UpTE has come to a substantial agreement with UC on an almost entirely new tech and researcher (TX/RX) contract. Although there is still one important outstanding issue on the table, UPTE members will likely get their raises, while the new contract improvements have been locked in.

Key features include overall raises greater than those promised by the governor in his funding compact with UC, as well as step increases, modest improvements in health and safety, training time, and more.

The UPTE strike in May convinced UC to add an additional 1% into the compensation package for a step pay plan. UC also finally stopped its efforts to weaken our payroll protections and our ability to limit benefits costs increases.

Solidarity counts

“The final sticking point is UC’s attempt to undermine our constitutional right to free speech and our support of other unions’ picket lines, by requiring a ‘no sympathy strikes’ clause in the contract,” according to UPTE president Helger Kalmijn. “The ability to stand together with other UC employees, who share our concerns about pay, benefits, retirement and more, is essential if we are to succeed in the future.”

To resolve the issue, UPTE has proposed removing all other issues from the bargaining table, and taking UC’s “no sympathy strikes” demand to a mediator. The University has agreed to this demand.

Pressure on UC to take the issue off the table has come from hundreds of UPTE members. Some have handed out “support quality researchers” fliers at scientific conferences. Others showed up to the UC Merced campus’ grand opening and other public events to raise awareness about UC’s attempt to undermine free speech rights of its employees. Members at Irvine held a dramatic mock funeral for free speech, while those at Berkeley wore gags symbolizing UC’s attempt to shut them up (see photo at left and stories on page 3).

Free speech rights are non-negotiable

One way or another, UPTE members will retain their rights. “There are two possibilities at this point,” says Kalmijn. “Either UC will agree to a contract that preserves our free speech right to strike, or it won’t. If not, UC can impose the contract terms that have already been agreed upon, but it cannot impose a ban on the right to strike.”

Either way, UPTE members will be able to stand in support of health care employees, nurses, clericals and academic student employees, without fear of losing their jobs for expressing their constitutional rights.

There is, however, one downside. If UC refuses to sign a contract and imposes the currently agreed-upon language, researchers and techs will lose the right to arbitrate grievances. While few workplace issues go to arbitration, when they do it is usually important. “We will organize our members, legislators and the labor board to support any member who is treated improperly – with or without the right to arbitration,” according to UPTE’s executive vice president, Cliff Fried.

Legislators have been asking UPTE in trying to convince UC to drop its unreasonable demand (see story on page 2). You can help by going to <www.upte.org/dynes.html> and sending a message to Dynes to remove UC’s outrageous anti-free speech proposal from the table.

UC’s plans for dramatic changes

Our UC benefits and retirement on the chopping block

A mandatory 8% pay cut to support our retirement fund? Massive increases in co-pays for health benefits? The end of UC’s renowned pension plan, that only a few years ago was rolling in cash? It all sounds too incredible to be true, but we believe it and get organizing to save our pensions and benefits.

You may have no health benefits after you retire. UC has clearly stated that health benefits are not an entitlement. UC can unilaterally change the monthly premiums, curtail or completely eliminate coverage. Over the past years, premiums for current retirees have increased dramatically.

Your benefits costs may increase by hundreds of dollars per month. UC has projected that it may increase the employee contribution from the current 8% of the cost of benefits to more than 30%. For the average health plan, this means your co-pay would be approximately $250 per month.

You may end up with a pay cut in order to make contributions to your retirement. UC’s retirement program has been quite healthy for decades, and employees have not been required to make contributions to the defined benefit plan for 15 years. UC is now discussing mandatory employee contributions of up to 8% of our salaries. The union has the right to negotiate over such changes.

UC may cut your defined contribution plan to sustain the defined benefit plan. UC may take away the 2% contributions you currently make to a 401k-style defined contribution plan (which adds to your basic retirement), and force you to pay it to the UCRP defined benefit plan, at no extra benefit to you.

New employees may be excluded from the defined benefit plan. UC may exclude employees hired after July 1, 2007, from the defined benefit plan. Those employees would only be eligible for a 401k-style defined contribution plan. Under such a plan, you have no guaranteed retirement check, but will have to pay Wall Street money managers to roll the dice with your retirement savings. If no new employees are admitted to the defined benefit plan we currently have, that plan will lose its future funding base, putting our pensions at risk.

