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**CANNIBALS, STAR TREK, AND EGG TIMERS:  
TEN YEARS OF STUDENT EMPLOYEE ORGANIZING AT THE  
UNIVERSITY OF CALIFORNIA**

**A Basic History**

Ten years ago, a group of graduate Teaching Assistants at the University of California, San Diego found themselves discussing all-too-familiar topics once again: work load, class sizes, health benefits, and the absence of any due process. They took their issues to the Graduate Dean. He told them that if they found they were working beyond the hours for which they were paid, they should buy an egg timer that pours sand from one end of an hour-glass to the other in the span of three minutes. When you start to grade each paper, he said, flip the egg timer. When the sand runs out after three minutes, stop grading.

Fed-up, the employees turned their criticism into action and joined the U.C. union movement that began a few years earlier at the University of California at Berkeley. They formed the Association of Student Employees (ASE) and, along with Berkeley, U.C. Santa Cruz, U.C. Davis, U.C. L. A., and U.C. Santa Barbara, affiliated their local with the United Auto Workers (UAW) to strengthen their legal and organizational foundation. To this date, organizing drives have taken hold at each U.C. campus employing Teaching Assistants, with U.C. Riverside and U.C. Irvine joining this year.

However, although the workers have followed the democratic process required to achieve unionization in the state of California, the University of California administration has consistently denied student employees basic employee rights each step of the way. The U.C. administration's effort to keep student employees silent and exploitable has cost taxpayers millions of dollars in legal fees as they employ over 5 outside lawyers to delay enforcement of the California labor law and engage in unethical—and costly—union busting activities, all at a time when budget cuts drastically reduce educational resources in other areas. Our struggle is still a fight for simple recognition of each union at each campus; despite the fact that 10,500 of the 15,000 academic student employees in the U.C. system have signed union membership cards, as verified by the California Public Employment Relations Board (PERB), the administration has refused to recognize us.

As members of the U.C. San Diego based Association of Student Employees (ASE/UAW), we speak specifically of our local union activity and refer as well to the campaigns at each of our sister unions across the U.C. system. The ASE/UAW is pursuing a multi-tiered approach to moving an extremely resistant administration, including membership mobilization, legislative lobbying, and legal action.

**Why Affiliate with the United Auto Workers?**

Before getting into too many specifics about our struggle, we should explain the importance of affiliation

and our relationship with the United Auto Workers, for our UAW support has been foundational to the success we have had. In 1991, the Association of Student Employees at UC San Diego voted to affiliate with the larger international union, District 65/UAW (as did UC Santa Cruz and Berkeley at the time.) Affiliating with the UAW has allowed us to take advantage of their experience in union recognition campaigns as well as providing us with the financial backing necessary to battle a multi-billion dollar employer like the UC.

Like many international unions, the UAW is diversifying the kinds of employees they represent, and they are no longer only the representative of the factory workers in auto plants. The UAW has a large and growing professional and technical employees division which we are a part of, as are many clerical unions. The UAW also is affiliated with the recognized academic student employee unions at the University of Massachusetts at Amherst and UMass Lowell. The UAW has provided us with their legal Counsel when we battled the UC in the California Public Employment Relations Board (PERB) court over whether or not academic student employees are entitled to collective bargaining rights. We would not have been able to have access to that kind of legal Counsel without the UAW's support. They also provide the financial backing for the operational costs of each local union.

One of the most common questions and concerns members and administrators have is "what can a bunch of auto workers have to contribute to an academic workplace?" Ignoring the possible elitism which the question tends to carry, (there are several instances where administrators and even some members show their classist colors when they resist wanting to be associated with any blue collar work-force) the most common misconception about affiliation is that the UAW actually runs the activities of the affiliated unions.

UC administrators frequently make insinuations as to "thugs from Detroit" coming to UC campuses, into classrooms and into labs to tell professors how to do their jobs and treat their academic student employees. They obviously want to create the impression with the general public and the campus community that the ASE and the UAW are foreign influences onto the campus and therefore are to be mistrusted and feared for they have come to disrupt our "family." What they fail to state however is that the UAW functions as a consultant to the member unions, and that the day to day operations of the union, including all organizational decisions are either made directly by the members or their elected leadership (who are also members). As the slogan says, "the members run this union."

