

WHEREAS, Every employee should have the right to collectively bargain;

WHEREAS, The National Labor Relations Act establishes collective bargaining rights in the United States for most private sector workers;¹

WHEREAS, The National Labor Relations Act excludes federal employee, state and local government employees, employees of the railway and airline industries, independent contractors, and agricultural workers, supervisory employees, and certain other employees;^{2,3}

WHEREAS, Most federal employees' collective bargaining rights are established under the Civil Service Reform Act of 1978;⁴

WHEREAS, Foreign service employees' collective bargaining rights are established under the Foreign Service Act of 1980;⁵

WHEREAS, Postal employees' collective bargaining rights are established under the The Postal Reorganization Act (Pub. L. 91-375, Aug. 12, 1970);⁶

WHEREAS, State and local governments employees' collective bargaining rights are established under state laws such as The Higher Education Employer-Employee Relations Act (HEERA) of 1979 and the Dills Act;⁷

WHEREAS, California's agricultural workers' collective bargaining rights are established under the California Agricultural Labor Relations Act;⁸

WHEREAS, Independent contractors' collective bargaining rights are not protected under any law;

WHEREAS, "Rideshare" companies such as Uber and Lyft have been proliferating in recent years;

WHEREAS, Such companies purposefully classify their drivers as independent contractors in order to avoid rules, protections, and requirements such as:^{9,10}

1. Payroll taxes
2. The minimum wage
3. Overtime
4. Other wage and hour law requirements (e.g. providing meal and rest breaks and reimbursing workers for expenses incurred during the performance of their jobs)
5. Workers' compensation insurance
6. Liability for payments under unemployment insurance, disability insurance, and Social Security
7. Collective bargaining protections

WHEREAS, This exploitation of workers is abhorrent and unacceptable, and furthers income inequality;

WHEREAS, This also allows such "rideshare" companies to unfairly undercut traditional competitors such as taxicabs, undermine public transportation, and discourage walking;

WHEREAS, This in turn increases greenhouse gas emissions;

¹ <https://www.law.cornell.edu/uscode/text/29/chapter-7/subchapter-II>

² <https://www.law.cornell.edu/uscode/text/29/152>

³ https://en.wikipedia.org/wiki/Railway_Labor_Act

⁴ <https://www.flra.gov/introduction-flra>

⁵ <https://www.flra.gov/fsirb>

⁶ <https://www.flra.gov/introduction-flra>

⁷ <http://www.perb.ca.gov/Laws.aspx>

⁸ http://www.alrb.ca.gov/content/pdfs/statutesregulations/statutes/ALRA_010112.pdf

⁹ http://www.dir.ca.gov/dlse/faq_independentcontractor.htm

¹⁰ <http://www.sfweekly.com/thesnitch/2015/09/25/uber-worker-classification-lawsuit-gets-more-complicated-with-appeal-to-nlrb>

WHEREAS, students are disproportionately younger than the general population; and

WHEREAS, young people will be disproportionately affected by climate change; and

WHEREAS, On December 14, the city council of Seattle, Washington passed Council Bill 118499 - AN ORDINANCE relating to taxicab, transportation network company, and for-hire vehicle drivers; amending Section 6.310.110 of the Seattle Municipal Code; adding a new Section 6.310.735 to the Seattle Municipal Code; and authorizing the election of driver representatives;¹¹

WHEREAS, The Associated Students of the University of California has worked with Berkeley City Councilmember to explore unionizing "rideshare" workers at the state and/or local level;^{12,13}

WHEREAS, Said law allows independent contractors hired by "rideshare" companies to unionized;¹⁴

WHEREAS, Non-transportation companies, such as Postmates, Shyp, and Washio, have also exploited workers by classifying them as independent contractors;¹⁵

WHEREAS, students represent a disproportionate percentage of Uber drivers, despite Uber drivers being required to be at least 21 years old;^{16,17,18,19} and

WHEREAS, the percentage of Uber drivers that are students is increasing;²⁰

WHEREAS, 19% of Uber drivers (and 28% of drivers under 30) use their salaries to pay back student loans;²¹ and

WHEREAS, rideshare drivers are not the only independent contractors who are performing jobs that are really that of an employee; and

WHEREAS, Private sector supervisory employees are also exempted from the National Labor Relations Act; and

WHEREAS, A new state law to expand collective bargaining in the private sector should cover as many employees as possible.

THEREFORE BE IT FURTHER RESOLVED, That the Board of Directors of the University of California Student Association directs its Executive Committee to write a letter to relevant legislators (as determined by the Executive Committee) expressing the relevant sentiments expressed above;

THEREFORE BE IT FURTHER RESOLVED, That the Government Relations Committee of the Board of Directors of the University of California Student Association reviews with intent to support effective local and state laws that expand collective bargaining in the interim, to present to entire Board of Directors;

THEREFORE BE IT FURTHER RESOLVED, That the Board of Directors of the University of California provides that nothing

¹¹ <https://seattle.legistar.com/LegislationDetail.aspx?ID=2451983&GUID=E69B3AB7-88E1-491A-A49F-B32BE688D16C&Options=Advanced&Search=>

¹² <https://docs.google.com/document/d/1mZlZELbrgkvaSdHvFCxjro7FdpYadIgyugSTG1kc-BY/view>

¹³ ci.berkeley.ca.us/Clerk/City_Council/2016/02_Feb/Documents/02-22_Agenda_Committee_Packet.aspx

¹⁴ <https://seattle.legistar.com/View.ashx?M=F&ID=4193654&GUID=4C11EFA5-E773-4DF3-AD3B-4EC292542289>

¹⁵ <http://www.businessinsider.com/postmates-shyp-and-washio-hit-with-legal-action-from-contractors-2015-7>

¹⁶

https://2q72xc49mze8bkcg2f01nlh-wpengine.netdna-ssl.com/wp-content/uploads/2015/12/BSG_Uber-Driver-Roadmap-2.0_12.7.15_FIN2.pdf

¹⁷ <http://nces.ed.gov/fastfacts/display.asp?id=372>

¹⁸ https://en.wikipedia.org/wiki/United_States

¹⁹ <https://www.uber.com/driver-jobs>

²⁰ https://newsroom.uber.com/wp-content/uploads/2015/01/BSG_Uber_Report.pdf

²¹ https://2q72xc49mze8bkcg2f01nlh-wpengine.netdna-ssl.com/wp-content/uploads/2015/01/BSG_Uber_Report.pdf

Resolution Supporting Expanding Trade Unionization in California

in this resolution shall be interpreted as the University of California Student Association taking a position on whether “rideshare” drivers or other workers classified as independent contractors should or should not be classified as independent contractors; and

THEREFORE BE IT FINALLY RESOLVED, That the Board of Directors of the University of California Student Association provides that nothing in this resolution shall be interpreted as supporting “rideshare” companies or other companies using independent contractors if they unionize their employees.