Setting up a defined contribution plan for new employees could cost a huge amount, and that may also undermine the stability of our current defined benefit plan.

UC is considering a new retirement benefit plan – for executives and faculty only. UC may set up special retirement benefits for executives and faculty. UC argues that this will be necessary to attract the most qualified and talented leadership. But after years of dedication, why should those of us who keep this university running end up with an inferior retirement plan?

UC has mismanaged our retirement fund. In 2000, the Regents forced the resignation of long-time UC treasurer Patricia Small, who had run up healthy gains for our retirement fund, with an annual average return of 16%. UC Regent Gerald Parsky, who chaired Bush’s California reelection campaign, convinced the Regents to give over management of the fund to a private firm, Wilshire Associates, run by Dennis Tito, himself a major Bush donor. Tito invested large sums of money in Enron, losing hundreds of millions of dollars of our retirement fund.

Now our retirement fund has substantially declined in value, and UC is proposing that we make contributions up to 15 years earlier than would have been necessary before Wilshire Associates got our money to play with. Why should we pay for their mistakes?

What can you do? Get informed and involved! Check out UPTE’s benefits page at <www.upte.org/retirements.html>

Sign the “Don’t Chop My Benefits” petition <www.upte.org/protectmybenefits.html>. Contact your UPTE local for more information.

At the TX/RX bargaining table

UC holds contract hostage over right to strike

Union members at Berkeley protesting UC’s attack on their free speech rights.
Health care bargaining conference delegates set 2006 priorities

When dozens of UC health care professionals gathered in Oakland on September 24, they decided loud and clear what their focus would be for next year’s bargaining: eliminating “zone pay” and replacing it with steps.

In a step-based pay system, employees are placed at a salary step commensurate with their years of work in their profession. They automatically receive a step increase each year in addition to any cost-of-living increases.

Unlike the “zone” system currently in place, a step system would guarantee fair pay increases that advance everyone in their pay range every year.

“When you see what the nurses have, they have 20 steps and we don’t have any,” said Tom Brewer, a clinical lab scientist at UCLA. “For every year, they go up a step. If you were at UC for 20 years, you’d be at the top of your range. I’ve been here 28 years and I’m not even close to the top.”

Benefits under attack

Another priority is protecting health care benefits and pensions. A slide presentation on UC’s future benefits plans was quite informative and showed UC may decide to shift from a fully funded, employer-based, defined benefit pension plan to a two-tiered 40k-style plan in 2007.

UC is also on record as saying that health care benefits for retirees are not an entitlement. That means UC may try to unilaterally increase the cost of retiree health care benefits or eliminate them entirely. For current employees, UC has said it may increase the employee contribution for health care premiums from its current 8% to 30% or more.

There was also discussion about establishing safe staffing guidelines. Understaffing, which leads to excessive patient care, puts patients at risk and causes employee stress and burnout.

Additional priorities include obtaining “best practice” language, fair and respectful treatment, protecting the right to honor union picket lines, and coordinated contract expiration dates.

Delegates at the bargaining conference elected a 2006 bargaining team with one representative from each medical center and an additional representative for student health centers. They are Sue McCormick (Davis), Wendi Felson (San Francisco), Sheila Stittiams (San Diego), Cindy Yuge (Los Angeles), Larry Freed (Irvine), and Barbara Dineen (Student Health Rep/UCB).

Equity increases of up to 22%

Meanwhile, bargaining over equity increases is going well. “Across the state, UPTE has been busy negotiating equity increases for UC health care professionals,” reports Wendy Mullin, UPTE’s coordinator for health care professionals.

“At San Diego, we’ve raised clinical lab scientist salaries by 8%. At San Francisco, they received 11%, and even at Irvine, the management had to correct the inequity and provide increases between 5%-6%,” she added.

There was also a market adjustment for physicians’ assistants at Irvine of up to 22%, and nuclear medicine techs at UCLA received 12% increases.