### **Legal Action**

In conjunction with our grassroots direct action campaign for recognition, the ASE and other student employee unions in the U.C. system have gone to court to achieve collective bargaining rights. In 1994, U.C. San Diego's ASE initiated a hearing with the California Public Employment Relations Board (PERB) about Readers, Tutors, and Teaching Associates. The U.C. administration argued that it should not be subject to labor law with academic student employees because the university is a special environment equivalent to either a cannibalistic society or alien planets explored by the Federation in the TV series Star Trek. The opening argument of lawyers hired by the U.C. administration illustrate the lengths they went to in their effort to represent the University of California as exceptional, and therefore exempt from state labor law:

U.C. Counsel : "What I really want to focus on in this opening is extremely difficult for me to articulate . . . [b]ut it's why this employment relationship is so profoundly different, and I come at it a number of ways. Actually a number of my colleagues have suggested a variety of analogies, none of which, I think, work very well. One of them involved cannibals and I decided not to pursue it. But it's — it's — well, I will. I will just go ahead."

ADMINISTRATIVE LAW JUDGE: "I'm just curious. Who are the cannibals and who is in the pot?"

U.C. Counsel : "No, if you — if you asked a society which had a practice such as cannibalism: How do you justify it? Why do you do it? What does it do for you? They might or might not have worked that stuff out. What they would know is that it's inherent to their society and that's — as I say, I had discarded the idea."

ADMINISTRATIVE LAW JUDGE: "Probably a wise move."

U.C. Counsel : ". . . When the students are working as employees of the University, in its academic enterprise — I don't mean tangential to it, I mean directly within it — the University has a responsibility to those people which is wholly different. . . . [The University] should be able to guide, should be able to assess, should be able to feel intuitively what seems like the best way in those academic processes. . . .

"Here again I was influenced in preparing this by my daughter, as it happened this time, who is a big Star Trek fan and I wish that I could come up, again, with a more dignified illustration of this. But we were watching together a Star Trek program which was addressing the concept of the prime directive. In Star Trek, years and years and years from now, we have these spaceships flying all over the place and visiting other worlds and they are free to do what they wish and do good and see what happens, but they have one restriction upon them, and that is that they cannot interact with those worlds in a way that would change them. And the reason for this is an appreciation that those worlds are evolving in a way that they should be able to control their evolution. . . .

"To some extent PERB [the Public Employees Relations Board] has experience with us, with the University. . . . Some of it is just on the collective bargaining side. . . . [The problem] is that [there is] an outside force, such as the aliens who were really on this Starship Enterprise, when they enter another world they're not supposed to interfere."

ADMINISTRATIVE LAW JUDGE: "Alien PERBs?"

ASE/UAW UNION Counsel : "Right, they're not supposed to interfere, but here what we're talking about are student employees, who are part of the University system, who would like to have a voice in their employment rights. And so, we're not talking about somebody from the outside. So, I think that it's a poor analogy and that actually enlightened life forms would find that collective bargaining would service the purpose of the Act [that protects employee rights in California]."

In spite of, or perhaps because of, such imaginative (imaginary!) and exceptionalist arguments, the PERB judge ruled in favor of the ASE/UAW union. He found that collective bargaining for readers and tutors would "encourage excellence" within the university.

The U.C. administration filed an appeal, postponing our ability to enforce the legal decision and spending more tax-payer dollars on outside legal counsel. For the UC, the court system has never been a place to resolve its differences with its employees: it has usually served as a means by which they can stall labor negotiations for years at a time. Meanwhile, the Student Academic Graduate Employees union (SAGE/UAW) from U.C. Los Angeles won an important legal victory. The PERB judge ruled that Teaching Assistants also have collective bargaining rights along with Readers, Tutors, and Teaching Associates. The U.C. administration's refusal to follow the PERB decision prompted strikes by three U.C. student employee unions and supportive actions by two more campuses.

