



U · P · D · A · T · E

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

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'Grinch campaign' wins two days off

UPTE continues to fight for fair pay

The effort continues at the bargaining table to obtain fair compensation for research (RX) and technical (TX) employees.

The two groups are in joint bargaining for a three-year contract, to cover wages as well as a variety of issues such as benefits, parking, transfers, promotions and reclassifications.

would mean techs and researchers would only get 1.5% of the 3% the state put in this year's UC budget.

"There is no reason why we shouldn't get the entire 3% across-the-board cost of living increase for this year, plus step increases for every year including 2004/05," according to UPTE's president Jelger Kalmijn.

Revealing UC's budget

UC has refused to comply with last year's state budget reporting language to show how much it saves due to employee turnover. The University does not want the Legislature to know that it diverts approximately 1% of our pay every year to other uses.

"UPTE will be contracting with an independent accounting firm to verify our cost analysis, and will post the report on our website," notes Kalmijn.

University bargainers also proposed some new and alarming contract language at a bargaining session in late January.

UC wants to be able to reassign employees with disabilities unilaterally and without posting the positions. The University will not promise that these transfers would be at the same or higher rate of pay, or that the employees reassigned would have any say at all in the process.

Make your voice heard

UPTE activists and staff are holding hundreds of worksite meetings across the state to jump-start discussions about how to put pressure on UC to finish our contract negotiations and give us a real raise.

In addition to publicizing the many ways UC can afford a raise, union members are discussing actions to pressure the University, including strikes (see page 2).

Your input is needed. Please contact your local UPTE chapter to find out when a discussion is scheduled in your work area, or come to one of the bargaining conferences in late February (see details in the box below).

UC grinch finally gets holiday cheer

Technical and research employees ended up with two paid days off over the holiday break, after UC tried to deny the leave to workers covered by union contracts while granting it to non-represented groups.

The winning formula included UPTE members flooding UC administrators' mailboxes with "stop being a grinch" messages. The union also targeted UC's public image by placing ads with the same message in newspapers up and down the state.

Discuss ♦ strategize ♦ mobilize!

**BARGAINING
CONFERENCES**
2/26 in Los Angeles
2/27 in Berkeley
see box below
for locations

On the legal front, UPTE filed an unfair labor practice charge with the state Public Employment Relations Board about the campus closure. And our hard working bargaining team kept the pressure on in negotiations.

When UC Associate VP Joe Mullinix received over 500 emails about the two days off, UC finally came to agreement. On the eve of the holiday break, UC agreed to the union's conditions. Employees who took vacation during the break got credit for the days, and those who worked the holidays were entitled to two other days off with pay in January. (In research work areas, staff have until the end of March to take the days.)

UC refused to grant the two days off to clerical employees, insisting that they give up demands for decent raises. UPTE-represented health care professionals working at medical centers received across-the-board pay increases last year and will also get them this year, so they were not eligible for the days off.



Joe Baigner, photo

UCLA techs take their lunch hour to observe a bargaining session.

UPTE's wage proposal includes cost-of-living increases equal to UC's increase from the state at 0% this year, and projected at 3% in each of the next two years. It also includes full step increases in all three years for every TX and RX employee, as well as step increases for those "topped out" in their job titles for five years or more.

"We know the University has the money for step increases for all continuing employees each year," said chief bargainer Doug Owen, "because the savings from staff turnover can easily pay for steps."

You can see the numbers for yourself in UPTE's wage analysis posted at <www.upte.org/wageanalysis.html>. All research and technical employees are now on a step pay system, eligible for annual 2% to 4.5% increases each year, unless "topped out" in their classification.

UC continues to claim, in the face of clear evidence to the contrary, that it cannot afford the step increases. The University insists that all steps must be paid for out of a reduced across-the-board cost of living increase. This

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(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

Working together for fair compensation

What will it take to get UC to agree to UPTE's wage proposal? First and foremost, working together. All of us – TX and RX employees, other UPTE members, and our sisters and brothers in other UC unions – need to support each other for a just resolution.