Los Angeles recently received a proposal from UC for a 5% increase for clinical lab scientists. However, UPTE has collected market data supporting a 15% lag of UC salaries compared to surrounding market rates.

So in late September, UPTE Los Angeles held a vote on whether to accept the offer. With a 62% turnout of the campus’ clinical lab techs, workers voted 3-1 to reject the offer saying they’re ready and willing to mobilize pressure on UC to get more.

What you can do

Call your campus UPTE rep and offer to host a department meeting in your area. Take the lead in making sure that your co-workers are informed about the potential cuts in pay and health care benefits.

Volunteer to be a “zone contact” and keep your co-workers informed. No action is too small – get involved!

Legislators, state labor board criticize UC’s bargaining tactics

The state’s Public Employment Relations Board (PERB), has issued another unfair labor complaint against UC, bringing the current total to five. The board determined that the changes UPTE filed over UC’s bad faith bargaining, failure to provide relevant information and unilateral changes are violations of the law. UPTE will now have an opportunity to prove the charges before a judge.

Legislators from all over the state have been appalled by UC’s illegal activity and its hardened determination to deny employees constitutional rights in researcher/tech bargaining (see story on page 1). Jack O’Connell, the state superintendent of schools, told UPTE president Jelger Kalmijn, “I have never crossed a picket line.”

The chair of the Assembly Budget Committee, John Laird, will also be calling Dynes. Many other legislators who make decisions about UC’s budget have weighed in. Senator Jackie Speier has called a special on-site hearing about UC’s labor relations to take place at UC Riverside on October 5. Stay tuned to this space for an update on that hearing.

How to organize your workplace

Tom Brewer wasn’t an UPTE member when he wrote a letter to management asking for a 15% raise for himself and his coworkers (all clinical lab scientists) at UCLA’s Clinical Laboratories/Brentwood Annex. He was disturbed by how low their UC wages were compared to surrounding market rates.

Management phoned Brewer to say UC was legally required to bargain only with the union. “They said to me ‘if nobody at your lab is in the union, they must not care,'” Brewer told the Update.

“So I signed up, and within a week, I got 95% of my building – 25 people in all – to join the union.” Brewer is now serving on UCLA’s health care professional “mobilization team” to keep those coworkers informed so they can help keep the pressure on in bargaining.

Shipboard techs force UC to retract changes

Which UC campus has the most hostile labor relations department? UPTE activists agree that UC San Diego holds the “award” for having the most anti-union bent of all the UC campuses.

Despite this, activists at San Diego keep coming up with success stories. Earlier this year, a supervisor at the Scripps Institute of Oceanography’s Shipboard Technical Services sprang a couple of new policies on its shipboard techs. “The techs are out at sea often for five months at a time, operating the scientific equipment on the ships for experiments,” said Carolan Buckmaster, chief steward at UCSD.

UPTE was made aware of the changes by the techs – union members all – and quickly filed a grievance and an unfair labor practice charge. The new policies changed compensation for hours spent on foreign shores as well as the way employees were compensated for travel to foreign ports. Ron Comer, the senior member in the group, did a lot of research for the grievance so that UPTE could protect the workers’ rights.

“After the first grievance meeting, my supervisor verbally withdrew both of his new policies and has made me whole in the money the policies had cost me,” said Comer.

“It astounds me that UCSD continually thinks it can do what it wants with us. Thank goodness we have a union that is both responsive and empowering to its members,” he added.

While the policies have been verbally retracted and employees made whole, Labor Relations is refusing to put it in writing. “The ULP and grievance will remain open in bargaining.”

“San Francisco Chronicle reports that 42 UC executive positions, from the UC president to campus deans and deans of the business, law and engineering schools, could be eligible for raises funded by private donations to cover the cost of any salary above $350,000.

UC executives are now fundraising for themselves. At a time when student fees have skyrocketed and UC admits staff wages lag 10% to 20%, a raise of $35,000 per year for a highly compensated chancellor hardly seems a priority.