## **Membership Mobilization**

Since 1989 the ASE has gradually escalated its membership activities, which began in the form of specific requests to meet with the administration, letter-writing campaigns, and public forums. In the last two years we have supplemented those strategies with teach-ins, grade-ins, rallies, and walk-outs in which we have picketed and withheld our services from the university from anywhere from two to four days. Our most recent strike during the Spring quarter of 1997 was coordinated with unions at other U.C. campuses and was both visible and effective: the strike received national media coverage, and unionized workers in other industries showed solidarity by honoring the picket line, canceling their usual deliveries. Many undergraduate parents called the Chancellor, asking him to improve U.C.S.D's learning environment by recognizing the ASE union.

Several of our members have also met with our Chancellor as a good faith effort to explain to him why we feel so vehemently that unionization is our only recourse in the workplace. The main reasons we meet with our Chancellor is to keep the lines of communication open between his office and our union since we believe that we will eventually be in a bargaining relationship with them, and we also feel a need to counter the misinformation he is receiving from his advisors and from the UC Office of the President. At our last meeting our Chancellor was not even aware that PERB had certified that a majority of TA's want the ASE to be their exclusive bargaining agent. Also during this meeting, Senior Vice Chancellor and returning Graduate Dean Richard Attiyah made his views on the union and state authority very clear as he stated that PERB decisions on the case are irrelevant to him because he "know[s] this campus better than any judge." The U.C., when stripped of all the false rhetoric about mentoring and academic training, fundamentally believe that when push comes to shove, they are above the law and are accountable to nobody but themselves.

## **Statewide Strategy**

The U.C. system has shown that they engage with the issue of academic student employee unionization on a statewide level. As a result, the individual academic student employee unions on the U.C. campuses have decided that they must be able to communicate with each other on a regular basis in order to discuss how to best fight the U.C. and secure collective bargaining for their separate constituencies. While these unions do not come together as a separate decision making body apart from the locals, they do meet regularly at one of the U.C. campuses to share their experiences with each other and give each other advise on how to better mobilize their members. This communication also offers them the ability to occasionally coordinate their separate labor actions so as to achieve the most effective result and the highest visibility, thus maintaining pressure on the UC system to recognize these unions.

## **Legislative Lobbying**

In the Spring of 1997, five academic student employee unions (U.C.S.D., U.C.L.A., U.C.S.B., U.C.S.C., and U.C.B.) participated in five weeks of rolling strikes. The California legislature noticed our strikes and representatives offered help; 40 representatives wrote letters over the summer to U.C. President Richard Atkinson on our behalf; and the Senate and Assembly supported 1998 budget language that would require the U.C. to reveal and eliminate its spending on outside Counsel to fight union campaigns with taxpayer money. While this budget language made it through the legislature, California Governor Pete Wilson used his line-item veto power to eliminate the language in the final budget. Wilson stated that providing this information would present an undue burden to the state.

One of the important factors to realize here is that the legislature solicited the academic student employees for their participation in the budgetary process first. Our strikes resonated strongly in the constituencies of

so many legislators that they took the initiative to contact us to voice their support for our collective bargaining rights. Many legislators have continued to put pressure on U.C. President Atkinson to recognize the unions and to fully disclose how much public money the U.C. continues waste on union busting.

### **Support From Other Organizations**

Throughout the many years that we have been fighting for recognition many outside institutions and organizations have offered their support in many ways. Organizations such as the Graduate Student Caucus (G.S.C.) of the Modern Language Association, the National Association of Graduate and Professional Students (N.A.G.P.S.) and the Coalition of Graduate Employee Unions (C.G.E.U.) have endorsed our strike actions and called upon our chancellor and the U.C. President to immediately recognize our union. Another organization which has been supportive of academic student employee unionization is the U.C. Students Association (U.C.S.A.). The U.C.S.A. is a board made up of representatives from the graduate and undergraduate student governments from all the U.C. campuses. Every year the U.C.S.A. picks a series of issues which they will advocate for and for the past several years, academic student employee unionization has been on that list, and the U.C.S.A. often assists locals in their outreach to students. The U.C.S.A. also offers a line of direct communication to U.C. President Atkinson, and at a recent meeting between the U.C.S.A. and the President, he gave the U.C.S.A. verbal assurance that despite Governor Wilson's refusal to disclose how much money the U.C. is spending on legal Counsel to fight the unions, that he believes that it is an issue of the public record, and that these figures will be made available.