► **Come** to a bargaining conference. **Saturday, February 26, Los Angeles:** 10am to 3 pm at the Bolter Hall (Engineering) Penthouse. **Sunday, February 27, Oakland:** 10am to 3 pm at CWA Local 9415, 1831 Park Blvd.

► **Explain** the need for a real raise to your coworkers and get their support for our collective union efforts.

► **Participate** in UPTE's campaign to send periodic emails to UC administrators, donors and state legislators. We won't ask you to send more than one a month. Email us at <info@upte-cwa.org> to sign up.

► **Talk** to your supervisor and principal investigator to let them know what's going on in bargaining. They are often very supportive and willing to help put pressure on University decisionmakers. UPTE has a ready-made letter you can use or edit (contact your UPTE local for a copy).

► **Sign** a strike pledge card, available at <www.upte.org/strike.html>. We don't want to strike, but we may have to in order to get UC to provide decent raises.

Millions given to UC executives

\$2.4 million in bonuses went to 65 top executives at UC's medical centers in 2004. The payments averaged \$36,000 but went as high as \$82,000, according to a report to the Regents leaked to the *San Francisco Chronicle*.

UC Davis' chief executive officer Robert Chason received that \$82,000, which is 20% of his annual salary of \$410,000. UCSF executive Mark Laret was next on the list, with a \$79,495 bonus, or 18.3% of his salary.

The university claims it must pay the bonuses because medical center executives "are paid well below the market." The bonuses come at a time when most rank-and-file UC workers have gone years without a raise, and face UC stonewalling at the bargaining table over what should be routine step increases.

The report was made public by AFSCME 3299, which had obtained the information through a public records request. That union has been fighting for living wages for its members – mostly food service workers and custodians – many of whom work two jobs or rely on public benefits in a struggle to survive.

Protestors at a UC Regents' meeting last fall mingle with a paper maché pig representing a UC executive



UPTE members contemplate strike

To strike means to withhold one's labor – for a day, for a week, or longer. Before striking, UPTE utilizes many actions to pressure the University to bargain fairly and settle. Building membership strength, participating in informational pickets, legislative lobby days, media campaigns, getting support from other unions, faculty and students all contribute to the fair settlement of a contract. Striking is the last option, but often the one that is ultimately effective.

It is time to start planning a strike over technical (TX) and research (RX) employees' contracts. UC's non-responsiveness at the bargaining table does not seem likely to change otherwise.

Providing no pay increases year after year, even though there is money available, is a shortsighted policy and causes long-term harm to the University. Our experienced and talented colleagues leave UC for more lucrative and rewarding jobs everyday. We need to make sure that a policy of fair pay increases is established to stop the erosion of quality research and education.

Past strikes have been successful. UPTE won its first contract and biggest raises with strikes lasting a couple of days at selected campuses. Academic student employees and nurses at UC have gained major wage and other improvements by planning and staging brief walkouts. After a recent strike at Yale University, employees won an eight-year contract with a minimum of 3% raises and step increases each year. In other industries, CWA (our national union) has gone on strike to contain the cost of health benefits. Historically, working conditions we take for granted were won through strikes, such as the eight-hour work day and union recognition.

How do we win a strike?

By sticking together and being visible. The more UPTE members participate and the more support they have from other UC workers, the greater the likelihood of success.

UPTE is not alone in pushing for a fair pay system at the University. Currently, UC service workers (represented by AFSCME) and clerical workers (represented by CUE) are in the same bargaining situation. Unions for UC's nurses, student employees and lecturers/librarians have committed to supporting UPTE and doing everything they can to encourage their members not to cross our picket lines.

Other non-UC unions representing bus drivers, construction workers, and delivery drivers will not do business at UC if we are on strike. Support from students, community leaders and legislators will also contribute to a successful strike.

For UPTE to call a strike requires a majority vote of the members. Once members have given strike approval, UPTE's five systemwide elected officers and the union's chief negotiator determine the time and duration of the strike. UPTE has a strike fund, and provides a benefit for strike participation of \$40/day.

