

EDUCATION & LABOR COMMITTEE

Congressman George Miller, Chairman

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Chairman Miller Statement at Field Hearing On “Understanding Problems in First Contract Negotiations: Post-Doctoral Scholar Bargaining at the University of California”

WASHINGTON, D.C. – *Below are the prepared remarks of U.S. Rep. George Miller (D-CA), chairman of the House Education and Labor Committee, for a field hearing on “Understanding Problems in First Contract Negotiations: Post-Doctoral Scholar Bargaining at the University of California”*

The Committee on Education and Labor meets this morning in Berkeley to examine the challenges posed by first contract negotiations, an issue of long concern to the committee.

Today we will explore this issue using a particular case study – the first-contract bargaining for post-doctoral scholars at the University of California.

Over the last several years, my Committee has collected testimony and information about the erosion of American workers’ fundamental right to organize and bargain for a better life.

We have learned that workers face tremendous obstacles when they try to form or join a union.

And we have learned that, even when they succeed in gaining representation, there is an entire new gauntlet to run when they try to reach a first contract with their employer.

While the parties in a labor negotiation are obligated to bargain in good faith, the applicable law often provides no effective enforcement of that duty.

Federal and many state labor laws give wide leeway for someone to stall and frustrate bargaining.

In fact, a recent study found that 34 percent of union election victories had not resulted in a first contract after two or even three years of bargaining.

This is unacceptable.

As the Committee has learned, some employers have used delay as a tactic because, after a year of bargaining without a contract to show for it, a newly recognized union can be decertified.

Both federal and California law gives the parties 12 months to reach a first contract before decertification of the union may occur.

Originally, it was thought that a year was more than enough time for an employer and a union acting in good faith to settle a contract.

However, we are seeing an increasing number of cases where negotiations last well beyond a year.

This is one reason why a majority of Congress agrees that the federal law needs to be reformed in order to encourage all parties to come to an agreement in a reasonable amount of time.

The Employee Free Choice Act would do just that. If after 90 days, a first contract has not been finalized, either party can request mediation assistance. If mediation does not help bring the parties together in 30 days, then the mediation can be referred to binding arbitration.

That bill, however, amends federal labor law. It applies to the private sector only, not to public sector bargaining – like the case before us today.

Public sector organizing and bargaining can present its own challenges. But many of the basic rights, obligations, and issues remain the same.

We seek today to learn more about why first contract negotiations in a particular case have gone on so long without reaching an agreement, and to see what lessons can be drawn this case.

In 2008, after three years of organizing, post-doctoral scholars at the University of California won certification for their union, the UAW, before the state Public Employment Relations Board.

Although negotiations began in November 2008, the University of California system and the post-doctoral scholars have been unable to reach agreement on a first contract.

But, for more than a year, post-doctoral scholars have bargained and been unable to get a first contract.

What is discouraging is that there is nothing novel about collective bargaining on university campuses. There have been graduate student unions for forty years, and faculty unions for nearly a century.

In fact, the University of California system recognizes and has successfully bargained with university researchers and graduate student unions.

These scholars work hard. Their contributions to the University, to the nation, and, indeed, to the world can be invaluable.

After 18 months of talks, these scholars deserve a contract.

After 18 months of talks, these scholars deserve a say over the terms and conditions under which they work, day in and day out.

Today, we will hear from witnesses involved in the current negotiations, from witnesses with experience in past negotiations, and from experts on the broader policy issues of first-contract negotiations.

And, while this hearing comes in the context of an ongoing dispute, I want to emphasize that we are here today to learn and understand the issues, not to mediate them.

I would like to thank Congresswoman Barbara Lee for requesting this hearing on an important topic in her district. I am glad that you and Congresswoman Woolsey have joined me today.

Finally, I thank the witnesses for taking time out of their schedule to be here.

I look forward to everyone's testimony.

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