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U-Mich Grad Students Lose 3-Year Regulatory Battle

The Michigan Employment Relations Commission (MERC) this week issued a ruling concluding that University of Michigan (U of M) Graduate Student Research Assistants (GSRAs) are "solely students," and not public employees eligible for unionization.

In 2011, the Graduate Employees' Organization (GEO) and U of M had asked MERC to take a look at whether the GSRAs could unionize, though a MERC ruling from 1981 had decided they couldn't.

In 2012, Public Act 45 declared that an individual serving as a graduate student research assistant "is not a public employee entitled to representation or collective bargaining rights under this act" (See "Legislature Does End Run On Grad Student Union Ban," 3/7/12).

That was subsequently challenged in federal court, and the court concluded that the law was enacted in violation of the constitution. It's being appealed.

Even without the express prohibition in statute, today's ruling means that GSRAs are not eligible for unionization.

"We are not surprised that a board full of Governor (Rick) SNYDER's appointees would go

out of their way to attack the rights of working people. This unnecessary ruling by MERC serves no other purpose than to insert the politics of an unelected body into higher education. GEO stands by the fact that GSRAs are employees of the university and deserve to have their collective bargaining rights recognized," said Brandon VALENTINE, a graduate student in the Psychology Department at U of M and the co-chair of GEO's Communications Committee.

Attorney General Bill SCHUETTE and Students Against GSRA Unionization, represented by the Mackinac Center Legal Foundation (MCLF), filed amicus briefs advocating that the GSRAs be ineligible for unionization.

"We're pleased that MERC recognized that our clients are students and not employees," said Patrick WRIGHT, vice president for legal affairs at the Mackinac Center. "They were simply trying to further their education."

He said this came on top of cases where day care workers and home help workers had claimed to be public employees.

"For us, it was the third of three cases where we've seen the concept of public employment stretched beyond recognition," Wright said.