Researchers and techs determine priorities

Contract bargaining begins: pay raises and job security top the agenda

Delegates to the UPTE statewide bargaining conference in March reviewed hundreds of bargaining surveys filled out by members. They debated and then voted on which contract improvements to prioritize in this year’s round of bargaining. These priorities will set the agenda for the combined UPTE tech (TX) and researcher (RX) bargaining team.

Money issues, from wage increases to parking rates, received the most votes. Members want to see improvement in their take-home salaries, after any increases for services such as benefit copays and parking fees.

A variety of job security issues also ranked high, such as retraining, stronger seniority protections and more dependable rehire rights. Other benefit issues included subsidized child care and better tuition reduction for employees who take classes at UC campuses.

Timeline for bargaining

The elected bargaining team quickly got to work combining all of the above improvements into a comprehensive proposal to give to UC.

“We completed all 47 articles for both the TX and RX titles, including an initial proposal for a two year agreement, which we submitted to UCOP on schedule,” said chief bargainer Doug Owen.

The team is planning on setting up a web site for UPTE members to use in tracking the progress of the talks. “We will start out with our proposals and plan to update the

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A new “master plan” for education?

UPTE members plan Sacramento lobbying campaign

Politicians say they support education, but often don’t do enough to see that a healthy foundation exists for the staff, faculty and students who make up UC.

“You can’t have a quality university without real support for the staff who make our educational institutions run,” points out Rita Kern, a staff research associate at UCLA and a member of UPTE’s legislative committee.

UC, along with previous governors, supported a “partnership for education” that guaranteed the University and its staff some stability so we could focus on education, research and health care, instead for tomorrow’s paycheck, adds Kern. Unfortunately, these partnerships did not guarantee that money for staff salary increases actually had to end up in employees’ pocketbooks. At times, the partnership did not even include any wage increases for staff.

UPTE is now putting together a plan to lobby for a real partnership for education – a compact similar to the “Master Plan” under the past two governors. This pact between UC, the governor’s office, the legislature, and UPTE would ensure a commitment to regular salary increases and UC accountability for the salary funding it receives.

“Our work lives are directly tied to both the state and federal governments,” said Rodney Orr, UPTE’s legislative chair and a tech bargainer from UC Santa Barbara. Orr points out that UC employees’ wages are in one way or another determined by government, and could take better advantage of opportunities to influence our legislators through a unified voice.

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Pay raises, job security on the agenda

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site with UC’s replies, then our counter offers and so on,” according to Owen. The team seeks feedback by asking rank-and-file members to communicate with their local representative on the bargaining team, who will bring their concerns to the entire UPTE bargaining team.

Get the news

The University’s proposal is due within 30 days. Bargaining will start soon after.

“For raises to come on time, we will need to finish our bargaining in ‘record time prior to September,” said UPTE president Jelger Kalmijn. “That means your help is needed.”

Be the first to know what happened at the table – volunteer to help distribute information about bargaining to your co-workers so everyone stays informed. Contact your local UPTE representative (see list on page 4) to get involved.

Lobbying in the Capitol

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Over the next 3 month of the budget process, UPTE members will travel to Sacramento to meet with legislators.

“Hearing first hand the important work we do, and our concerns about pay, helps convince legislators how important our work is,” notes Orr. “UPTE is over 12,000 strong, and in unison with the AFL-CIO and CWA, we can have a significant effect.”

Be the first to know what happened at the table – volunteer to help distribute information about bargaining to your co-workers so everyone stays informed. Contact your local UPTE representative (see list on page 4) to get involved.

Health care professionals work to improve professionalism and patient care

PC stands for Professional Practice Committee. According to our contract, we have the right to establish these local committees at each campus with a medical center and in each student health center not having a major medical center.

The purpose? To recommend ways to improve health care professional practice and/or patient care. UPTE members have the right to receive paid release time for these meetings and the opportunity to meet quarterly with the administration and Labor Relations.

At UPTE’s systemwide convention last October, members voted to establish these committees at each campus and begin focusing on issues of local concern, including the tracking and monitoring of any additional employee equity increases.