Two kinds of strikes are possible. We can select strategic days on particular campuses where we are best prepared for one-day work stoppages. Actions like these send a clear message to UC management, legislators, funding agencies and the public about how serious the situation is. This kind of action does not cause great financial hardship for our members.

A strike of indefinite length would aim to halt work at UC until contract negotiations are settled. This is the most powerful tactic we have to achieve our bargaining goals. It would not be undertaken without exhausting other avenues of pressure.

UC's own budget committee supports staff salary increases

Staff salaries are too low to ignore. They should be the University's top priority in 2005-06.

That's the word from Michael Parrish, chair of the University Committee on Planning and Budget, writing last fall to George Blumenthal, chair of UC's Academic Council.

The committee was asked to develop priorities for this year's UC budget in light of increased funding under the compact negotiated with the governor last year.

While acknowledging recent "fiscal blows" to faculty and staff salaries, research, financial aid and student services and that there is no "magic bullet" to solve such

woes, the report recommends that UC's top priority should be staff salaries and staff recruitment.

"Another 3 percent in the personal pocketbook of an existing or new faculty member will do little to change the academic environment necessary to sustain his or her research and instructional activities," wrote Parrish, emphasizing the need for "competent and dedicated staff" to support teaching and research.

"Any percentage increase for staff in 2005-06 should be greater than the faculty increase in order to compensate for the year in which staff did not receive an increase, but faculty members did," the letter continues.

It ranked priorities such as a reduction in the student-faculty ratio, pay increases for untenured faculty, and increases to student financial aid only slightly down the list.

Know your rights!

UPTE clarifies layoff policy, wins back pay

The threat of an arbitration hearing has allowed UPTE to clarify important contract language regarding layoff rights.

Eugene Dunlap, a technical employee and activist at UC Davis, was laid off from his position with insufficient advance notice. He was also given incorrect information regarding his preferential rehire and severance pay rights. The contract requires at least 60 days' advance notice for layoff. If only 30 days' notice is given, the employee receives an additional 30 days' pay.

UPTE's position was that the meaning of this language in the TX/RX contract – and the HX contract also, for that matter – is clear: the employee(s) would receive a minimum of 60 days' pay, either through 60 days' notice or as a combination of at least 30 days' notice and up to 30 days' pay in lieu of notice. UC disagreed and argued that this language needed to be judged on a case by case basis. In Dunlap's case, UC gave him less than 60 days' notice but refused to pay Dunlap 16 days' pay to make up the difference.

Dunlap stated that it wasn't just the 16 days' pay that was at stake but the "future protection of other workers regarding their layoff notice."

"After hours of give and take," said Cliff Fried, UPTE's executive vice president and steward for the case, "we were able to reach a settlement that strengthened the union's contention that '60 days means 60 days' but that also made Dunlap 'whole' for losses he suffered."

UC agreed to investigate Dunlap's service credit and correct any errors, and to pay him for the 16 days. It also agreed to convert them to vacation days in his new department if his old and new

departments agreed. Dunlap will also receive a \$100 reimbursement for health care costs. As to employee selection of layoff options (that is, whether an employee can choose severance pay or preferential rehire) UC agreed that employees are entitled to accurate information so they can make an informed choice.

The most important achievement was to clarify that "the parties expect that in almost all cases the employee(s) will receive 60 days' notice (or combination of notice and up to 30 days' pay in lieu of notice to equate to 60 days." If, for some reason, these 60 days are denied, the university must provide a reason at the request of the union or employee. UC agreed it would be rare that someone would be denied the full 60 days' notice. In those cases, the union will also have the right to grieve and arbitrate if necessary.

Fried said this victory "demonstrates the power of not giving up and of defending the contract. Join the fight to defend and improve the contract – become active in your union."

Lisa Kermish, photo



Elena Ricci at an UPTE steward's training in Los Angeles.

Two big victories in Irvine

Two groups of UC Irvine employees have won major victories with the help of UPTE stewarding.

