negotiable now that could be negotiated if there was a union. I think that it's a hard one to discuss because I don't really know what issues you would want to bring to the table. So I mean that's something that I think would be best if I went back and got some information on the website and kind of a list of things that are possible and we can do that. I mean I think that -- yeah that's a hard one to discuss because it also depends on what you as a group want bring forward so.

>> In a generic sense I would feel like if a bunch of you came forward regardless of whether you are a union or not, but if a majority of you came forward and said we want something and it was a reasonably sensible thing. And didn't cost the earth that we would be able to accommodate that. The reality is that there will be some things that are -- that they'll be pros and cons. You know for example you mentioned the issue of salary raises and one of the consequences of that kind of thing could be that the number of slots available might change, that's a potential consequence and that doesn't mean that's not a good idea or something you might want but there's a finite amount of money available for certain things. So that's kind of what I'm getting at. But for something to be truly off the table, not really, I mean there's swings and roundabouts to various decisions one would make. You know there was a comment made about hours worked, I think most of you would probably like to retain the flexibility to work the hours you think you need to think to work to get what you want to do done. I'd be a bit surprised if that wasn't the most common sentiment among you. In the postdoc population we felt fairly strongly about that freedom so that there was a change made to the lowest level of post doc compensation so everybody is above the FSA threshold. Because we are not -- we'd rather people have the flexibility to not have to log

hours than to have to log hours and it creates a relationship where sort of if you want to work more it bumps against this sort of cost issue and what have you. Whereas if you raised everybody above, FSA is funny too because there are certain exemptions in it, so some medical trainings are exempt from FSA some strange reason postdocs were not exempted even though in many respects they're kind of analogous positions that people somewhere between training and employee status, not unlike the units. So anyway so FSA is a funny ruling I would say and I don't really think it's clear what the future exempts to FSA are going to be.

>> [Inaudible] pretty naive [inaudible] situation that happened describing where [inaudible] of the student wanted to have the vote for whether or not there's going to be a union and then there was a vote [inaudible] would that effect all of the grad students [inaudible] or would that only effect [inaudible]?

>> Sure, sure so if the union was voted in would that effect all students on River campus and Medical campus or what -- so that gets back to the issue of a proposed bargaining unit and so the union will go to the NLRB. And they will propose a group that they say supports unionization who want to have a vote and that group could be the entire, all the campuses, it could be River campus, could just be Medical campus, it could be departments within it. The National Labor Relations Board has given; you know there's a lot of flexibility in terms of how they construct that unit. And if you look at some of the existing contracts you'll see, it's actually on the second page usually there's a front page and then there's a second page that talks about who's sort of eligible to -- or who's covered under the contract. You'll see that some list of a variety of departments is being covered, some you know list, all graduates except for you know and then they list out a bunch of departments that are excluded and so on. And that's a reflection of how the union has decided to construct that bargaining unit, which departments are included, which departments are not. And then the way that they determine that you know is based upon what they perceive as their level of support in various parts of the university. And one of the ways to show that support is through union authorization cards but there might be other ways as well. Does that answer your question; you're looking confused?

>> [Inaudible] that information be [inaudible].

>> Well, so that's really up to the unions, so the union will go to the NLRB with a proposal and so -- and the university may only find out about the proposal when the NLRB receives it, so really that's a question for union reps, you know how do they see the process of defining the bargaining unit. Because it's really in their hands, the university has no role in that at all. We can react to it but we don't help [inaudible].

>> Can students who are potentially opposed to the bargaining unit that the union decides from whatever [inaudible] is the a recourse for splitting up [inaudible] after they decide [inaudible].

>> So can the bargaining unit be split up or can people opt out if they find themselves in the bargaining unit. My understanding is no that's not really possible once the bargaining unit is set. So when the union goes to NLRB it says this is our proposed bargaining unit, the university has a chance then to kind of negotiate about that. But once it's set, it's set and

then really those people within the unit have a right to vote. If you're not supportive of the union you vote no, if you're supportive you vote yes. Depending on the outcome then you know and if it is a yes vote then those people within the unit will be subject to the arrangements that are negotiated after that time.

>> Right, your recourse is the election.

>> Yeah.

>> The bargaining unit -- and just to reiterate unions it's not in their best interest to start including departments that haven't demonstrated interest in the union. So they won't take like IMV which is the biggest department and say well we know we can beat TBS because there's only 16 or so students in there, so we'll just include them in the bargaining unit and we'll win the election and get them too. They are only going to include departments that have demonstrated interests in the union forming. So you won't find yourself as part of a bargaining unit unless students in your department were interested.

>> I have a question so 30% of all graduate students [inaudible].

>> Of the bargaining unit as is defined, so the bargaining unit could be two departments, it could be all departments, so the bargaining unit is when you start submitting union cards they will find the 30% that they want, it could be from three departments, it could be from only one department that just had 30% the students already signed and then the election will be held.

>> [Inaudible] I mean [inaudible] what if I feel like my department is being misrepresented like for some reason they got a union rep or [inaudible] got the idea that my department wanted one thing but [inaudible].

>> Yeah, when it comes to the election so I guess they wouldn't get the idea that your department wasn't interested if there was an interest, so you and a large group of students in your department very might not be interested. But if there is a small minority that's significant enough they can include that would be considered interest and so the election is your only then recourse. There may be a petition process against the NLRB but I'm not familiar with that and I think it would probably be illegally [inaudible].

>> I mean most important thing is to talk to your colleagues in your department to make sure that you're accurately represented, you know in terms of the general position.

