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# GTFF files complaint regarding labor practice

■ The University denied members access to information, citing the Family Educational Rights and Privacy Act

By Serena Markstrom  
Oregon Daily Emerald

The Graduate Teaching Fellows Federation has filed unfair labor practice charges against the University with the Employment Relations Board, a state agency set up to decide labor issues.

The GTFF mailed the complaint Thursday, citing the University's alleged refusal to bargain, its refusal to distribute information and contract violations.

During February negotiations the GTFF requested information regarding the number of GTF administrative positions and the status and department appointments of "training grants," a type of scholarship.

The GTFF did not receive this information because of the recent application of the Family Educational Rights and Privacy Act (FERPA), a 26-year-old law that protects students against a university's release of personal information.

Mark Zunich, who discovered the law, asked for legal advice from Melinda Grier, the University's general counsel.

In a letter dated April 3, 2000, Grier wrote, "Nothing in the state employment relations law obligates us to give the union a represented employee's social security number, department or terms and conditions of employment."

"The information the University has provided is made available by contractual agreement with GTFF. As a result, this is not an area where state law conflicts with federal law. Furthermore, a contractual provision that violates law is void."

The University's response on Feb. 24 was to implement an information release waiver system. This was one day after the University had brought the FERPA clause to the bargaining table.

At the Feb. 23 meeting GTFF members opposed the implementation of the waiver system, and

they consider the University's unilateral adaptation of the system a breach of good faith negotiation.

The GTFF also considers the University's method of gathering the waiver forms to be inadequate because, as of April 17, the GTFF had only received information on 220 of the approximate 1,200 GTFs.

GTFF President Paul Prew said that without information on who is working where, it is impossible to adequately represent GTFF members or know how many people are employed in each department.

"It is very convenient for them at this point in negotiation [to not release information]," Prew said.

Marian Friestad, who represented the University during these contract negotiations, said, "We did not go looking for the law ... we had been giving out that information for years."

Bruce Waller, a GTF, said he finds this argument is faulty because the information it is requesting is publicly available in the student directory.

## Events leading up to the grievance

**February 23** — Graduate Teaching Fellows Federation union representatives and University officials meet and discuss implementing a waiver system to release GTF information.

**February 24** — The University implements a policy that requires GTFs to sign a waiver before information is released to the GTFF.

**March 21** — The GTFF files a grievance against the University (within the University).

**April 3** — The GTFF receives an incomplete list of GTFs.

**April 20** — The GTFF sends a complaint to the Oregon Employment Relations Board.

SOURCE: University Senate Resolution US9900-16 and GTFF

On March 21, the GTFF filed a grievance with the University on similar charges. Jan Oliver, associate vice president of institutional affairs, was expected to have made a decision on the GTFF grievance Monday. Oliver did not return messages left Monday.

"Our case is that no matter how they choose to interpret this law, they agreed to provide us this information [in the contract]," Waller said.

But Friestad said she cannot act against the law and release the information.

"If the individual doesn't want the information released to the union, I can't violate those wishes; that's what the law says," she said.

Prew said the failure to release information has resulted in the union not being able to contact its members about health insurance.

Without the information, Prew said, the union has been unable to send insurance notices or know if GTFs are still covered under COBRA, a federal law that permits employees and dependents to continue medical and dental coverage for up to 18 months after termination of employment.

Friestad called the discovery of the FERPA clause and the subsequent lapse of information dispersal "a glitch in a system that had been working for a very long time."

To Prew and the GTFF, the University's refusal to release the information because of FERPA is more than a glitch.

"I am 100 percent certain some people have lost their opportunity to get on COBRA," Prew said.

If the avenues the GTFF have taken within the University and with the state board do not prompt the University to reverse its decision, the GTFF will file a lawsuit against the University.

"We have the right to represent our members at the bargaining unit," Prew said.



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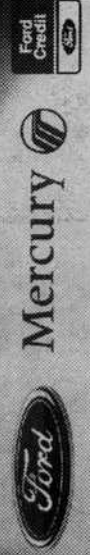
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