

To: UPTE-CWA 9119  
From: Leonard Carder, LLP  
Date: September 26, 2018  
Subject: Questions About Strikes

---

We understand that many UPTE members are asking questions about strikes. As this memorandum explains, the attorneys at Leonard Carder, LLP will be working with UPTE's leadership to make sure that any strike is legal and that UC respects your rights.

UPTE's Executive Board is requesting that you authorize UPTE's leadership to call for a strike, whether in solidarity with another union, to protest unfair labor practices, or to press for your own goals in bargaining.

California's courts have ruled again and again that UPTE-represented workers, like all UC workers, have the right to strike. If you hear or see anything from UC that suggests otherwise please make sure to forward it to UPTE immediately.

You don't have to tell your manager or otherwise notify UC that you will be participating in a strike. If your manager asks if you're participating, they are legally required to inform you that you don't have to respond and that you won't face consequences for your answer. The safest answer to give in these scenarios is that you're still thinking about it.

All UPTE-represented employees will be able to join their brothers and sisters on the picket lines, with the exception of a small number of Clinical Laboratory Scientists, Pharmacists, Recreation Therapists and Nuclear Medicine Technologists who are subject to a court order requiring them to work during a strike. UPTE will contact the individuals affected by the court order prior to a strike.

Per diem and probationary employees have the same right to strike as career employees and cannot be retaliated against in any way for their participation in any strike. Workers on visas, student-workers and clinical students also have the right to honor picket lines. The California Supreme Court has found that non-represented employees can individually choose to honor a picket line also.

UC cannot retaliate against you in any way for participating in a strike - whether that means formal discipline, counting strike days against your attendance record, or informally by changing your working conditions.

Not every UC manager understands or respects the law. Let UPTE know immediately if UC attempts to intimidate, harass or retaliate against you and we will work to remedy the situation immediately and aggressively.

With the law and decades of experience on our side you can be confident that the attorneys at Leonard Carder, LLP will work with UPTE leadership to protect your right to strike for your future, your family's future, and that of the UC community.