



# U · P · D · A · T · E

University Professional  
& Technical Employees  
Communications Workers  
of America Local 9119,  
AFL-CIO

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## Researchers and techs attend bargaining sessions

# Bargaining over steps, COLAs and extra days off

**U**PTE's bargaining team has made a comprehensive proposal to settle the tech (TX) and researcher (RX) contracts for three years, which closely follow the amounts UC will receive from the state according to the recent 'compact' with Governor Arnold Schwarzenegger. The bargaining team has included needed step increases, funded entirely from staff turnover, which would not

UPTE would be hard-pressed to bargain a pay raise back to October 2004 if the contract were extended. UPTE's team refused the extension.

### Status quo now in effect

The legal obligation for UC to maintain the status quo after contract expiration provides leverage to get raises. With no contract in place, the University can no longer make many changes normally allowed. New work

rules, including attendance policies and dress codes, schedule changes, reorganizations, benefits, leave policies and parking rates are all now locked in until UPTE members ratify a new contract.

UC will also be required to pay for all overtime worked, unless

the union agrees to individuals receiving comp time instead. For a full explanation of what the contract expiration means, see [www.upte-cwa.org/contractexpires.html](http://www.upte-cwa.org/contractexpires.html). If you

suspect any violations during this status quo period, contact UPTE immediately.

With no contract in effect, UPTE members would also be free to conduct job actions such as work slow-downs and strikes. The union has started building a strike fund, to help provide monetary support to workers in case of a strike.

When the University closes campuses over the winter break, it will force employees to stay off work. But with the contract expired, UC cannot force UPTE-represented tech and research employees to take vacation for these days.

"We've filed an unfair labor practice charge with the state Public Employment Relations Board, asking for the two days pay and any vacation time back," says UPTE systemwide president Jelger Kalmijn.

### Pressure at the table

Members have been turning up in large numbers at bargaining sessions. At one session in Los Angeles, some 60 people came to observe the bargaining session and support the team. "It was certainly impressive that so many employees showed up," said Jess Daily, a

studio projectionist at UCLA. "And I think it made an impact on the University's bargaining team.

Hearing personal stories about how far behind in pay we all are made UPTE's efforts more real."

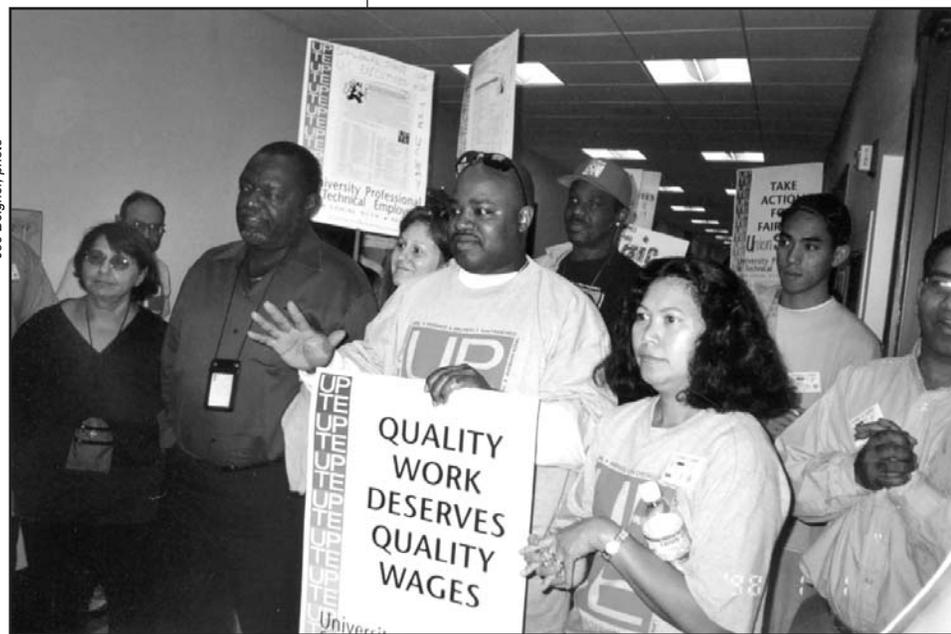
At another session in Berkeley, a dozen-member delegation made a compelling presentation about the lack

of raises for many years. They argued that pay on the "outside" was much better, and that UC provided limited career paths for employees to move up in.