Every year the C.G.E.U. has a national convention for all academic student employee unions (whether with contract, in contract negotiations or fighting for recognition) to share their experiences and ideas. This past summer, the conference was held in Eugene, Oregon, hosted by the local union, the University of Oregon's Graduate Teaching Fellows Federation/ A.F.T. Local 354. The convention was attended by 20 unions from across the U.S. and Canada. One thing which was clear from the conference was that the U.C. recognition campaign was probably the most organized and active ongoing campaign in the nation. Correspondingly, what was also obvious in addition to the expertise and conviction of the U.C. unions was the conviction of the U.C. chancellors and the U.C. Office of the President to deny the recognition of these unions. Of the many unions with contracts represented at the conference many achieved that recognition with markedly less of a struggle than what the U.C. unions have seen. The intensity of the resistance of the U.C. system is somewhat unique. While most universities do not simply grant union recognition when asked, they also do not engage in a decade long fight dragging the issue through the courts and enduring several strikes like the U.C. system has.

### **Looking Forward: Local Labor Community and the ASE**

In trying to come up with a conclusion to our article, we considered trying to sum up the struggle in San Diego with the U.C. We could disclose that undoubtedly we are prepared to strike again, in a bigger and better way than we have struck before. In the U.C. system we are bigger than we ever have been, with more locals and more members than ever before. The legislature has begun to back us up, and even the court decisions have been coming our way, despite the U.C.'s money, power and influence. But all that seemed pretty self evident.

What we want to focus on, is what we see as being part of a larger vision of labor and labor organizing going into the next century. We represent a new and growing sector of labor, the technical and professional workplace. A workplace that more and more people are becoming a part of, and as a result we need the labor movement, and quite frankly they need us too. The face of labor has changed somewhat

over the past two decades, the big factory plants with their large unions are largely a thing of the past. Many of these jobs have hopped on that "fast track" out of the country. Slowly, labor has responded to this, and in addition to their traditional membership base, they have expanded into new work environments.

In San Diego, like many of our sister unions in the U.C., we have worked closely with our local Labor Counsel s in various local struggles. We have picketed with service workers at the San Diego Sports Arena and we have walked the lines with the Teamsters in the UPS strike. Being on the border, we also have had the opportunity to participate with labor in Mexico. We have worked closely with the Support Committee for Maquiladora Workers (SCMW) in their quest for justice for Mexican labor. Through SCMW we were invited to be part of the international observers of one of the very first union authorization votes to take place in the maquiladora system, at the Han Young (a division of Hyundai) factory in Tijuana. We watched as maquiladora workers literally risked not only their jobs, but their personal safety to openly vote to have union representation. Just three weeks ago we attended a Congressional sub-committee hearing on the use of dues money for political lobbying, as the Republican party attempted to have a show trial exhibiting the danger of "union bosses" using members' money for "their own political agendas." We sat in a room full of Teamsters, Steelworkers, Shipbuilders, Auto Workers, Plumbers, Electricians, and many other unions, all in solidarity to show our support of union rights both in the workplace and in the political arena.

We firmly believe that it is only a matter of time before we win recognition in the U.C. system. This will be a victory for all academic student employees, certainly, but this will also be an important victory for labor as well. Our members come from diverse backgrounds, many from professional and academic households where unionization was not part of their everyday lives. Still other members have strong memories of the labor movement in their households where their parents' union was in important reality of everyday existence. Whatever our members' backgrounds, our union offers them the opportunity not only to work for justice in their particular lab or classroom workplace, (and in the light of California Proposition 209, equity in any public workplace will be harder and harder to find,) but it offers them the opportunity to work for justice in the workplaces of ALL our members , and through our solidarity actions, for justice in all union workplaces on and off campus. Through solidarity actions our members have worked on many civil rights issues such as affirmative action and domestic partnership as well. So many academics espouse one particular leftist ideology or another, but for many, perhaps most, that ideology has its limitations at the classroom door. What our union offers us in the largest sense, is the opportunity to seek empowerment and justice in our local communities. It challenges us to put our actions where our politics and rhetoric are.

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