Physician assistants, who knew they were underpaid, approached UPTE about obtaining an equity raise. The PAs had researched the market by looking at state and national salary figures through internet searches, inquiring about open positions at hospitals in the area and in comparable workplaces such as UCLA, and interviewing by their peers who work at Orange County hospitals.

After compiling their findings, they initiated a meeting with Labor Relations. After a frustrating period that involved a series of stalling tactics and some misinformation, along with some good faith efforts on the part of management, serious negotiations finally began.

Equity raises up to 28%

The end result was equity adjustments ranging from 10% to 28% and a 21% range adjustment to the zone for new incumbents. "Teamwork led to this success," according to Janette Carbone. "I am grateful and proud of all of the physician assistants as well as very appreciative of the support of UPTE. We could not have done this had we not been united."

Physician assistant Renee Barton said UPTE representatives Sue Cross and Wendy Mullen "were spectacular, and we cannot thank them enough for all the late nights and commutes to UCI Medical Center on our behalf. I believe their knowledge and dedication to our endeavor directly impacted the success of our negotiation."

Teamwork also paid off when a group of child life specialists contacted UPTE because they had been told they were exempt employees but then discovered they were non-exempt. Angie Carrillo said, "At first we were nervous, but the union gave us confidence, support, and education." They filed a group grievance, which was denied at

not on-call, but the message clearly stated that, in case of emergency, the patient should contact the child life specialist "on call."

The appeal was decided in their favor, and they received back pay for on-call status, premium holidays, overtime and shift differential, ranging from \$3,469 to \$11,726. "Without the union," said Carrillo, "we never would have seen this money."

Organizing for safety

by Joan Lichterman

February is the starting point for unions to map their strategy to organize for safety. On February 1, employers must post a summary of the previous year's reported work-related injuries and illnesses "in a conspicuous place." Employers with multiple worksites must post a separate form for each physical location, which UC does by campus.

Individual workers and union representatives have a right to receive the complete OSHA log of reported injuries and illnesses by the next business day following a request, and to see the actual incident reports within a specified time as well. With these reports we can begin to see where the greatest number and most serious problems are, so we can start organizing to address them.

Why did I write "reported" injuries and illnesses, and "begin" to see where the problems are? Not all illnesses and injuries are reported and, because of changes in OSHA's record-keeping rules, it's harder to see what some of them are.

Repetitive injuries common

The basic categories are "injury" skin disorder, respiratory condition, poisoning, hearing loss, and "all other illnesses" — plus specific provisions for recording needle stick injuries, TB, occupational hearing loss, and medical evacuation of injured persons.

Musculoskeletal disorders (MSDs, also known as repetitive strain injuries, or RSIs) must be recorded, but the rule doesn't define them and the OSHA log no longer has a specific place to post them. Will they posted

UCSD animal tech testifies at bargaining

Animal techs are among those who have become active making their voices heard in bargaining. Among UC's lowest paid employees, animal techs support research by caring for lab animals.

But because of constant scheduling demands, animal techs have had a difficult time taking lunch breaks or vacation leave to attend bargaining sessions on the UCSD campus. So they decided to send a representative to voice their collective concerns. John Garcia, who had recently suffered a heart attack, likely due in part to stressful conditions at work, made a presentation to UC's bargaining team about the need for better compensation.

Pay is so low that many rely on food stamps and some work two full time jobs to make ends meet. Because housing is expensive near the UCSD campus, many travel from more affordable neighborhoods for up to five hours a day on public transportation to reach the UCSD campus. On

occasion, employees have camped outside under the bushes instead of making the long journey home each night.

Garcia said animal techs have been offered an equity raise, but it is different on each campus — UCD's animal techs were offered 10% whereas those at UCSD would get 4%. The union wants a fairer across-the-board equity raise for everyone.

"We're here working at UCSD with the animals for two reasons, one is the animals — we love the animals, and two is the research — we're dedicated to the research," said Garcia. "What if we do something here that helps find a cure for cancer? We want to be part of that." But, he added, they need to support themselves and their families on decent wages as well.