“We also discussed putting out a monthly/quarterly update to assist in keeping health care professionals informed of activities on their own campuses as well as systemwide,” said Wendy Mullen, PPC systemwide coordinator.

“It makes sense that pharmacists in Irvine and Los Angeles,” she added. Heavy workloads, working without lunch breaks, carrying pagers during lunch and break times, and unfair holiday scheduling practices within individual departments are just a few of the kinds of issues the PPCs can address.

While these committees cannot deal with issues related to collective bargaining, “they are another forum in which can be active and advocate for our interests, and our patients’ interests,” said Mullen.

At this time, the union has committees at the following locations: San Francisco, Kristen Jensen <kristinj@aol.com>; Irvine, Angie Carillo (Child Development Associate) <angiecarrillo8@hotmail.com>; San Diego, Sheila Stittiams (LCSW), <sstittiams@ucsd.edu>; Los Angeles, Cindy Yuge (CLT), <cyuge@aol.com>.

UPTE will continue to create committees in other locations, including UC Davis. If you would like to participate or have issues you would like the committees to consider, please contact the chair at your location, or email Wendy Mullen at <uptewendy@aol.com>. 
CWA fights power grab for Disney by union foe Comcast

Comcast Communications’ initial $54 billion bid to buy the Walt Disney Co. was rejected by Disney’s board of directors but that hasn’t thwarted the union-busting cable giant. Comcast is still aggressively going after Disney for its valuable programming, which includes ABC, ESPN, and extensive movie and video production.

Communications Workers of America (CWA), UPTE’s parent union, is fighting Comcast’s power grab, raising critical issues on Capitol Hill and with regulators, joining with consumer groups that object to Comcast’s existing monopoly power, alerting the public to the company’s abuses and warning shareholders about bad corporate governance policies.

In a joint letter to members of Congress, CWA President Morton Bahr and International Brotherhood of Electrical Workers President Ed Hill outlined why Comcast’s proposed takeover of Disney is a bad idea.

Anti-union communications giant

They cited Comcast’s “horrendous record of abusing employees, gouging customers and bullying communities where it operates,” and said “Comcast is one of the most aggressively anti-union companies in America,” detailing the cable giant’s campaigns to decertify workers at AT&T Broadband units that it purchased in 2002.

Both unions have battled Comcast’s anti-union attitude for years, and NABET-CWA’s 2,500 members at Disney’s ABC television network want no part of a merged media behemoth led by Comcast CEO Brian Roberts, they wrote.

Comcast’s monopoly control over a third of the nation’s home cable boxes has allowed it to drive up costs every year by four times the rate of inflation. And when communities stand up to Comcast and demand higher quality service, or fine the company for failing to meet electrical code standards, Comcast lawyers have filed lawsuits against cities such as San Jose and Modesto, California.

Want to learn more? Check out <www.comcastwatch.com>. (Reprinted with permission from the CWA News.)

Health & safety at issue

LBL worker reinstated by arbitrator

Working with radioactive materials, as any lab employee knows, is a major health and safety concern. That concern was made more real than ever to James Johnson, an LBL principal health and safety tech, who was given a waste sample to dispose of, along with the report which described it, in April 2002.

But the report was in error by a factor of ten million. What was described as almost trivial amount of a harmful substance, Carbon-14, was actually very dangerous.

“Our first concern was that James, other employees, or the general public might be poisoned,” said UPTE steward Doug Owen. But even though Johnson went to the cafeteria after the incident, and bought a sandwich and ate it, the contamination was contained.

Once the incident was discovered, he was promptly tested, and thanks to Johnson’s industrial hygiene training (he ate the sandwich in the wrapper), it didn’t get on the sandwich and into him.

Lab management dodges responsibility

But James had got an invisible amount of this dust on his coat without knowing it and it spread from there. The required screening of his hands and feet had failed to detect the contamination.

While the radiation emitted by Carbon-14 is quite weak (it can be stopped by a sheet of paper), there was a huge amount of it in absolute terms since the concentration was so extreme.

