



OFFICE OF THE SYSTEMWIDE EXECUTIVE DIRECTOR
LABOR RELATIONS

OFFICE OF THE PRESIDENT
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FAQs RELATING TO GUIDANCE DURING A POTENTIAL STRIKE BY ACADEMIC STUDENT EMPLOYEES (TAS/READERS/TUTORS), ACADEMIC RESEARCHERS, POSTDOCTORAL SCHOLARS, AND GRADUATE STUDENT RESEARCHERS

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Will employees be paid if they go on strike?

No. We value our employees and fully respect represented employees' right to engage in protected activity, including a lawful strike. However, since striking employees are, by definition, not working, they are not eligible to receive their regular pay. Additionally, federal guidelines indicate that we are not able to pay employees on federal grants if they are not working. Employees who wish to receive their regular pay, may perform their work during this time.

Will employees be paid if their work is funded by grants and they strike?

Likely not. The determining factor is whether employees are meeting their obligations to the research project. Principal Investigators ("PIs") and supervisors should consider the number of hours employees spend working on the award funding their salary and the corresponding effort certification. Employees may not be funded on any award if they chose to strike and do not make up the work/effort.

If employees do not fulfill their project responsibilities or otherwise meet the regular effort that is reported, then the amount of time that they did not work must not be charged to sponsored funds. For this reason, PIs or their designee must document effort expended by employees during a strike. After the strike has concluded, guidance will be provided regarding whether work missed over the strike can be made up. December payroll charges to contracts and grants for those employees who strike must be transferred to an unrestricted fund source identified by each PI department.

Can PIs and supervisors ask a staff member to keep track of employees? Is it acceptable to have the employees self-report?

Generally, yes. PIs and supervisors can track employee attendance by using the strike self-attestation forms provided by campus labor relations. Campus labor relations will distribute these forms to unit employees and distribute the underlying data. While campus labor relations will be responsible for tracking strike self-attestation forms, PIs and supervisors will be ultimately responsible for the accuracy of the effort reporting on their respective grants. PIs and supervisors should not ask employees whether they are planning to strike or whether they are planning to work during the strike.

PIs and supervisors should anticipate absences during the strike and prepare continuity plans that mitigate disruption to research activities. PIs and supervisors with safety or health concerns related to labor disruptions should reach out to their campus academic personnel office or labor relations office.

Will employees be paid if their work is funded by startup and/or other sources of research funding and they strike?

It depends. PIs or their designee must document effort expended by employees during a strike. PIs or their designee should also use information provided to campus labor relations on the strike self-attestation forms to determine whether work was performed. Once the strike has concluded, the University will determine whether any missed work can be made up, or whether the employee will be required to reimburse overpayments made to them as a result of the strike.

Are student academic expectations independent of source of funding?

Yes. An employee may strike and withhold that labor, but as a student, they are responsible for maintaining academic progress toward their degree. Faculty are ultimately responsible for determining whether a student is meeting academic expectations and PIs are ultimately responsible for effort reporting.

How will striking student employees be paid if they are working part-time on projects funded by grants, but are supported by fellowships for the rest? How will the hours be calculated for each?

Internal fellowship payments are generally stipends associated with student status, which are not related to effort or time as employees and will continue to be paid, provided the student remains in good academic standing. The PI will need to determine if the part-time work on the projects was completed. If it was, then student employees can receive that payment from the grant. If work was not completed, then the time should not be submitted for payment, or if the amounts have already been paid, the amounts must be removed from the awards.

Will students who receive external fellowships continue to be paid if they strike?

Yes. External fellowships will continue to be paid as they do not run through the University but are paid directly to the student, provided the student remains in good academic standing.

Graduate student employees do not have set hours, so how can I determine whether they are on strike?

Attendance during the strike will be determined using the strike self-attestation forms distributed by UC Office of the President Labor Relations to campus labor relations offices. Guidance will be provided after the strike if questions remain regarding whether graduate student employees were working during that time.

What happens if an employee strikes but they are the primary person responsible for the maintenance and care of biological research materials?

It is in everyone's best interest for PIs and supervisors to communicate with essential personnel as soon as possible. PIs and supervisors should keep conversations focused on the research project rather than on an employee's intention to strike. PIs and supervisors should not ask whether unit level employees are going out on strike or whether they will be at work. Research continuity plans should be put in place to mitigate disruption during the strike, anticipating that unit employees will not be in the lab during that time. If there are health and safety concerns related to labor disruptions, the campus labor relations office should be contacted.

Will students who receive federal fellowships or stipends continue to be paid?

Yes. Stipend payments are lump sum payments to offset expenses and are not disbursed for work performed, provided the student remains in good academic standing, and absent other award restrictions, the fellowship or stipend will be paid.

Will students who are supported by University funds (fellowships, departmental fellowships, etc.) continue to be paid?

Yes. Internal fellowship payments are generally stipends, which are not related to effort or time and will continue to be paid, provided the student remains in good academic standing.

What can be said to employees in advance of a strike regarding their strike plans?

You cannot ask a worker whether they intend to strike. However, student employees have a dual role: they are students as well as employees. As a result, you can and should ask students whether they intend to fulfill their academic responsibilities and obligations to a research project, including during a potential strike. In having these conversations, you should keep the focus on academic and project responsibilities and not on whether students are striking.

As a PI or supervisor who should I contact if I have questions about how to implement the above?

Please contact your campus academic personnel or campus labor relations office.