One member at a UC Davis bargaining session summed it up perfectly: twenty years of service has resulted in low pay compared to the outside, but he is "trapped" by the need to stay at UC and in the retirement system as long as he can afford it. "They've got me in golden handcuffs," he said.

"Having members come to bargaining sessions visibly demonstrates to UC that techs and researchers care what happens in contract negotiations," adds Owen.

Bargaining sessions are listed on the union's online calendar at [www.upte-cwa.org](http://www.upte-cwa.org). Please consider taking time off to attend when one is at your campus, and bring your co-workers with you.



UCLA members march to the chancellor's office to demand step increases and two days of winter closure leave

cost the University any money.

But UC says it won't provide step increases – even if they cost nothing – and won't promise to deliver all of the salary money that UC is due to receive from the state. UC also told the UPTE bargaining team it is willing to give two administrative days off only if UPTE agrees to a 0% raise this year and less than a 1% raise for next year, in addition to no step wage increases for either year.

Last month, UPTE conducted a broad survey of members, who overwhelmingly rejected UC's proposal. "Other employees have already been promised the two days off, and there's no excuse for UC to hold those days hostage over wage negotiations," said Doug Owen, UPTE's chief bargainer.

### Contract expires

In late October, UC put forward another offer with the same result: no raises. The UC team asked UPTE to agree to a contract extension until March in return for the two paid days off. UC's motivation? It knows that

## UPTE LOCALS

### Berkeley

(510) 848-UPTE

### Davis:

(530) 759-0803

### Los Angeles:

(310) 443-5484

### Irvine:

(949) 833-8783

### LANL:

(505) 662-4679

### LBNL:

(510) 665-7722

### LLNL:

SPSE (affiliate):

(925) 449-4846

### Riverside:

(951) 781-7922

### San Diego:

(619) 296-5090

### San Francisco:

(415) 753-UPTE

### Santa Barbara:

(805) 685-3661

### Santa Cruz:

(831) 429-UPTE

## UPTE's proposal includes...

- ◆ Step increases each year.
- ◆ Cost-of-living increases equal to UC's increase from the state projected at 0%, 3% and 3%.
- ◆ No increase in benefits costs.
- ◆ Ability to challenge contract violations before an independent arbitrator.

## UC has countered with...

- ◆ No step increases for any of the years.
- ◆ 0% this year, less than 1% next year and maybe 3% next year depending on benefits costs.
- ◆ Numerous take backs, including the combination severance/preferential rehire option for laid off employees.

## Send a message to UC that you deserve a regular raise:

- ◆ Join your union. Call (510) 704-8783 or visit [www.upte-cwa.org](http://www.upte-cwa.org).
- ◆ Participate in petitions, email campaigns, and other events so UC's decision-makers know we stand unified in our demands.

## UC unions join forces

UPTE has formed a bargaining coalition with two other unions, CUE (representing clericals) and AFSCME (representing service workers), whose contracts have also expired. "Our goal is to win longevity step wage increases, and across-the-board increases at least equivalent to what UC gets from the state for our pay," said Kevin Rooney, UPTE's San Francisco bargaining team member.

CUE's clericals are facing many of the same issues as UPTE's techs and researchers. They seek fair salary increases that would match what the governor has already pledged to give UC for the coming three years, and step increases funded from staff turnover, which wouldn't cost UC any extra money.

AFSCME's service workers and patient care workers want a better pay system that respects years of experience on the job, as well as access to better training and promotional opportunities. "Too many workers feel like they're stuck in dead-end jobs," said UCSF surgical tech and AFSCME vice president Jeff Myers.