As bargaining continues, animal techs at UCSD and elsewhere continue to inform their coworkers of the issues and remain ready to take action to make UC see the justice of their demands.



Nina Leshan, photo

UPTE animal techs and their supporters at UCSD meet on their break to talk about bargaining.

reported only if they involve a death, days off work, restricted work or job transfer, medical treatment beyond first aid, loss of consciousness, or diagnosis of a significant injury or illness by a physician or licensed health care professional. Other factors include workers' ignorance about the relationship between their work and their symptoms; fear of what will happen if they report injuries or of being in the Workers' Compensation system; employers' denial that the problem is work-related; pressure not to report injuries; language barriers; difficulty proving an occupational disease is work-related, etc.

After obtaining the OSHA log and the incident reports for each campus, we can start verifying the information in the OSHA log so we have a better picture of the actual number of injuries that are occurring, and training ourselves and our coworkers to identify health and safety problems in our workplaces. We need to use proven techniques to break through language and other barriers, define hazards that we want to see corrected or eliminated, and build a strong base of support to implement changes through safety committees, our stewards' network, and the union coalition.

The last day in February is International RSI Awareness Day — the only day of the year that isn't repetitive — because work shouldn't hurt!

Win at UCSD Clinical Labs

Late last year, UPTE activists in San Diego learned that some clinical laboratory scientists were angry with the union because they had been told by management that UPTE was holding up their equity raises.

Wendy Mullen, UPTE's health care professional coordinator, investigated. After conversations with the workers and UCSD Labor Relations, it was clear that that the equity increases were merely a rumor that had spiraled out of control. According to Labor Relations director Barbara Ferguson, there was no written proposal, nor was there any time frame for the increase to be distributed.

Ferguson indicated that she was quite upset about the rumor, circulated by supervisors in the labs. UPTE staffer Nina Leshan got Ferguson to write a public letter stating that UPTE could not possibly be holding up the raise, since it had not even been proposed yet.

Labor Relations did, however, indicate its desire to begin working collaboratively with UPTE, and within two weeks sent a proposal to UPTE for 8% increases to all medical center clinical lab scientists, and an additional 2% for genetic tissue specialists. This increase will include all clinical lab scientists in the med center, but does not include those working outside that jurisdiction, across the street in clinical teaching facilities and on campus.



Sue Cross, photo

Standing, left to right: UPTE Irvine steward Susan Cross, Senior Physician Assistant Henry Macias. Seated, left to right: Senior Physician Assistants Grace Tu, Jaroslava Teet, Janette Carbone, Joanne Manalo, Michael Blasko.

level one. They went into the level-two hearing armed with evidence from department logs, staff meeting notes, and a recording of the voice-mail message patients heard if they called the department on weekends. Management claimed they were

be as injuries or put in the all other illnesses category, or some of both? This is one of the largest injury categories — if not *the* largest — at UC.

Lack of reporting has to do with the rules: injuries and illnesses need to be

University of Texas pulls out of Los Alamos bidding

While the University of Texas has publicly announced that it will not bid to run the Los Alamos National Lab, rumors have begun to surface that UC is close to agreeing to a partnership with several private corporations to prepare its bid.

If there is such a partnership, it is unclear at this time who would actually be the employer and what would happen to the employees participating in the UC retirement fund. One of the private partners could become the employer, or the partnership could set up its own private umbrella corporation.

The University's last experiment with such a partnership occurred when it privatized the entire UC San Francisco hospital in a merger with Stanford. That venture ended in an unmitigated disaster for employees and the University.

During the transition, UC forced employees to resign their UC positions in order to be eligible for jobs with the new company. Many dedicated, long-term employees decided to leave. After 18 months, the enterprise collapsed and employees were funneled back to UC. Throughout the process, UPTE and other unions fought to save jobs, compensation and benefits. It took an act of Congress to restore UC employees' lost service credit.