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UC campus. They are Sue McCormick (Davis), Wendi Felson (San Francisco), Sheila Stittiams (San Diego), Cindy Yuge (Los Angeles), Larry Freed (Irvine), and Barbara Dineen (Student Health Rep/UCB).
Salary increases for “99s”
UPTE and UC meet to discuss 2005-2006 compensation and benefits

At a meeting with Office of the President representatives on August 18, UPTE representatives learned what most non-exclusively represented employees now know: UCOP has allocated 3.5% as the target figure for salary increases effective October 1, 2005.

UPTE strongly advocated that the 3.5% be distributed as a cross-the-board increase to all eligible administrative professional employees (known as “99s”) because of their payroll designation. In the same meeting, UPTE learned that UCOP intends to continue the campus payroll tax (.5%) that funds the Incentive Award Program (IAP). Use of the IAP money has varied greatly by campus, and at the meeting, UCOP said that it still did not know how the different campuses would be administering the funds.

Once again, UPTE advocated that the .5% payroll tax that funds the IAP be returned to the salary pool fund and be used to augment base-building across-the-board salary increases. Finally, UCOP announced that additional money would be available for equity increases, but they did not share how much would be available and how the equity increase money might be distributed.

UPTE representatives also discussed upcoming adjustments to health and other benefits costs. At the time of the meeting, choices for the health care plans had not been finalized, but UCOP expected premium costs to increase approximately 7%-9.5% and said UC’s budget would fund the increase in cost up to 5%. UCOP recommended that UCOP continue its differential funding of health care benefits, so that those employees making less than $40,000 a year receive a larger premium contribution than those who make more than $40,000.

Increases vary by campus

Campuses are given the authority to determine how to distribute the salary increase money. This is taking different forms at different locations. Some campuses are distributing the 3.5% as an across-the-board increase for those employees with at least “satisfactory” performance appraisals. At the Berkeley campus, however, 3.0% is the increase recommended for employees who are rated satisfactory or above; the remaining .5% of payroll will go to additional increases for employees who are rated as "outstanding.” As indicated above, UPTE has formally objected to UC’s subjecting of employees who are rated satisfactory or above; the remaining .5% of payroll will go to additional increases for employees who are rated as “outstanding.”

Toxics “remediation” brings illness to UC workers

In April, we learned that workers at the UC-run Richmond Field Station (RFS), about six miles northwest of the Berkeley campus, as well as people who live and work in South Richmond, were being sickened by exposure to toxic chemicals in the area. Environmental problems there are longstanding because of nearly a century of chemical manufacturing at the former Stauffer Chemical/Zeneca/Campus Bay site next door and at RFS itself, which had been owned by an explosives manufacturer.

Contra Costa County’s public health director has said “contaminants include large quantities of buried acidic iron pyrite residues, as well as a variety of heavy metals, volatile organic compounds, PCBs, and pesticides.” Neighboring sites are also contaminated, and remediation of the whole area is now being overseen by the Cal/EPA Department of Toxic Substances Control (DTSC), as well as a Community Advisory Group.

REMEDIATION AT THE MARSH BORDERING THE ZENICA SITE Began on September 12, after the end of an endangered bird’s mating season, with the importation of hundreds of DTSC-certified “clean fill material” into the “western most portion of the marsh.” According to the September 8 “DTSC Status Report Update,” air monitoring was to be conducted “along with dust control measures.” Nonetheless, staff report plenty of dust aroused by the trucks, along with feelings of “abnormal tiredness”—causing at least one staff member to miss three days of work and others to go to sleep shortly after returning home.

Members protest UC’s attack on free speech

A large, enthusiastic crowd gathered at UC Berkeley’s Boalt Law School at noon on September 20 to protest UC’s insistence in bargaining that UC workers give up their individual rights to honor picket lines.

Inside Boalt, several judges were part of a panel discussion of the US Constitution as part of UC’s Constitution Day activities. At one point, the dean of the law school came out and asked a CUE activist who works at Boalt, Stephanie Horton, to please announce that he supported the workers and would circulate a petition among faculty to build more support for their cause. – Tanya Smith, Berkeley Local 1

In addition, low levels of arsenic were found in Building 175, which has plastic sheeting over the windows, leading to speculation that it might have been brought in on workers’ boots. It also led to concerns about where else staff members may have been tracking it, such as into their homes.