Three other major unions at UC – the UAW (representing academic student employees), CNA (representing nurses), and UC-AFT (representing lecturers and librarians) – are participating in the coalition as well.

UC has tried the same maneuver with all the unions on holiday closing days: it gave those two days off to workers not under union contracts, but is demanding that each union forfeit wage increases for two years in order to get the same two days off. "The unions are united in resisting this kind of manipulation," said UPTE's Jelger Kalmijn.

Russell Thompson, photo



UPTE's Kevin Rooney speaking to a demonstration at a Regents' meeting in San Francisco

## Holding back benefit cost increases

With miniscule wage increases and ever-increasing parking fees, UPTE and other UC unions told the University this summer that employees can't afford another increase in benefits costs.

We succeeded! There will be no premiums or co-payment increases in this year's health benefits. UC had planned to increase the cost of PacifiCare, which is used by many UPTE members, but eliminated this increase as well.

Other benefits costs are also being reduced: disability insurance premiums will decrease by 15.5% effective January 1, the voluntary life insurance premium will go down 12.5% effective January 1, and the legal services plan will be open for new enrollees.

UPTE recommends that employees consider enrolling in the Health Care Reimbursement Program (HCRA), which allows you to set aside pre-tax wages to pay your health care costs throughout the year. This can cut 25% off your co-payments over the year.

Also worth considering is the legal services plan, as it may not be open again for several years. One drawback of this plan is that you cannot use it for matters related to your UC employment.

Meanwhile, at UPTE's urging, UC joined the Coalition for Health Care Reform to work for universal health care. UCOP will also take complaints about Liberty Mutual-related disability claims (please also forward copies to UPTE's benefits committee, listed at [www.upte-cwa.org/contacts.html](http://www.upte-cwa.org/contacts.html)). And the union has encouraged campuses to make online benefits information easily accessible for all employees.

## HX unit sets priorities

Health care professionals in the HX bargaining unit met at the 15<sup>th</sup> annual UPTE convention in Sacramento in mid-October.

Delegates continued their ongoing dialogue about creating a pay system that is fair and competitive, according to Wendy Mullen, a clinical social worker at UCLA.

"Options include keeping the 'zone system' of compensation that is currently in place," said Mullen, "moving to a step-based pay system, or establishing market rates of pay and negotiating cost-of-living increases each year."

Reports from various campuses indicated that equity negotiations have met with great success. There have also been reports that because the zone language specifies years of UC experience and not years of experience since licensure,

some HX employees feel that they have been misclassified. Current contract language allows a new hire to be placed at the bottom of the range, even though they may have 4 to 5 years of experience in the community.

Professional Practice Committees are planning to meet with management about unreasonable workloads, which interfere with vacation scheduling and paid time off for professional development. Creating guidelines like the nurse staffing ratios are a likely topic for these meetings.

Delegates are now planning for contract reopeners in July 2006, including a retreat to establish bargaining goals and plot strategy. "It's important to have a broad representation from all disciplines to represent their campuses," adds Mullen. The retreat is scheduled for February 12 in Los Angeles. If you'd like to attend, contact Wendy Mullen, at (310) 500-5040 or [uptewendy@aol.com](mailto:uptewendy@aol.com).



UC's team faces dozens of UPTE members during a bargaining session at UCLA in September

## Support for steps at UCB museum

While the bargaining over UPTE's tech (TX) and researcher (RX) contracts continues, employees across the UC system are taking on the fight to make their demands for fair step increases more visible in their departments and campuses.

At UC Berkeley, Larri Fredericks was one of ten Hearst Museum of Anthropology employees who met in September with their supervisor, museum director Douglas Sharon, to ask him to publicly support the annual step increases. These step increases come out of savings from staff turnover, and hence, require no new funding. "It's really important to get the step increases so we don't fall even further behind" in salaries over the next year, Fredericks told the *Update*.

