May 4, 1979

MEMO TO: Members of the Support Staff

FROM: Gail Fullerton and Karen Burdick

President, SJSU
President, Support Staff Council, SJSU

SUBJECT: SUPPORT STAFF COUNCIL

The Support Staff Council was created on this campus more than a decade ago to represent support staff employees in university governance. The constitution of the Support Staff Council states in part: "The purpose of the Council is to seek recognition of the support staff, participate in the development of policy which may affect support employees... [seek] improvement of working conditions...."

A.B. 1091 Higher Education Employer-Employee Relations Act (HEERA) becomes law on July 1, 1979. This act provides a formal collective bargaining framework within which employees may choose whether or not to select an exclusive representative to bargain with management on such matters as wages, hours, terms, and conditions of employment. These are areas in which the Support Staff Council has been active in the past.

Section 3571 of the HEERA states that: "It shall be unlawful for the higher education employer to:

(f) Consult with any academic, professional, or staff advisory group on any matter within the scope of representation for employees who are represented by an exclusive representative, or for whom an employee organization has filed a request for recognition or certification as an exclusive representative until such time as such request is withdrawn or an election has been held in which "no representative" received a majority of the votes cast.... For the purposes of this subdivision, the term "academic" shall not be deemed to include the academic senates."

Since it is probable that on or shortly after July 1, 1979, various organizations will file requests for recognition or certification as the exclusive representative of CSUC support staff employees, it will not be lawful after that date for the
President or other members of the campus administration to consult with the Support Staff Council on any matters that are included within the scope of A.B. 1091. This prohibition will last "until such time as such request is withdrawn or an election has been held in which 'no representative' received a majority of the votes cast...."

The Support Staff Council has met with the President to discuss what functions, if any, the Council could retain on campus next year. At this time the Council could play only a narrowly restricted role, primarily one of planning social functions such as the annual barbeque or Christmas party.

The reluctant consensus was that this limited role was not sufficient to warrant holding elections for membership on the Support Staff Council for next year. If in the future some support staff classes choose "no representative," the Support Staff Council can be reactivated as the voice of those classes in university governance.

We are sad to preside at the "mothballing" of the Support Staff Council, but the times--and the law--have changed.

cc: Academic Vice President
    Executive Vice President
    Dean, Student Services
    Director, Information Systems & Computer Services