>> If we don't sign the interest card but your department it is part of the collective bargaining unit, are you still [inaudible] yes or no?

>> Yes, if you don't sign a union authorization card and which your group, your department is considered part of that and yes, you will be part of the election.

>> So [inaudible] you work in a department that isn't part of the [inaudible].

>> So yeah what do you do in a situation where your PI is in a department that is part of the bargaining unit but you yourself are not. Well, I mean you're not tied to -- it's you not your PI that's going to determine you know if you're in the bargaining unit or not.

>> What could I use [inaudible] rules into the lab, the lab now a union lab [inaudible].

>> No, no I think they'll be certain -- they'll be a lot of stuff that we consider academic and outside of union negotiations, so yeah, there are no union labs [inaudible].

>> I might be [inaudible] there's a very real possibility that if these union people don't get authorization cards from certain departments the departments will never have to vote at any point and if a union comes it will not apply to that particular department, right?

>> Correct, yeah so I mean if it's not -- if your department is not included in the bargaining unit then you were outside of the process, yeah.

>> So let's say hypothetically union is voted in in some departments but not others and then maybe a year or a few years down the line other departments want to get in on the union, do they form their own separate union or would they join, would they have the opportunity to form a separate union?

>> I mean that's a good question, can the union expand and include new departments over time. I think there's probably processes for that, we've never gotten to that point so I don't know exactly what that process would look like. Yeah, I don't know it may be that those new departments need to go through the processes, some ongoing now and then once they if they did vote in a union and the local would unify them or something, I don't know. But yes, I think it's certainly possible that additional groups could be added, I just don't know the mechanics of how that would work, yeah.

>> Based on precedents of other unions at other schools are you aware of any dues, union dues or levels of costs [inaudible] that could come [inaudible].

>> Yeah, so the question is about union dues, so and do they exist and what and you know so on. Most yeah I mean there will be union dues, I think we can probably get some information up on the website about what the amount is for other schools that have unions. I can say that typically what has happened in other contracts is that there's a requirement written into the contract that the university collects dues for the union, I mean that just makes it easier for the union to receive them. And that there's some sort of payroll deduction often times that's put in as kind of a clause within the contract. I don't know the specifics on how much it would be, I know in other companies it's kind of a sliding scale or you know there may be a minimum amount and so on and all that would be negotiated. But I'll try to get some stuff up on the website that shows you kind of what it looks like school by school.

>> The SEIU's minimum according to their contract is \$384 a year.

>> That's the minimum?

>> That's the minimum, yes. I think it comes to \$32 a month, whatever that number is divided by 12.

>> Okay.

>> But as to what other graduate students are paying in other places I don't know.

>> Yeah, in other places, yeah.

>> The last time [inaudible] you don't actually have to -- so the SEIU is not the only union option and nor does it have to be a union that you will think of as associating with graduate students. At Columbia they're being represented the United Power Workers Association. Any union can be representative of graduate students and graduate students can reach out to any union.

>> The union's authorization for a bargaining unit [inaudible].

>> [Inaudible] so can the union be restricted to only negotiating certain issues, I think that's true. I mean I can get -- I was thinking about this in relations to the previous question. I can also get some information up on what typically is negotiated in a union contract. I mean there are some rules around the range of things but they would include salary benefits and other kinds of working conditions. Within that through what is part of the contract negotiation, what isn't part of a contract negotiation really is part of the negotiation between university and the union. And you know they have to agree to negotiate on those things. So it could end up in the scenario that you're posing in your theory.

>> This goes back to how we're defined in different contexts could it potentially change the way that we are seen by loan holders as being employees who are no longer eligible to have [inaudible].

>> Yeah, so what has changed your status in terms of how financial institutions view you as holders of loans, I can get back to you on that. I don't -- I mean I haven't heard anything to that effect and again I think you know there's so many different government agencies that define this differently. I don't think that this ruling really effects that at all so my gut reactions would be to say that no it's not going to change anything but I can check into that.

>> Yeah, the NLRB's ruling specifically includes you in the National Labor Rights Act. So you're still -- students used quite often in that ruling, you're still student but you are students who are considered employees for the purposes of unionization. So as far as anyone else in the world sees you, you will still be considered students at least at this time whether there's a legal change down the road, it's impossible to say. I mean we weren't even employees under unionization even a year ago so it could change but NLRB ruling only effects unionization.

>> Have we worn you out? Oh, there's one more.

>> So aside from [inaudible] is there any other like contracts being made in [inaudible] what engagement is based on kind of other things like [inaudible] would you recommend [inaudible] is there a way to do that [inaudible].

>> [Inaudible] is there a way for students to talk to each other in a setting, a sense of setting where they can discuss their interest in unions based on department, based on college. There can always be one, I don't think GSS is the appropriate vehicle for that because we are tied to the university necessarily by funding but we could facilitate the students to organize such things. You know the lists are just open to students to use to organize such

meetings and within your department you are completely welcome to organize departments together. But yeah, I don't think that GSS will probably be involved in that, again I am the transient president so it's possible that my successor will think differently about that. But at the moment I don't think GSS will be doing that, however if you are interested I would recommend that you, as an individual or within your department start to organize a group and then maybe reach out to other departments. Contact information for students is of course available to students so I think it would have to come from students and not from a university affiliated organization.

>> Okay, thank you very much [cross-talk]

[ Applause ]

>> We'll get stuff up on the Probst web page if you guys want to look at it.