The workers, who include museum scientists, principal museum preparators, photographers and artists, asked Sharon to use his influence with Berkeley's chancellor to advocate for the raises. Sharon welcomed the opportunity to help, writing a letter to Berkeley's then-Chancellor Robert Berdahl. "My research and technical staff," he wrote, "deserve to be rewarded for their dedication and the excellent work they are producing."

Fredericks and her colleagues hope the support will work its way up UC's chain of command, and end up influencing negotiations at the bargaining table.

## LANL lobbying pays off; LBNL out for bid

Ongoing UPTE lobbying efforts in Sacramento and Washington, DC, are beginning to produce protections for employees at Los Alamos, no matter who ends up running the lab.

The Regents are considering whether to bid on the contract to continue managing LANL. With President Bush re-elected, UC is much less likely to win the contract and may not be willing to invest the up to \$30 million needed to prepare a bid. A consortium of the University of Texas and Bettelle, a global science and technology enterprise, is considered a top contender.

When talk began of putting Los Alamos up for bid, UPTE requested input into two committees working on the issue. "With help from both New Mexico and California legislators," reports UPTE's LANL president

Manny Trujillo, "we were able to get employee input into the Acquisition Plan, supporting our benefits, ability to organize and the protection of our pension fund." However, the only way to completely protect benefits and compensation is to be covered by a collective bargaining agreement, and so far, no LANL employees fall into that category.

UPTE's parent union, CWA, also provided crucial help, laying the groundwork for legislative contacts in Washington. DOE has also released a draft of the Lawrence Berkeley National Lab (LBNL) Request for Proposal, the first step in the bidding process.

On Nov. 4, UPTE reps Trujillo and Theresa Connaughton met with New Mexico Governor Bill Richardson to discuss the draft Request for Proposal. The governor supported UPTE's request for an exploratory task force, which UPTE will co-chair. "We're optimistic that we'll have a voice in ensuring that bidders' proposals address the terms of employment under a different contractor," said Trujillo.

## Whistle Blowing 101

UPTE activists are also concerned about what they say is a culture of fear and retaliation at the lab. LANL employees gathered in late October for a symposium on whistle blowing, sponsored by the nonprofit Government Accountability Project. UPTE members talked of their own whistle blowing experiences, and heard legal experts describe how employees can tell the truth about their workplaces without becoming targets for management.

Joe Begner, photo

## Pre-designate your physician

Starting January 1, 2005, employers in California will have more power to control medical care for injured workers, due to the new workers' comp bill passed by the Legislature and signed into law by Governor Arnold Schwarzenegger last April.

Currently, an injured worker can choose any doctor after the first month of treatment is completed. After January 1, if you are injured on the job, you will have to pick from a pool of doctors who belong to tightly controlled physician networks organized by employers and their insurers.

### Deadline is imminent

That is, unless you "pre-designate" your physician before January 1. Employers who provide group health insurance, as UC does, must allow you to choose your doctor to treat your injury, but only if you submit a personal physician form to your employer.

Even if you have previously completed such a form, do it again because the laws have changed. The physician must agree in writing to be pre-designated, have previously treated the worker, and be in possession of his or her medical records. Please visit [www.upte-cwa.org/designating\\_a\\_physician.html](http://www.upte-cwa.org/designating_a_physician.html) for a copy of the form to complete and send to your Human Resources manager.

There are many other negative changes to the workers' comp law (see [www.calaborfed.org/issues\\_politics/Legislative/WC\\_Ten\\_Things.html](http://www.calaborfed.org/issues_politics/Legislative/WC_Ten_Things.html)). But there is some good news: the legislative compromise takes away the risk of losing the heart of California's workers' comp system. Because of the new law, backers agreed to remove an anti-worker initiative, championed by Schwarzenegger and the Chamber of Commerce, from last November's ballot.

## Getting serious about health and safety

Thanks to union efforts during the last century, we have a right to a safe place to work. We also have a right to refuse unsafe work (California Labor Code §6311).

