12-11-22 Update: Mediation Has Begun

After the bargaining teams voted to engage the University in mediation on 12-9-22, the Governor’s office reached out to both the Union and the University to suggest Darrell Steinberg serve as a mediator. Both parties agreed. Steinberg is a former UAW member and the current mayor of Sacramento. He served as the President Pro Tem of the California legislature when the GSR unionization bill was first passed in the California legislature and he recently served as mediator during NUHW’s ten-week strike against Kaiser.

It is no coincidence that after four weeks of a powerful strike and direct actions targeting key UC decision makers, the Governor has now recommended a relatively pro-labor mediator to help reach fair contracts. It remains incredibly important that we continue building the power of our strike to influence the course of mediation.

On 12-10-22, Steinberg met with the SRU and 2865 bargaining teams to understand the issues where the parties are far apart. The teams walked through the University’s and our current proposals regarding:

- Wages
- Non-Resident Supplemental Tuition
- Childcare and Dependent Healthcare Remission

Meetings will continue throughout the week.

What is “Voluntary Mediation”?

Voluntary mediation is a bargaining process where the Union and the University agree to bring in a neutral third party to facilitate the bargaining process.

Both parties must agree to the chosen mediator, and the Union has the opportunity at any time to decide mediation is not working if we do not like the mediator.

Context for Mediation decision

Every strike in UAW 2865’s history has involved voluntary mediation. Mediation was also part of the recognition process for Student Researchers United in 2021.
In this round of negotiations, the University first requested mediation the weekend before the strike. They have repeated this request several times since. In bargaining on 12/8, they reiterated the request, and demanded a response by 12/9.

Voluntary mediation is a good tool to help break through UC's bad-faith bargaining, and it gives workers' greater control in the face of UC's intransigence during the bargaining process. After considering UC's statement last night that they would no longer be responding to proposals, and after considering the possibility of UC declaring impasse, the bargaining teams have decided to move forward with voluntary mediation.

How does voluntary mediation differ from impasse mediation?

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<thead>
<tr>
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<th>Voluntary Mediation</th>
<th>Impasse</th>
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<tbody>
<tr>
<td><strong>Who is the Mediator</strong></td>
<td>Chosen by both parties</td>
<td>Chosen by PERB</td>
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<td><strong>When does mediation happen</strong></td>
<td>We work with mediator and UC to decide the timeline.</td>
<td>PERB has five working days to make a determination of impasse and appoint a mediator. After the appointment of a mediator, regulations require mediation to last at least 15 days, if not more before factfinding is an option.</td>
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<td><strong>Is mediation confidential?</strong></td>
<td>Maybe</td>
<td>Yes</td>
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<td><strong>Is mediation off-the-record</strong></td>
<td>Maybe: we work with mediator and UC to decide the format. If off-the-record, we can still communicate with membership about what happens in mediation.</td>
<td>Yes</td>
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<td><strong>What happens at the end of the process if we don’t reach agreement?</strong></td>
<td>We are back at the bargaining table or the parties file for impasse</td>
<td>If mediation is unsuccessful after at least 15 days, the parties can request to proceed with factfinding. The panel has at least 30 days to conduct hearings.</td>
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investigate, and make its findings and recommendations. After 10 days, the panel may make the factfinder’s report public. If the parties are still unable to reach agreement, an employer can then impose terms and conditions of employment.

**Impasse:** Check out this [impasse explainer](#) for more information on impasse.