

**Academic Senate
of
The California State University**

**In Opposition to California State University Administration
Communications Regarding Bargaining**

1. **RESOLVED:** That the Academic Senate of the California State University (ASCSU) insist that California State University administrators —especially those in the Chancellor’s Office Administration— refrain from communicating about bargaining directly with CSU faculty and staff during contract negotiations; and thereby uphold their duty “not to make certain changes without bargaining with the union and not to bypass the union and deal directly with employees it represents”¹; and be it further

2. **RESOLVED:** That the ASCSU distribute this resolution to:
 - CSU Board of Trustees
 - CSU Chancellor
 - CSU campus Presidents
 - CSU campus Senate Chairs
 - CSU campus Senate Executive Committees
 - CSU Provosts/Vice Presidents of Academic Affairs
 - California Faculty Association (CFA)
 - California State University Employees Union (CSUEU)
 - California State Student Association (CSSA)
 - CSU Emeritus and Retired Faculty & Staff Association (CSU-ERFSA)
 - California Public Employees Relations Board (PERB), Eric Banks, Chair

¹<https://www.nlr.gov/about-nlr/rights-we-protect/the-law/bargaining-in-good-faith-with-employees-union-representative>

Rationale

The CSU and the CFA are currently in the formal process of bargaining. CSU Interim Chancellor Koester has communicated directly with CSU faculty employees to provide advice about bargaining through a August 10, 2023, letter, and again on August 25, 2023, via a YouTube video² delivered by campus email from administration such as campus presidents, provosts, or HR directors. In communicating directly with CSU workers using channels available only to top level administrators, CSU Administration risks the interpretation that they are attempting to strong-arm employees into accepting management's bargaining package. Interim Chancellor Koestler's communications directly to faculty included management's perspective on the impact of the CFA's bargaining demands on the CSU budget. Her comments suggested that the CFA, the faculty's sole bargaining representative, were not adequately informing faculty membership of the administration's positions, and thereby not effectively representing faculty interests. At a time of bargaining impasse coupled with projected state budget shortfall and CSU system budget worries, the content (and perceived intent) of this communication has done little to build trust. Any suggestion that the YouTube video might have been appreciated by employees can be dispelled by the responses in YouTube, in which 96% responded negatively; negative responders were far more likely to identify themselves, whereas the relatively few who have indicated support by liking the video remain anonymous.³

² <https://www.youtube.com/watch?v=hMtIIzInzM>

³ See footnote 2.

CSU Administration communication attempting to persuade employees to accept management's positions should cease while bargaining is ongoing. These messages can be seen as potentially violating fair bargaining practices specified by the National Labor Relations Board (NLRB)⁴ and the California Public Employment Relations Board (PERB)⁵, which provide employers and employees guidance regarding the responsibilities for administering collective bargaining statutes. The National Labor Relations Board specifically indicates that:

Employers have a legal duty to bargain in good faith with their employees' representative and to sign any collective bargaining agreement that has been reached. This duty encompasses many obligations, including a duty not to make certain changes without bargaining with the union and not to bypass the union and deal directly with employees it represents...⁶

⁴ See footnote 1

⁵ <https://perb.ca.gov/>

⁶ See footnote 1.