Protecting those rights is not automatic, however, and is increasingly problematic today. Pro-business forces are in control of the federal and state governments, and tight budgets have led to reduced numbers of Cal/OSHA safety inspectors and others who enforce safety standards. (At this writing, the California Occupational Safety and Health Administration has fewer than 150 inspectors in the entire state – the world's fifth largest economy.)

In this environment, coupled with employer ignorance, inertia, indifference, or worse, if UC employees want to ensure safe working conditions, we have to be actively involved. This is particularly important for UC professionals who are not covered by a union contract.

However, if you're not in the RX unit, or in a lab that has to meet rigorous safety

standards because of external funding and inspections, it's a good bet that safety is the lowest priority in your department, union contract notwithstanding.

### Putting the "u" in union

What can we do to ensure safe working conditions? First, as workers we must know our rights on the job and be willing to stand up for them. We don't go to work to die or get injured, we go to work. Second, we need allies from our union, which starts with "u."

For a union to be effective it needs active members who are well organized. A cadre of members concerned about health and safety can educate members to assess safety hazards on the job, plan an approach to prioritize hazards, and then work to eliminate or significantly reduce the hazards. A large membership base is also needed to effectively negotiate contracts that include strong health and safety provisions.

Having a large enough membership base is probably the single most important guarantee of a healthy working environment because, ultimately, a strong union contract offers the best protection for workers for several reasons: OSHA standards are minimal, there aren't enough inspectors, and rights need adequate enforcement to be protected.

A union can work on health and safety issues through its stewards' network; through mobilizing to educate members and to press for strong safety provisions in contracts; through establishing a union health and safety committee (organized by bargaining units, by campus, or by coalitions); through joint union-management safety committees; and through applying external pressures, if necessary, to enforce its contracts.

Fortunately, California requires employers to establish an Injury and Illness Prevention Program (8 CCR [California Code of Regulations] 3203), and each UC campus has guidelines about how its IIPP is to be enforced – which you can find on its web page. It is up to us to make sure the program is being carried out lawfully or at all, to press for participation, and to hold the University's feet to the fire. To get involved, contact your local. – *Joan Lichterman*

## Voices of UPTE

*UPTE-CWA Local 9119 includes thousands of University of California employees – all with stories to tell. Following are the words of Elizabeth Wilks, who works at UC Santa Barbara.*

I have worked for almost 9 years at UCSB's University Center- Accounting Department. I am an Accountant II. Not being exclusively represented (I'm not covered by a union contract), I thought I could never change anything at work.

During the administrative professionals campaign last year, our local organizer contacted me to talk about my job and the union election. I joined the union almost immediately and began getting involved, first at Santa Barbara and then at the statewide level.

In my experience, UPTE listens to its members. I have watched my priorities

## Welcoming Berkeley's new chancellor to unionism

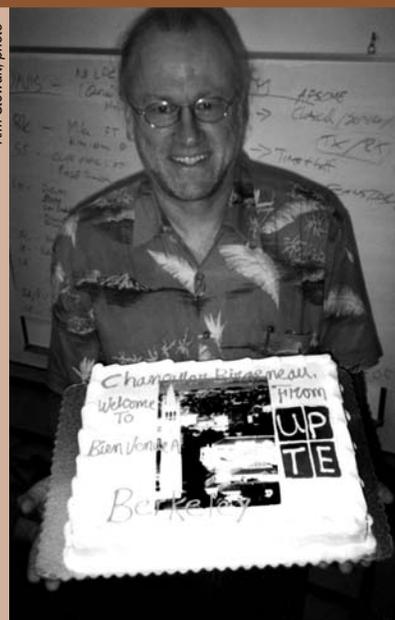
On October 6, unions activists from UPTE, AFSCME and CUE presented a "Welcome To Berkeley" cake to the new chancellor, Robert Birgeneau. In keeping with Chancellor Birgeneau's Canadian origins, the frosted welcome was written in both English and French. The cake had a teal UPTE logo and photograph of the campus' famous Campanile skyline.

