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To the Executive Board and the Joint Council of UAW 2865,

We the undersigned, as members in good standing of UAW Local 2865 ("Local Union"), write to appeal the contract ratification vote that took place in August 2018. The contract ratification vote violated union by-laws and did not follow both legally binding union procedures as well as customary voting procedures. Accordingly, through this appeal, we seek the invalidation of the contract ratification vote because it violates Local Union Bylaws and circumvented democratic procedures and assurances that are followed during elections that ensure all members a reasonable and equal opportunity to participate to vote.

We appeal the procedural legitimacy of the ratification vote which happened through a fundamentally undemocratic process and in violation of union bylaws on the following grounds:

CHARGES

1. The initiation of the ratification vote violated the Bargaining Team's rules and procedures, and thus constituted an improper ratification procedure.

We appeal the initiation of the contract ratification vote because the Bargaining Team failed to meet the number of votes required to send out the ratification vote to members. According to the "Community Agreements For Bargaining Team Internal Dynamics and Decisionmaking" document signed by all Bargaining Team members, in order to "vot[e] on presenting a final contract to members for ratification" the Bargaining Team must have "a majority [of] 50%+1 votes (10 votes)". The Bargaining Team did not reach a voting majority as the final count was eight in favor of ratification, seven opposed, and one abstaining, and hence did not meet the required 50%+1 majority. Therefore the Bargaining Team violated the "Community Agreements" in sending out the ratification vote to membership, thus preemptively invalidating the results of the subsequent ratification vote. Furthermore, the failure of the Bargaining Team to reach a majority, also invalidates any claim that union support of ratification, or a "yes" vote on ratification, constituted the union's "official position."

2. The Executive Board, many of whom were actively campaigning for the 'yes' vote, also took over elections responsibilities following the resignation of EC officers, in direct violation of the bylaws. In particular, the Local Union leadership lacked the authorization to send the ratification vote email without the Election Committee's approval.

The email titled "Vote Now: Contract Ratification," containing a link to the personalized online ballot for the ratification vote, was sent to members on or around August 20, 2018. This email's content was heavily biased in favor of the YES position, including a lengthy list of what we "won" in the Tentative Agreement along with speculated negative consequences of not voting for this position; the NO position was only briefly mentioned at the end of the email, and its arguments were not listed on the email itself but on a separate google document that was linked from the email. The NO side received decidedly unequal treatment in this email that the vast majority of voting members (who voted online) saw before casting a vote. (see Appendix A).

This email was not approved by the Elections Committee, which is **in explicit violation of the Article 13, Section 1 of the Local Bylaws** that stipulates that "All Local Union elections, strike votes, and contract ratification votes shall be held under the supervision of a democratically elected election committee. The election committee shall be responsible for the publication of notice for nominations and elections, the verification of eligibility for candidates, the organization and supervision of election proceedings, and the counting of ballots."

The Executive Board of the Local Union admitted, in its email to the Local Joint Council on September 14, 2018, that "Due to a large number of resignations on the Elections Committee, this time, the eboard voted on the time/place/manner of the ratification vote and helped to identify individuals to staff the in-person polls". The Executive Board's claim that "while a ratification vote is not an election, the Elections Committee has traditionally facilitated this vote" in the same email is misleading because aforementioned bylaws clearly stipulate that a ratification vote, like all other Local Union elections, must be supervised by the Elections Committee.

3. Union leadership violated democratic integrity of the election by directing paid staff to campaign for a "yes" vote.

Paid union organizers were assigned to campaign for the "yes" vote on the orders of some members of the union leadership. Staff contact members used their paid work hours to text and phone-bank members to convince them to vote "yes" on the contract ratification vote. The use of union membership resources to influence the results of this vote violates the democratic nature of the vote, and thus tainted a ratification vote according to the procedures set by the Local Union.

The Executive Board, in its email to the Joint Council on September 13, 2018, admitted to using staff and union resources to campaign for a "yes" vote. The email by the Executive Board stated, "As the body in charge of directing staff, some of us instructed the field staff to inform members of the position that the majority of the bargaining team and members who participated in the statewide straw poll supported. The process for this allocation began during our regular field staff call (the calls open to the personnel committee and the organizing field staff) where we started a discussion on how to get staff to raise awareness and contact members about

ratification vote. Specific logistical instruction was given on follow-up calls after the bargaining team had voted to put the contract to ratification.”

Kavitha Iyengar, Northern Vice President, also admitted in an email to the Executive Board, Joint Council, and Anti-Oppression Committee, on August 23, 2018 that “members of the executive board had calls with staff to plan GOTV plans for the ratification vote and directed our field staff to tell members about the bargaining team's majority position, the official union position. We had directed staff resources toward getting out the vote for this ratification campaign through phone banking, text-banking, and walkthroughs... The raps included the message that voting yes is the majority position of the union since the majority of the bargaining team [sic] supported the tentative agreement.”