Lab management fired Johnson, saying he was responsible for a radioactive waste spill, even though the official incident report listed “management failure as the root cause.”

Management was scapegoating him to cover its own grossly inaccurate radioactivity report. The union took the case to an independent arbitrator, who ordered UC to give Johnson his job back.

A close call

“Thank God it was Carbon-14 and not some other material because if it had been,” Johnson said during the arbitration, “I might not be here today, especially in the quantities that I ended up being exposed to.”

Reinstated tech James Johnson (center) with the UPTE steward team that represented him, Jim Smithwick (left) and Doug Owen (right)

“I know from first hand experience what it’s like when management singles you out, how alone and vulnerable you are,” said James Smithwick, one of the stewards on Johnson’s team. “The answer is the union – we have to be there for our brothers and sisters.”

In another accident late last year, another tech was fired under similar circumstances.

“We’re fighting that one too,” said Owen. “Radioactive spills pose real a threat to not only the worker, but the community as well. Blaming and firing the ‘last guy on the food chain’ is wrong.” Management needs to take their responsibility seriously with increased training, accountability and vigilance, added Owen. ■
Workers’ Compensation and Injury Prevention

At Update press time, the California legislature broke for a spring recess without agreeing on Workers’ Comp reform, but negotiations are continuing and lawmakers are on 24-hour notice to return if an agreement is reached. Although the outcome isn’t yet certain, one thing is: Last year’s “deforms” put the need for injury prevention on every worker’s radar screen.

Last year, among other negative changes, the legislature limited treatment to 24 visits to a chiropractor and physical therapist’ per industrial injury – which means over a lifetime if you have a permanent injury. This was based on the premise that chiropractors and physical therapists were “gaming” the system, not because some injuries lead to chronic conditions and flareups that treatment will relieve.

This year’s changes will further erode our ability to get treatment for a job-related injury. Proposals include: putting the burden on workers to prove their injuries are work-related; eliminating our ability to select our own doctors; disallowing injuries that can’t be diagnosed with “objective” findings; having an employer-selected doctor resolve disputes by examining only the paperwork, not the injured worker; and limiting eligibility for, and amounts of, permanent disability benefits.

Are you in constant pain because of a work-related injury? Sorry, we can’t prove pain. No treatment, no disability benefits.

Rising RSI injury rates

What particularly concerns me, given changes in Workers’ Comp, are the injury rates of the past 15 years, the rise in a certain type of largely preventable injuries, the University’s failure to make injury prevention a priority, or accommodate more than a few of the many workers who become disabled.

Cumulative trauma or repetitive strain injuries – called “the disease of the ‘90s” – constitute the majority of reported injuries and illnesses at the University of California, and the majority of nonfatal injuries and illnesses in the United States (64% in 1997, according to the U.S. Department of Labor). They include back injuries and a range of upper- and lower-extremity soft-tissue injuries, many of which cannot be measured objectively.

Changes in Workers’ Compensation mean that California’s constitutional pledge to “cure and relieve . . . the effects” of work-related injuries is worth no more than the paper on which it is written.

Although UC is “self-insured” – i.e., it is large enough to hire an independent WC claims administrator instead of working under the State Compensation Insurance Fund – its insurance carrier doesn’t necessarily operate any differently from others, nor is it exempt from legislative decisions. The University can decide to cover additional treatment if it can negotiate such a contract with its insurance carrier, but it will pay higher premiums to do so.

It is in the University’s interest and ours as employees to work together to prevent injuries. The means to do that is at hand: the Injury and Illness Prevention Program that every department is required to have.

Does yours have one? Have you seen the quarterly reports it is required to record? Are you on the safety committee to investigate, identify, evaluate, and make recommendations to correct unsafe or unhealthy working conditions or practices? What are you waiting for?

Joan Lichterman is a UC editor, member of UPTE Local 1, and occupational safety and health advocate.
UPTE-CWA Membership Application

To join UPTE-CWA, fill out the top part of this form and sign in the lower right hand corner on the form below. Mail to UPTE-CWA at 2437 Durant Ave., Suite 209, Berkeley, CA 94704.