Local 1's outgoing president, John Zupan, in his last official action, also presented a hundred letters to the chancellor asking him to support step increases for all staff this year. Zupan also voiced a challenge to the incoming chancellor, calling on him to "provide some real leadership that will help resolve staff issues."

Zupan told the crowd that UPTE truly wished the chancellor well in his new position, but wanted him to know that while he was getting a cake, the staff that supports the University's mission is being offered crumbs by UC's bargainers.

Meanwhile, UPTE representatives at UCLA met with Chancellor Albert Carnesale on November 4, to talk about a variety of issues, including understaffing, fair pay and staff morale. UPTE Rita Kern reports that the meeting was "very positive," and that the chancellor was "agreeable to having some kind of forum to talk about staff morale on a campus-wide level." Follow up meetings are scheduled.

Kim Stewart, photo



John Zupan

Cliff Fried, photo



UPTE's legislative/mobilizing committee at UCLA, as they prepare to meet with the chancellor. From left to right, Rita Kern, Eric Cardenas, Jess Daily and Max Hechter

become important to a group larger than myself. This has motivated me to become more involved, to share my opinions and experiences, and to help develop UPTE's programs and policies. Fair wages, benefits, parking and education are some of the things that are important to me and my continued happiness at work.

Of course, I have also learned that not all things are important to everyone. Meeting with others, hearing their wants and needs, has given me a bond and a shared purpose that I didn't have before.

### Empowering members

As a working mother who commutes over an hour each way to work, I know what stress is like. Adding a feeling of helplessness at work can make the situation that much worse. I have gained a sense of support when it comes to dealing with work-related issues. UPTE has helped ease my feeling of powerlessness to change things in the work place. The strength of any union comes from the active involvement of its members.

The University is very good at letting UPTE's successes flow down to the non-represented staff, so it makes sense to get involved. Wanting my voice to be heard is one of the reasons I became and remain involved.

Your voice is important, too. Get involved in UPTE and make a difference! – *Elizabeth Wilks*

## Fighting out-of-seniority layoffs

Union activists at Lawrence Berkeley National Lab (LBNL) have been confronting attempts by management to lay off employees without regard for seniority. Seven LBNL workers represented by UPTE were recently handed pink slips, and administrators claimed that some of the more senior workers lacked the "special skills" needed to retain their jobs.

UPTE's contracts allow out of seniority layoff in such special cases, but only when management can prove that a skill can't easily be acquired or taught. "For instance," says LBNL steward Chris Byrne, "a nurse who can speak Hmong probably has a special skill — something that takes years to acquire and can't easily be transferred."

But LBNL's criteria did not approach this level of expertise. In one case, the ability to work night shifts was defined by management as a "special skill." In another, proficiency on a particular kind of machinery was deemed special. Ironically, some of the workers who used to work nights had long since been working days, due to their seniority giving them a choice of shifts. Also disturbing, LBNL's layoff order ended up targeting an older worker with more seniority on the flimsy "special skills" premises.

UPTE is taking the proposed out-of-seniority layoffs to arbitration.

## UPTE convention focuses on bargaining strategy

More than 100 delegates, alternates and guests gathered in Sacramento, October 15-17, for the 15<sup>th</sup> annual UPTE-CWA 9119 convention.

The theme of the 2004 convention was “Building Power, Step by Step” and mirrored the current researcher (RX) and tech (TX) bargaining focus on UPTE’s demand that step-based UPTE members receive their 2004-2005 step pay increases.

President Jelger Kalmijn drove home that message in his report to the convention in which he described UPTE’s firm bargaining stance. “Implementation of step increases is our line in the sand. We have also vowed to increase our mobilizing activities leading to a possible job action in the spring,” Kalmijn said.

Other campus unions whose contracts are also expiring, such as CUE (representing clericals) and AFSCME (representing service workers), have committed to joint bargaining strategies (see story on page 2).