4. The Executive Board interfered with operations of the NO campaign.

While the official resources of the union were used to explicitly favor the YES side in the ratification vote, including through mass texts, the Executive Board issued a directive to prevent the NO campaign from using the same campaign strategy of mass texts. Kavitha Iyengar, Northern Vice President, admitted the interference in an email to the Executive Board, Joint Council, and Anti-Oppression Committee, on August 23, 2018, as she stated “Our directive about ‘no’ outreach was that it could not be presented as the official union position, and that it could not be sent out via mass texting technologies.”

5. The timing and duration of the vote did not allow union members sufficient opportunity to inform themselves about contract details.

The timing and duration of the vote unduly limited the extent to which union membership could inform themselves about the details of the contract proposal, and also foreshortened any efforts to consider alternatives to ratification—including, but not limited to, a strike.

The timeline of communication with union membership about the final contract occurred as follows: union leadership sent an initial straw poll that included the Tentative Agreement on August 13th. This was the first time members were able to read the Tentative Agreement. The members were also asked in this poll to determine whether to move the contract proposal to a ratification vote. Voting was kept open until noon on August 16th. With a small majority favoring the movement towards ratification in the straw poll, the actual ratification vote took place between August 19th and August 22nd.

For all but two UC campuses, both August votes took place a full month prior to school being back in session. The timing of the vote particularly infringed upon members on campuses on the quarter system, whose fall quarter begins in late September. Nevertheless, even for the two UC campuses that begin the fall semester in August, the initial straw poll and the ratification vote

took place only as graduate student workers were returning to campus, and over the course of the hectic lead-up to the coming semester.

During this time, an extensive portion of the broader union membership was not available to deliberate with peers over the details of the contract. Further, there was no official union meeting to discuss ratification on any of the nine campuses. Given that the email containing the straw poll was the first instance in which most union members had heard anything about the contract's contents, and the possibility of it being put up for a ratification vote, such conversations, if they occurred at all, were likely minimal—as they had to happen over the extremely short, ten-day turnaround between the initial email and the final day of ratification voting.

We also believe it was deeply undemocratic to hold the ratification vote before many new graduates were on campus and able to attend orientation where they would be given the opportunity to sign up for the union and becoming voting members. As this contract will impact those new graduate student-workers who will be employed for the next four years, it was unfair not to allow them the chance to vote on it and against the egalitarian spirit of our union.

We believe that a genuinely democratic vote would only have been possible while students and workers were in session, and thus both physically present and mentally engaged with the bargaining processes, as to allow for a informed union membership. Exploiting the lack of worker presence on campuses across the state in mid-August, the timing and duration of the vote implicitly favored the “yes” vote by undercutting the momentum of possible organizing efforts in the direction of further bargaining and/or a strike. The timing moreover functioned to undermine efforts that concerned workers might have taken to organize around those concerns.

UAW Constitution Article 19, Section 3 states that “After negotiations have been concluded with the employer, the proposed contract or supplement shall be submitted to the vote of the Local Union membership, or unit membership in the case of an Amalgamated Local Union, at a meeting called especially for such purpose, or through such other procedure, approved by the Regional Director, to encourage greater participation of members in voting on the proposed contract or supplement.” This ratification vote was conducted in a manner contrary to the UAW Constitution mandate for it to “encourage greater participation of members”, since, as stated above, it took place in ways that minimized the members’ possibility of participation.

6. Technical errors and a lack of transparency created obstacles for workers to participate in the vote.

We also would highlight both technical errors and a lack of transparency in putting forth the pre-ratification straw poll and the actual ratification vote. Both votes were sent in an email that large portions of the membership either failed to receive or received only in spam folders in their email. This means that some members may not have been aware that the ratification vote was happening. Moreover, the means to remedy this situation and receive a new ballot was unclear

to many members. Technical issues with how the straw poll was tethered to individual member emails created a further lack of clarity over whether individual member votes were really being counted in the vote itself.

Members also reported issues with the secrecy of the ballot. The secrecy of the ballot could not be assured by the online voting platform we used as it required members to enter identifying personal information before casting the ballot, thus allowing member's votes to be linked to their identities. It was possible that members did not feel completely free to cast the vote of their choosing for fear of repercussions. By holding the vote before the academic year had started at many campuses, left the majority of members without the potential to vote in person using the secret ballot used in in-person voting.

Therefore, as equal voting rights of all members were undermined, we contest the legitimacy of the vote.

REMEDIES SOUGHT

We request:

1. The annulment of the contract that was ratified in August 2018.
2. UAW Local 2865 immediately notify the University of California of this pending appeal, and provide it a copy of the appeal.
3. UAW Local 2865 immediately notify the University of California that the Local does not consider the ratification complete until the appeal process is complete, and that the new contract not be implemented until the ratification process is completed correctly.
4. Full investigation into the ratification process, especially the legality of the use of union resources to campaign for a "yes" vote, and the technical problems with emailing members the straw poll and the ratification vote.

Sincerely,

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