Protect Social Security

President George W. Bush, his Republican allies in Congress, and corporate chiefs are on a quest to destroy Social Security – the most important family security effort in America's history. Their privatization plans to replace guaranteed benefits with risky private accounts would fatally undermine Social Security, cut benefits drastically, most likely raise workers' retirement age – and saddle future workers with \$2 trillion in debt.

To defend Social Security, we need to show President Bush, congressional leaders and the media that millions of Americans reject Social Security privatization and its benefit cuts. That is why the CWA and other unions are launching a petition to defend Social Security – one part of a multifaceted campaign to protect Social Security. Please take a minute to sign the petition at www.unionvoice.org/campaign/ProtectSocialSecurity.

Newspapers are reporting on a secret memo by a Bush administration official to corporate special interests backing privatization. The memo discusses a strategy to deceive the public, privatize Social Security and cut benefits. Bush's privatization plan would devastate working families – while handing billions of dollars to rich Wall Street investment companies. We can't let it happen.



UPTE members at CWA's Public, Healthcare and Education Action Resource Network in Chicago, December 5-6, 2004.

Labor debates its future shape

Over the last year, union members nationwide have been engaged in discussions about what the labor movement needs to do to increase its overall strength. This reevaluation of labor's strategy is going on within particular unions as well as at the level of the AFL-CIO.

Proposals vary widely in their focus. For instance, the Service Employees International Union, in collaboration with four other unions, has proposed forced mergers of the nation's unions into larger institutions along industrial lines, with the hoped for goal of taking on bigger organizing campaigns at low-wage corporate giants like Wal-Mart.

Other proposals, such as the Communications Workers of America's, emphasize a bottom-up strengthening of the existing labor movement, by supporting rank-and-file steward structures, making unions more responsive to their members, and building the capacity to strike. The American Federation of Teachers wants to set up voluntary coalitions among unions to engage in industry-wide organizing. Some of the nation's Central Labor Councils

want regional coalition building to top labor's agenda. Many of the proposals, and accompanying analysis, can be found at www.labornotes.org.

In early March, the AFL-CIO's executive council will discuss the various proposals and may make recommendations. The AFL-CIO's convention in July promises to be lively, as partisans of each view engage each other on the future of the labor movement.

CWA members settle with Verizon

The Communications Workers of America (UPTE's national union) reached an early settlement with Verizon California covering 6,000 members in 12 locals.

The agreement provides for a compounded wage increase of nearly 11% over the five-year contract term, plus a 4% lump sum payment effective March, 2005.

Other gains include an additional personal holiday, enhanced employment security and transfer opportunities, an increase in the minimum pension, and improvements in health insurance.

UC service workers declare impasse

After months of UC stalling at the bargaining table, AFSCME declared impasse and asked a state mediator to step in. The union represents UC's 7,300 service workers systemwide. The service workers' contract expired in June.

UC's not the only grinch

Wal-Mart was voted 2004's "Grinch of the Year" in an annual online poll that asks which person or corporation has done most harm to workers and families. The high-profit, low-wage, anti-union retailer unseated last year's winner, President Bush.

"The overwhelming vote to name Wal-Mart Grinch of the Year reflects the growing concern that working families have with this mega-corporation," said Fred Azcarate, executive director of Jobs with Justice, which conducts the poll.

The 2004 runners-up included anti-worker companies Comcast, Angelica Corp., Continental General Tire and Cintas.

AFL-CIO fund for tsunami relief

The AFL-CIO's Solidarity Center has set up a disaster relief fund to allow union members to send aid for recovery and rebuilding in the Indian Ocean nations devastated by the December 26 tsunami.

To date, more than 162,000 people are among the dead and tens of millions of survivors are in desperate need of clean water, food, medical supplies and shelter.

The AFL-CIO fund will provide workers and their families with long-term support for housing, reconstruction and other aid. The Solidarity Center helps workers around the world to build democratic and independent trade unions.

Checks marked "tsunami relief" may be made out to the Solidarity Center Education Fund. Send to: Tsunami Relief Fund, Solidarity Center, 1925 K Street, NW, Suite 300, Washington, D.C., 20006-1105.



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