Two staff who work indoors in that building are among those who have reported feeling sick since remediation began, which also occurred on windy days earlier. It isn’t known whether the source is exposure to arsenic or to elements in the “clean fill material.” At least two or three other current staff members who work elsewhere at RFS have or have had serious problems that fit the symptoms of arsenic exposure.

Employees, business owners, and nearby residents are awaiting results of an investigation of marshland now owned by the Richmond Redevelopment Agency, where drums of radioactive material from Lawrence Berkeley National Lab are said to have been buried 30 years ago. As a result, UC and other developers have put their plans on hold. For more information, see <http://soula.org/zeneca>.

Berkeley members work for pay equity

Union members at Berkeley have been meeting with management to begin to grapple with a recurring problem: making sure there is wage equity between new hires and established employees.

It is not uncommon for a new employee to be brought in at a higher wage rate than those already doing the same job. UC’s contract allows any employee to ask that their salary be increased to match that of a new hire in their department. “The problem is people generally don’t know each others’ salary rates, so they don’t ask to have this clause enforced,” said UPTE staffer Mike Friedrich.

UPTE wants to change that by requiring that whenever a new hire is made, an automatic process is triggered to reevaluate every salary in that job title in the department, effectively bumping every person in the same title up to an equitable salary.

“We’re looking at the largest department that employs staff research associates, Molecular and Cell Biology, but we would ultimately like to have a more rational system across the whole campus,” said SRA Joan Garbarino. UC seems receptive but no final agreement has been reached. If that happens, adds Friedrich, it could become a model for establishing a fairer process across the campus.

Protest in the sky at UC Merced grand opening

The grand opening of UC’s long-awaited tenth campus in Merced this past Labor Day was an occasion for both celebration and protest. While UC officials, legislators, parents, students, and the media converged at the campus for opening day ceremonies, UPTE conducted a very visible demonstration in the sky and on the ground against UC’s attempt to squelch its employees’ free speech rights.

A small plane towing an aerial banner reading “Dynes squelches UPTE speech” flew over the campus’ opening ceremonies, while UPTE members publicized the issue on the ground, handing out flyers and talking with attendees. The banner referred to UC President Robert Dynes’ role in supporting policies which infringe on the free speech rights of union members. UC is holding up the tech/researcher contract over language that would allow it to penalize employees who exercise their constitutionally protected free speech rights by honoring picket lines.

“This very special occasion was a perfect opportunity to speak with students, their parents, faculty and donors so they could be educated in the problems that UC visits on their staff,” said Carolin Buckmaster, a 25-year cancer researcher. “We love what we do at UC, but lack of funding accountability and forfeiting our free speech rights jeopardize our future, and therefore the excellence that UC and its staff strive for,” she adds.

“UC President Dynes wants to punish employees who exercise their First Amendment rights,” said Jelger Kalmijn, an alcoholism researcher and UPTE’s sysstemwide president. “It is outrageous that a public university funded by taxpayers would go after employees, who as a matter of conscience, refuse to cross a picket line.”

Around the state

Demonstrators fight for their free speech rights at UC's Constitution Day activities
CWA elects new president

For only the fourth time in its history, CWA has a new president: Larry Cohen.

Cohen, who has served CWA for years as its executive vice president, succeeds outgoing president Morty Bahr, an internationally respected labor leader whose accomplishments include bringing new sectors and their tens of thousands of members into the union.

Cohen called for everyone in CWA to work together for “a common vision of our future.” That means, he said, “All of us together, using our diversity and understanding to take us stronger — young members and retired members, minorities, women and men, straight and gay, all sectors — diversity of leadership as well as membership, all working together.”

“Larry Cohen has been a political and personal friend of UPTE since our affiliation with CWA in 1993,” said Lisa Kermish, UPTE’s vice president. “We are tremendously proud and excited to be a part of a union that is headed by a progressive, forward-thinking leader who embraces organizing and political activism as his guiding principles.”

Meanwhile, hurricane Katrina was never far from the minds of the delegates. CWA convention delegates voted to spend $4 million in special funds to aid members. UPTE has adopted a CWA family from Mississippi — a single mother with three children — and has donated $3,000 to help them begin again. You can also personally help by going to www.upte.org/katrina.html.

