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# MERC Considering U-M Research Assistant Unionization

The Michigan Employment Relations Commission (MERC) today granted a motion to reconsider whether the Graduate Employees Organization at the University of Michigan should be allowed to unionize its research assistants.

MERC traditionally mediates disputes between unions and employers, but in this case the Graduate Employees Organization (GEO) and UofM were on the same side. What MERC will be deciding through an Administrative Law Judge (ALJ) is whether or not these students are eligible to be unionized.

"Our basic question here will be to determine whether these are public employees," said Ruthanne OKUN, Director Bureau of Employment Relations within Licensing and Regulatory Affairs (LARA).

A similar process was undertaken in 1981, when MERC found that only some graduate students were public employees. Many graduate students receive stipends. Those that had active teaching roles were determined to be public employees, and those that served as research assistants were determined not to be public employees, as research was advancing their personal education and not necessarily the university as a public institution.

Patrick WRIGHT, director of the Mackinac Center Legal Foundation, represents 371 of the latter type of graduate students who don't want to be unionized. He said that it's difficult for him to see how the ruling will be fair, since MERC didn't grant the 371 students wishing not to be unionized and the Attorney General party status.

The two parties involved are on the same side and, in his mind, the opposing 371 students that he represents or the AG should be represented as a party with a different viewpoint.

"This is a odd process and the people who are most directly affected are not going to be allowed to take part. That just doesn't make any sense," said Wright.

Okun said that the ALJ would still be able to consider

materials and opinions from those the Mackinac Center represents and the Attorney General. They just won't be parties in the case.

The GEO currently has between 1,250 and 1,700 members, according to their website. They would be organized through the American Federation of Teachers (AFT)-Michigan. President David HECKER said the expedited hearing is coming about with the strong support of research assistants who view themselves as employees.

"We're looking forward to a good hearing and a positive decision in which research assistants finally are given a democratic right about whether they want union representation," Hecker said.

Wright said GEO would stand to gain about 2,200 if previously excluded grad students are eligible for unionization. That would bring the organization to above \$1 million annually in dues. The UofM Board of Regents voted to let GEO pursue the unionization.

The commission granted the re-consideration 2-1, with Chair Edward CALLAGHAN voting against it.

As the most senior ALJ, Julia C. STERN will issue a ruling. Okun said that if there's an appeal, it will be through the Court of Appeals and not a MERC process. Afterward, people will still have to vote on whether or not to be unionized.

Wright said he couldn't speculate as to what the ALJ would decide, but didn't see that much had changed since the 1981 decision. UofM, he said, was still a high-level research institution.

"I don't think the facts have changed materially since 1981," said Wright. "I don't think there is a justification for claiming that this has changed in any material respect over that time period."

Hecker said Wright is wrong, as is evident by the 2-1 MERC vote. He emphasized that MERC ruled that the Mackinac Center doesn't have legal standing in this case.