



OFFICE OF THE GOVERNOR

SEP 30 2012

To the Members of the California State Senate:

I am returning Senate Bill 259 without my signature.

This bill would grant collective bargaining rights to graduate student researchers at the state's public universities. The Higher Education Employee-Employer Relations Act holds that:

“...the Board may find student employees whose employment is contingent on their status as students are employees only if the services they provide are unrelated to their educational objectives, or, that those educational objectives are subordinate to the services that they perform ...”

The Public Employment Relations Board has held, pursuant to this provision of law, that teaching assistants are employees, but that research assistants are not. This legislation would overturn that determination.

Collaboration between faculty and research assistants is an integral part of their training and education. It is rare that this relationship is subject to collective bargaining at other universities and I am reluctant to upset the balance established under current law.

While I received many thoughtful communications on both sides of this matter, I did not find sufficient and persuasive evidence warranting a change to the current framework within which graduate student researchers and faculty undertake their joint intellectual inquiries. Some researchers may be consigned to rather menial tasks, while others join collaboratively in exciting research endeavors. It is not clear how collective bargaining will discourage the former or influence the later.

Finally, given the current stresses facing the state and its universities, now is not the time to mandate these new requirements.

Sincerely,

  
Edmund G. Brown Jr.