AFL-CIO passes anti-war resolution; four affiliates split

Delegates to the AFL-CIO’s annual convention in Chicago in July passed an historic resolution calling for a “rapid” return of all U.S. troops from Iraq. Eighteen state federations, central labor councils and unions had submitted resolutions calling for an end to the war.

Just before the convention, three of the federation’s affiliates — the Service Employees, the Teamsters, and the United Food and Commercial Workers — left to form a new grouping called the Change to Win Coalition. UNITE HERE, representing garment and hospitality workers, later left the AFL-CIO and joined the new coalition.

In order to support continuing working relationships at the grassroots level, the AFL-CIO Executive Council has set up a plan for “solidarity charters” to enable the disaffiliated unions to apply to be part of the AFL-CIO’s central labor councils and state federations.

Meanwhile, delegates at the California Nurses Association convention in Oakland voted in late September to affiliate with the AFL-CIO. “Now more than ever we need a cohesive, powerful labor movement,” said Rose Anna DeMuro, executive director of the 65,000-member union.

Special election on November 8
Don’t silence our voice! Vote NO on Proposition 75

Proposition 75 has one purpose and one purpose only: to silence and weaken public employees and strengthen the political influence of big corporations.

Proposition 75 would create a bureaucratic nightmare by requiring public sector unions to gather signed permission forms from every member every year in order to use dues money for political purposes.

Just look at the issues UPTE has taken on and more that are looming on the horizon. “Imagine how hamstrung we would be if we could not speak out in favor of our free speech right to honor a picket line, augmentation of state funding for salary increases, the protection of our hard-earned benefits and pensions, privatization of the national labs managed by UC, or even collective bargaining rights for public employees?” warns UPTE’s legislative coordinator Rodney Orr.

Prop. 75 restricts public employees in their ability to participate collectively in the political process. It does not restrict corporations, even though corporations spend substantial amounts of shareholder funds on politics. Nationally, corporations outspend unions in politics by 24 to 1. Prop. 75 would make this imbalance worse.

The sponsors of Prop. 75 include big drug, oil, tobacco, and insurance companies. They are the same corporations and people who want to privatize Social Security, take defined benefit pensions from public employees, oppose efforts to make prescription drugs more affordable, and destroy public education. Backers of Prop. 75 claim it protects employees’ rights, but under current law, union members already have the right to choose not to have their dues to be used for political contributions.

NO on Proposition 74: “The Punish New Teachers Act”
• Does nothing to improve public education or deal with real problems facing our schools.
• Increasing the probation period will make it harder to recruit and retain quality teachers.
• It’s unnecessary. There is already a system in place to fire teachers who are not performing in the classroom.

NO on Proposition 75: “The Paycheck Deception Act”
• Does not protect union members since they already have the right not to contribute to union politics or to opt out at any time. It will reduce their ability to respond when politicians harm education, health care, public safety, UC’s budget, etc.
• It’s unfair, targeting only public employees and not corporate special interests.
• Voters have rejected similar measures before and union members have voted NO overwhelmingly.

NO on Proposition 76: “The Cut School Funding Act”
• Cuts school funding by over $4 billion per year — that is $600 less per student, every year.
• Governor Schwarzenegger would get out of repaying the $2 billion he “borrowed” from our schools last year.
• Will eliminate the guaranteed funding level for K-14 education under Prop. 98.

NO on Propositions 77 & 78
• Prop. 77 amends the process for redistricting California’s legislative districts and requires redistricting for the 2006 elections. Immediate redistricting is unnecessary, costly, and will produce unfair results by using outdated census data.
• Prop. 78, sponsored by big drug companies, is deceptive and gives the illusion of relief from soaring prescription drug prices by establishing a voluntary program to reduce prices.

YES on Propositions 79 & 80
• Prop. 79 creates a prescription drug discount program that requires participation by drug companies. It will save seniors, families, small businesses, and the state millions each year.
• Prop. 80 will help prevent energy blackouts and massive fraud by unregulated private energy producers like Enron.