DUES RATES

If you are covered by a collective bargaining contract (techs, researchers, health care professionals):
- If you earn $30,000 or less: dues are 1.15% of gross salary to a maximum of $25 per month.
- If you earn more than $30,000: dues are 1.15% of gross salary to a maximum of $35 per month.

If you are not covered by a collective bargaining contract (staff professionals or LANL employees):
- Dues are 1.15% of gross salary to a maximum of $20 per month.

I hereby apply for membership in and designate UPTE-CWA as my duly chosen and authorized representative on all matters relating to my employment and in order to promote and protect my economic welfare.

PLEASE NOTE: even though your pay stub may show a “fair share” contribution to UPTE-CWA if you are in a unit covered by an UPTE contract, you are not a member of UPTE unless you have filled out and sent in a member application. Being a member entitles you to participate fully in your union, including voting in elections and for contract ratifications.

NAME
HOME ADDRESS
CITY/STATE/ZIP
CAMPUS
DEPARTMENT
JOB TITLE

SOCIAL SECURITY NUMBER
EMPLOYEE NUMBER (if different than above)
HOME PHONE
WORK PHONE
HOME EMAIL
WORK EMAIL
ACTUAL WORK LOCATION

NAME OF PERSON WHO ASKED ME TO JOIN (if applicable)

EMPLOYEE ORGANIZATION MEMBERSHIP
PAYROLL DEDUCTION AUTHORIZATION
UPTE-CWA 9119

LAST NAME. FIRST. MIDDLE INITIAL
DEPARTMENT EMPLOYED AT U.C.
TITLE AT U.C.
ORGANIZATION NAME (INCLUDE LOCAL NAME AND NUMBER)
CWA COPE*
OTHER
TOTAL

I authorize the Regents of the University of California to withhold monthly or cease withholding from my earnings as an employee, membership dues, initiation fees and general assessments as indicated above.

I understand and agree to the arrangement whereby one total monthly deduction will be made by the University based upon the current rate of dues, initiation fees and general assessments. I also understand that changes in the rate of dues, initiation fees and general assessments may be made after notice to that effect is given to the University by the organization to which such authorized deduction amounts either greater than or less than those shown above without obligation to inform me before doing so or to seek additional authorization from me for such withholdings.

The University will remit the amount deducted to the official designated by the organization.

This authorization shall remain in effect until revoked by me allowing up to 30 days time to change the payroll records in order to make effective the assignment or revocation thereof – or until another employee organization becomes my exclusive representative.

It is understood that this authorization shall become void in the event the employee organization’s eligibility for payroll deduction terminates for any reason. Upon termination of my employment with the University, this authorization will no longer be in effect.

This authorization does not include dues, initiation fees and general assessments to cover any time prior to the payroll period in which the initial deduction is made. Payroll deductions, including those legally required and those authorized by an employee are assigned priorities. In the event there are insufficient earnings to cover all required and authorized deductions, it is understood that deductions will be taken in the order assigned by the University and no adjustment will be made in subsequent pay periods for membership dues, initiation fees and general assessments.

EMPLOYEE SIGNATURE
DATE

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Remained committed to the idea that our jobs can improve and we can provide better service to our constituents with the protection of a union — that’s a great foundation of committed supporters,” according to Lisa Kermish, a senior administrative analyst at Berkeley who helped organize the drive.

Many supporters mentioned UC’s management’s campaign to encourage “no” vote, including management-run mandatory staff meetings at some campuses. “The plugs in meetings,” wrote one employee, “were from supervisors and colleagues who didn’t say how to vote, but the implication was to vote against the union.”

There was also a flood of misinformation on the history of wage gains in other UPTE-represented units, which have outpaced those given to non-represented professionals. “The lie that represented staff had got the same raises as non-unionized staff, but had to pay union dues resulting a net loss — that had a huge effect,” noted Linda Rosewood Hooper, a programmer/analyst at Santa Cruz. “Even at UCSC, a very pro-union campus, some people actually believed it.”

