BASIC RULES FOR UNION ACTIVITY IN THE WORKPLACE

Under HEERA, the Higher Education Employer-Employee Relation Act, you have the right to join and be active in a Union. Under Section 4.3571 (a) it is illegal for UC to "impose or threaten to impose reprisals on employees, discriminate or threaten to discriminate against employees, or otherwise interfere with, restrain, or coerce employees because of their rights guaranteed under this chapter."

- **Do your job. Be on time. Be courteous and professional.**
  You have the right to conduct union activity on non-work time, during breaks, and before and after work. • You have the right to use break rooms and other non-work areas to conduct union activity. • You have the right to engage in union discussions during work time, as long as it is not a lengthy discussion that interferes with job related activities. • You do have FIRST AMENDMENT RIGHTS so you can inform a colleague about a new union-related flyer, petition, survey or meeting, just as you can inform a colleague about the upcoming social group picnic, or that your child got an "A" on a report card.

- **Management will be checking that we are doing our jobs.**
  Remember that management has a role to play out as well. They are required to make sure that we adhere to UC policies, however, they will probably demand more restrictions on us that is legal under the law. If a supervisor asks an employee to refrain from certain activities that are allowed under HEERA, it is your right to inform your supervisor what your rights are under the law. Generally, supervisors are unaware of HEERA, and you can also suggest supervisors call labor relations at UC to clarify what employee rights are under HEERA. Remember that supervisors may be required to report back to management about union activities. It is your right to refuse to discuss union business with a supervisor. If supervisors ask direct questions, such as "Have you signed a Union card?", or "When is the next Union meeting?" they might be committing an unfair labor practice. If such questions are asked, you have the right not to answer those questions, and to contact your union organizer to check if the supervisors have committed an unlawful act under HEERA.
FILING GRIEVANCES at UCSD

- All grievances MUST be filed within 30 calendar days of the original incident!
- All deadlines are calendar days; if a deadline falls on a holiday, it is moved to the next business day.
- Always make a copy of any form you submit.
- If filing in person, be sure to get the form date stamped in person before you leave the Labor Relations office.
- For TX, RX, and HX contract grievances only (not PPSM), when grievances are filed through the mail, the postmark date is considered to be the date filed.
- For TX, RX, and HX grievances, UC does not have to respond to Step I or Step II-your deadline to appeal to the next step is based on the date UC's response was due, whether or not they responded.
- For PPSM grievances, UC can extend their own deadlines unilaterally; however, you must wait for a response before appealing to the next step (and must not miss your deadlines).

<table>
<thead>
<tr>
<th>UNIT</th>
<th>JOB TITLES</th>
<th>CONTRACT or POLICY</th>
<th>CONTRACT/ POLICY on the web</th>
<th>Grievance and Arbitration Procedures</th>
</tr>
</thead>
</table>
| TX   | Computer Resource, Spec; Lab Ast; Electronics Techs; Computer Operators;… | TX Contract | http://www.upte.org/contract-tx/index.html | Grievance: Article 9  
Arbitration: Article 3 |
Arbitration: Article 3 |
| HX   | Clinical Lab Techs; Social Workers; Pharmacists; Audiologists, Rec. Therapists;… | HX Contract | http://www.upte.org/contract-hx/index.html | Grievance: Article 9  
Arbitration: Article 3 |
| 99   | Admin. Analysts; SAD's; Programmer Analysts; Program Reps; Learning Skills Counselors;… | PPSM Currently organizing | http://www.hr.ucsd.edu/~QWVI/policies/ | Grievance and Arbitration: Section 70 |

WHERE TO FILE GRIEVANCES:

By mail:
Office of Labor Relations UCSD (Torrey Pines Center South)  
10280 N. Torrey Pines Road, Suite 265-A  
La Jolla, CA 92039

On campus:
Torrey Pines Center South, Suite 265-A  
Director: Mike Melman (858) 534-2810

At Medical Center:
200 West Arbor Drive and First Ave  
Director: Jim Ohnesorge (619) 543-8247

*TX, RX, & HX Appeals to Step III must be filed with*

UCOP Labor Relations:
Director of Labor Relations: Gayle Cieszkiewicz  
300 Lakeside Drive, # 1215  
Oakland, CA 94614  
Phone (510) 987-9907 Fax (510) 268-0602

University Professional and Technical Employees/CWA 9119  
UPTE-UCSD 8380 Miramar Mall Suite 223, San Diego, CA 92121  
Phone: (858) 458-0862; Fax: (858) 458-0853;  
E-mail: sandiego@upte-cwa.org  
Website: www.upte.org

OVER for grievance deadlines
UPTE GRIEVANCE DEADLINES FOR EACH UNIT

- All grievances MUST be filed within 30 calendar days of the original incident!
- Deadlines are firm. Failing to file/respond in time will lose the case.
- All deadlines are calendar days. If a deadline falls on a holiday or weekend (non-business day), it is moved to the next business day. (Over for more information)