Other convention activities included workshops on such varied topics as parking, grievance handling, health care benefits, changes in workers’ compensation, and identifying workplace hazards. Saturday evening’s activities culminated in UPTE’s annual fundraiser for the Elizabeth Glaser Pediatric AIDS Foundation. Locals donated gift baskets as prizes, a raffle was held for a vacation on the San Diego coast, and more than \$1,800 was raised.

Next year’s convention will be held in San Diego and we hope to see even more members there. – *Lisa Kermish*

## CWA delegates convene in Anaheim

UPTE’s parent union, Communications Workers of America, convened in late August in Anaheim. UPTE delegates were among 2,700 attendees of CWA’s 66th annual convention. During the two-day event,

delegates heard from a variety of speakers, including U.S. House Democratic Leader Nancy Pelosi and Senator Barbara Boxer.

UPTE member Tina Forsman, who works as a technical staff member at Los Alamos National Laboratory, said she “absolutely

loved the convention.” It was her first, and she found it “very fast paced and involved, something we certainly never get at work.” The convention gave her a

## Build the strike fund

Convention delegates followed through on the bargaining and mobilizing focus by voting to amend UPTE’s constitution to commit some income (50 cents per member and fee payer per month) to a strike fund. “It’s putting our money where our mouth is,” said Kevin Rooney, a tech member and president of UPTE at San Francisco. “It’s responsible financial planning.”

The convention discussed and adopted many resolutions, including ones on strengthening our stewards structure, implementing education and leadership training programs, and organizing more unorganized employees throughout the UC system and at the Department of Energy’s UC-managed laboratories.

Acknowledging the unequal benefits received by lesbian, gay, bisexual and transgender UC employees, UPTE delegates voted in favor of a “Marriage Equality” resolution. UPTE delegates also voted to make more of the union’s records and materials available on the web.



UPTE legislative activists at UC Berkeley discuss the issues. From left to right, lab mechanic Pete Thuesen, staff research associate Joan Garbarino, spectroscopist Paul Brooks and editor Gerald Stone

Mike Friedrich, photo

## Lobbying legislators for fair pay and UC accountability

The union’s activities on the legislative front have gotten off to an excellent start with the formation of campus-based legislative committees in Berkeley and Los Angeles. In Berkeley, committee members have met with aides to Assemblymembers Wilma Chan and Loni Hancock, who serve on the budget subcommittees dealing with UC funding. Topping the agenda was getting the legislators’ assistance in gaining greater accountability from UC for the funds the state gives it for salary increases.

Both Chan’s and Hancock’s offices committed to regular meetings with UPTE Local 1 to discuss labor-management relations at UC Berkeley and UC’s systemwide Office of the President.

As employees largely funded and governed by state and federal funds, our livelihoods are in one way or another linked to politics. Either directly or indirectly, government influences our salaries, retirement and other benefits.

Effective political action, through members’ volunteer activities and their contributions to CWA-COPE, is essential to moving a pro-worker agenda forward in the state. If you’d like to get involved, with a donation or time, or money, or both, contact your local UPTE representative. For more information on our national union’s COPE program and on candidates and issues, check out <[www.cwa-cope.org](http://www.cwa-cope.org)>.

real sense of “how each local has a voice in CWA,” as delegates made motions, discussed issues and voted on the union’s priorities.

“What was overwhelmingly clear to me was the real, felt presence of the power of democracy in action,” said Forsman.

One key debate was whether to move to a once every three year schedule for the convention, in order to save money. Delegates lined up at convention microphones to voice their desire to keep

the annual conventions, which are an important venue for member participation in running the union. They voted overwhelmingly to retain annual meetings.

CWA represents more than 700,000 workers in telecommunications, news media, printing and publishing, broadcast television and radio, health care and the public sector, higher education, law enforcement, the airline industry and manufacturing.



Lunch break at the UPTE convention, left to right are Los Angeles delegates Cliff Fried, Kell Sims and Jie Luo

Brenda Marie, photo



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