But activists were also quick to acknowledge where the union could have done a better job, particularly in getting greater numbers of professionals involved in the campaign. “If we’d built a stronger, better network among employees, UC’s last minute propaganda wouldn’t have had the effect it did,” noted Charlie Eaton, an UPTE staff organizer.

Part of the difficulty was the sheer size of the unit — 11,000 professionals spread out among nine campuses and five medical centers, in a wide range of job titles, few of whom worked side by side with the other employees UPTE currently represents.

“Obviously, we still have a lot to do to build a union,” said Joan Lichterman, a principal editor at a UCOP project. “We’re not in a union environment and we’re spread out all over the state. That makes for difficult organizing.”

Some felt that had the union chosen a smaller, more reliably pro-union group of job titles, the chance of victory would have been greater. “Not everyone in those [11,000] titles shared a true ‘community of interest,’” said Judith Magee, a UCLA student affairs officer active in the campaign.

“I think UPTE should have perhaps gone after the student services-related job titles only, where we had the most support,” she added.

In emails the union received after the vote from employees, perceptions of the campaign varied widely. Some said the drive wasn’t very visible on their campus. “I never got a sense of a campaign,” wrote one UCD professional. “With such a spread out bargaining unit and great diversity of classifications, I appreciate it was tough sledding, but I think there could have been more visibility to make the campaign feel like one.” Some had the opposite view, saying the union drive was “too aggressive” and a “turn-off.”

Where do we go from here?

The issues that compelled staff professionals to organize remain. For years, UPTE’s work has benefited all professionals, those under union contract or those not. For instance, when UPTE challenged UC’s abuse of “casual” employment status, those changes applied not only to employees covered by UPTE’s contracts, but to administrative professionals as well. Some of UPTE’s legislative campaigns have resulted in a better overall pay increases for administrative professionals as well as employees under UPTE contracts.

“The vote does not change the legal and political rights we have, including individual representation and the right to ‘meet and discuss’ with management,” said Kermish.

“We are working with other UC unions to fight the drastic cuts to outreach programs and increases in health care and parking costs. We will soon launch efforts to improve UC’s preferential rehire and layoff procedures,” she added. The budget crisis isn’t going to go away soon, and staff professionals still need an advocate for their issues.

“It would have been great to win the election, but nearly everything we need to do can still be done,” notes Rosewood Hooper. “We still need to be a voice for staff, train new stewards who understand the PPSM policies, and represent people in grievances. All this still requires people to pay dues and join the union. There is no other staff organization for administrative professionals with comparable resources, infrastructure and independence,” said Rosewood Hooper.
UC settles $9.7 million gender bias lawsuit at Lab

UC has agreed to pay $9.7 million in a class-action lawsuit brought by thousands of female employees at Lawrence Livermore National Laboratory (LLNL).

The agreement, involving 3,200 women employed since 1988, is the largest settlement ever of a gender discrimination lawsuit against UC. Each plaintiff will get a share of the monetary award, and those still working at the lab, some 2,500, will receive a 1 percent pay raise.

Female workers complained that for decades the lab discriminated against them in pay and promotions. Only one woman had been promoted to associate director in 50 years. Plaintiff’s argued that the lab’s system of awarding raises based on a “rank” – a number that supposedly reflects the employee’s total contribution to the lab compared to others – was subjective and allowed gender stereotyping to influence decisions.

The settlement eliminates that system for most of the lab’s administrators, clericals and techs, as well as requires an annual survey of pay scales and promotion of women, and training supervisors to avoid gender bias.

“We’ve fought for three long years – some of us even longer – to get the lab to listen to our concerns,” said Shirley Jennings, a computer support associate at the lab. “I’m proud that our efforts have led to reforms that will help end bias against my female colleagues and me.” She added that the agreement “will go a long way toward shattering the glass ceiling for women at the lab.”