### Grievance deadlines for TX, RX, and HX employees

<table>
<thead>
<tr>
<th>STEP I</th>
<th>STEP II</th>
<th>STEP III</th>
<th>ARBITRATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Must file w/in</td>
<td>Must file w/in</td>
<td>Must file w/in</td>
<td>Must file w/in</td>
</tr>
<tr>
<td><strong>30 days of incident</strong></td>
<td><strong>15 days of UC's response (or when response was due)</strong></td>
<td><strong>15 days of meetings (or if no meeting, within 15 days of Step II filing)</strong></td>
<td><strong>30 days of when UC's response due all appeals to arbitration must be signed by statewide UPTE president</strong></td>
</tr>
<tr>
<td>UC's response due w/in 15 days, for RX &amp; TX 25 days – for HX of when original grievance was filed</td>
<td>Step II meeting w/in 15 days from when Step II appeal filed (supervisor, employee, steward; is optional)</td>
<td>UC's response due w/in</td>
<td>Must file w/in</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>30 days</td>
</tr>
</tbody>
</table>

### Grievance deadlines for 99's (Admin. Professionals)

<table>
<thead>
<tr>
<th>Informal Meeting</th>
<th>Departmental Review (Step I)</th>
<th>Appeals (Step II)</th>
<th>Administrative Review: You may choose a review with or without a 'fact-finding' process. The decision will be binding and may not later be arbitrated. In a 'fact-finding,’ a UC administrator initiates an investigation, interviews people and produces a report for an Asst. Vice Chancellor. The final decision may or may not be in agreement with the report.</th>
<th>UC's response due: Asst Vice Chancellor will respond with a decision, but has no specific timeline.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Employee must attempt to resolve issues informally w/ immediate supervisor prior to filing a form grievance. Whether resolved or not, must file grievance within 30 days of incident.</td>
<td>Must file w/in</td>
<td>Must file w/in</td>
<td><strong>10 days of UC's response</strong> Choose between Administrative Review or Hearing</td>
<td><strong>Decision reached:</strong> There is no timeline for a decision. Commonly takes 9-12 months or longer.</td>
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</tbody>
</table>

**OVER for more information**
ARE YOU A TECHNICAL OR PROFESSIONAL EMPLOYEE?

You have the right to join your UNION...and it is against the law for UC to discriminate against you if you do.

Workers in the TX, RX, & HX units are represented by UPTE and eligible to become members. AP unit workers do not have a contract but are also eligible to join UPTE.


**Research Professional Unit (RX):** Staff Research Associates, Research Associates, Museum Scientists, Spectroscopists, and other titles.

**Health Care Professional Unit (HX):** Clinical Lab Scientists (Tech), Clinical Lab Scientists (Tech) Specialists, Clinical Social Workers, Pharmacists, Dietician Is, Psychologists, Audiologists, Speech Pathologists, Physician Assistants, and other titles.

**Administrative Professionals Unit (AP):** Administrative Analysts, Programmer/Analysts, Student Affairs Officers, Administrative Specialists, Program Reps, Senior and Principle Writers, and other titles.

UPTE (University Professional and Technical Employees) was created by fellow UC employees to give us all a voice in the University system. UPTE is a democratic organization run by staff members like yourself, and its issues are the ones articulated by the technical and professional workers at the University of California campuses across the state.

Under the state labor law known as HEERA (Higher Education Employer Employee Relations Act), Sec. 3565, employees are guaranteed the rights to join, and participate in an employee organization, and under Sec. 3571(a), it is unlawful for an employer to impose or threaten to impose reprisals, or otherwise restrain or coerce employees who exercise their rights guaranteed under HEERA.
KNOW YOUR RIGHTS OF ACCESS TO
EMPLOYEES UNDER CALIFORNIA LAW

Section 3568 of the Higher Education Employer-Employee Relations Act (HEERA) grants employee organizations, like UPTE, the right of access to employee WORK AREAS at reasonable times.

You should know that this statute, and cases interpreting this statute, allow you a great degree of access to co-workers at UC. UC tries to restrict UPTE activists to meet with coworkers in "non-work areas at non-work times", however, HEERA clearly states:

"Subject to reasonable regulations, employee organizations shall have the right of access at reasonable times to areas in which employees work, the right to use institutional bulletin boards, mailboxes and other means of communication, and the right to use institutional facilities at reasonable times for the purpose of meetings concerned with the exercise of rights guaranteed under this act."
(Govt. Code Sec. 3568 [HEERA]).

Thus, in addition to the work area right, HEERA allows UPTE activists the use of UC bulletin boards, department and/or employee mailboxes, UC facilities such as break rooms, conference rooms and meeting rooms, and other means of communication such as US mail, and e-mail. However, the right to use employer mail (i.e.: campus mail) is limited by US Postal regulations and UC can refuse to deliver unstamped union mail to employees.

The Public Employment Relations Board (PERB), the state agency that administers HEERA, has ruled that the right of workers to join and participate in unions means that unions have the right to communicate with employees and members at their WORK SITE, where they are most accessible. The primary concern in "right of access" cases is the ability of employee organizations and employees to communicate and disseminate, receive and exchange information.

These access rights are subject to UC's "reasonable regulations". UC can rebut the presumption of access by showing that access would be disruptive. Even if UC can prove that a specific means of communication/access is disruptive, the PERB will uphold the regulation only if: (1) it is narrowly written to avoid interference with guaranteed rights; and (2) as long as there is an effective alternative means of communication. Finally, an otherwise valid access restriction is illegal if it is applied to the union but not to other persons or organization, such as vendors.

University Professional and Technical Employees
UPTE-UCSD CWA 9119
8380 Miramar Mall Suite 223, San Diego, CA 92121
Phone: (858) 458-0862; Fax: (858) 458-0853;
E-mail: sandiego@upte-cwa.org Website: www.upte.org