The proposed settlement is a victory for female employees at one of America’s top laboratories and for everyone who cares about equal opportunity in the workplace,” said plaintiffs’ lead counsel James Sturdevant. “This settlement will significantly change the lab’s compensation and promotion policies so that women who work at the forefront of national security will finally get the pay and promotions they deserve.”

UPTE members join striking grocery workers on picket line

One of the longest grocery strikes in history ended February 28 with the ratification of a three-year contract for Safeway, Albertson’s and Ralph’s workers in Southern California.

The United Food and Commercial Workers union said the 138-day strike and lockout was a battle to protect affordable health care, pensions and job security. “These three goals were accomplished in the new agreement indicating the workers’ struggle and sacrifice were worthwhile,” the union said in a statement.

UPTE members throughout California could be found on the picket lines in solidarity with the grocery workers. In San Diego, Carolan Buckmaster, a staff research associate and UPTE’s local vice president, reported that “a feeling of union unity or solidarity was the thing that struck me and other UPTE members that attended UFCW rallies or just hung out on the picket line to keep the picketers spirits up.” Buckmaster added that UPTE members held a holiday toy drive for the strikers, which resulted in “bags and bags of gifts.”

While workers will have to begin paying a portion of their medical insurance premiums in the third year of the contract, the amounts are much lower than original proposed by management: $5 per week for individuals; $15 per week for family.

The union was victorious on the important issue of not creating separate health care and pension funds for current employees and for those hired under a two-tier system. “If you have segregated funds you could bankrupt a fund and jeopardize health care and cause the system to collapse,” UFCW spokesperson Greg Denier told the San Francisco Chronicle.

The grocery workers’ fight is set to move to Northern California soon, as contracts covering about 50,000 workers are about to expire.
UC’s outreach and diversity, labor studies, threatened with extinction

While the University is taking a big hit overall in Governor Arnold Schwarzenegger’s proposed budget, some are suffering more than others. Both the Institute of Employment and Labor, based at UCLA and UCB, and UC’s systemwide outreach programs have been targeted for elimination.

The ILE was set up just 4 years ago with $6 million in funding from the legislature. Its purpose is to address the labor and employment concerns of California’s workforce. It provides research grants to faculty and grad students across the UC system, funds hundreds of student internships, and publishes a respected annual report on employment issues, The State of California Labor.

In what is widely seen as a politically motivated move, the governor slashed ILE’s budget to zero for 2004-05.

The ILE focuses on the concerns of workers, which according to an editorial in the San Francisco Chronicle, “infuriates” pro-business interests. “Yet none of these pro-business groups ever questions the far more substantial state support for UC Berkeley’s Haas School of Business and ‘pro-business’ activities at other California campuses,” notes the editorial.

Supporters have launched a campaign to save the ILE by lobbying key members of the Legislature. Check out <www.unionvoice.org/campaign/uclaborctr> for more information.

Reversing UC’s diversity

Outreach programs were the other area singled out for elimination by the governor’s budget. These assist high school students with preparation for university studies, and help create the racial, ethnic and class diversity in the UC system. Without this outreach and mentorship, thousands of lower-income, mostly Latino and black students, won’t qualify for UC. Cutting these programs hurts those who can least afford it, as well as the entire UC community by reducing diversity.

Protesting the tremendous loss of funds for outreach, UPTE Local 1 President John Zupan addressed plastic models and empty chairs on Sproul Plaza on March 9 at the “Class of 2008 Non-Commencement Ceremony.” The empty chairs and plastic models built by art students at the community colleges represented the hundreds of individuals from underrepresented groups who will not be in the UC freshman class of 2004. Assemblymember Loni Hancock’s office (D-Berkeley/Oakland) organized the event.

The jobs of hundreds of UC professionals (who help run these programs) are also in jeopardy. Supporters of outreach, including UPTE members, are collecting signatures opposing the cuts.

Contact your local UPTE rep, list on page 4, to sign the petition or help distribute it.

BARGAINING: Back to the table for researchers and techs

LEGALISATIC: Working against budget cuts in Sacramento