At the bargaining table
Techs and researchers voting on tentative agreement

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New ways to strike
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But if this tentative agreement is ratified by members, “UPTE will work strategically with other UC unions to line up our agreement so that we can coordinate our bargaining demands and any workplace actions, including strikes if necessary,” says Kalmijn. Because the agreement’s expiration date would match that of some other UC unions, such as the California Nurses Association, UPTE’s members would be able to strike jointly with them, presenting a powerful challenge to the university.

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Legislators angry over executive perks; UC’s second-in-command resigns amid scandal

A key member of the state Senate Education Committee is calling for hearings into UC’s compensation practices, including the use of administrative stipends, severance payments, bonuses and other hidden cash compensation.

Senator Abel Maldonado (R-Santa Maria), vice chair of the committee, demanded the hearing in the wake of reports in the San Francisco Chronicle last month that UC paid top executives hundreds of millions of dollars in bonuses, moving allowances, and other kinds of compensation.

UC’s penchant for high-paid executives was in the spotlight statewide. The Chronicle’s November 13 edition detailed how execs actually make much more than their published salaries. For instance, UC announced two years ago that San Francisco’s medical school dean, David Kessler, would receive “total compensation” of $540,000 a year.

“Turns out he actually got much more,” according to the Chronicle. “In addition to his salary, he received a one-time relocation allowance of $125,000 plus $30,000 for six months’ rent and a low-interest home loan. There was more. He was reimbursed for his actual moving costs from Connecticut, and his family received round-trip airline tickets to go house-hunting in the Bay Area,” the article continued, pointing out that he was “hardly unique.” Some $599 million went to UC’s second-in-command resigns amid scandal

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A union benefit: scholarships from CWA

Thirty partial college scholarships of $3,000 each are being offered for the 2006-2007 school year by the Communications Workers of America (CWA), UPTE’s national union. Winners will be selected in a lottery drawing, and will also receive second-year scholarships of the same amount contingent upon satisfactory academic accomplishment.

All UPTE-CWA members are eligible for the awards, as are their spouses, children and grandchildren.

Applications are available solely online for completion and submission: <www.cwa-union.org/members/beirne>. Deadline is March 31, 2006, and early submission is encouraged. The winners will be chosen by lottery from those submitting the required essay.

The Joe Beirne Foundation Scholarship Program is made possible by the funding of CWA locals. Beirne was a founding leader of CWA.

Senators investigate UC labor practices

Legislators are again looking at UC’s labor practices, and hearing from union members about deep-seated problems. On October 5, State Senator Jackie Speier hosted a Senate Committee on Higher Education hearing in Riverside. Members of UPTE and other UC unions attended.

Speier highlighted an independent fact-finder’s report, produced during bargaining between UC and the Coalition of University Employees (CUE). Speier read from the report, which details how many UC employees are underpaid and how wealthy the university is.

The committee heard from several UC employees and union representatives, who described how UC management intentionally subverts the legally mandated bargaining process. Jelger Kalmijn, UPTE’s president, told the senators that UC’s main negotiating strategies are to stall until employees get so tired of waiting for a raise they will take any contract, and when that tactic fails just impose terms and conditions.

Kalmijn also gave the committee a long list of unfair labor practice charges, which the union has submitted to the state’s Public Employment Relations Board. The charges range from the local, such as impositions of new departmental work rules and reorganizations, to the global, such as the institution of new benefits plans and fees for all UC employees.

“UC takes a completely unilateral approach to labor relations,” Kalmijn later told the Update. “UC enters into bargaining with its mind made up about the important issues and refuses to engage in the process in a fair way.”

Health care workers prepare to negotiate

Health care professionals across the state have been carefully preparing for 2006 contract talks, with the expectation that tough negotiations lie ahead to protect health care benefits and pensions.

If UC’s current negotiations with the California Nurses Association are any indication, UPTE health care professionals can expect UC to demand an 8% pay cut next year in the form of increased health care benefit premiums and co-pays as well as mandatory increased contributions to retirement. According to UC’s management, there is a five-year plan that has been submitted to the UC Regents to raise benefits costs each year until they shift 30% of UC’s current cost to employees.

In late September, health care activists met in Oakland to discuss bargaining priorities and a bargaining team was elected, comprised of Sheila Stittsman (UCSD), Larry Freed (UCI), Cindy Yuge (UCLA), Sue McCormick (UCD), Wendielson (UCSF) and Barbara Dineen (UCB). Wendy Mullen was elected as lead negotiator and mobilizing coordinator, while Ellen West from CWA was elected chief negotiator.

Save the date

On February 11, there will be a one-day campaign strategy planning session at the Davis medical center. IX activists from across the state are encouraged to come and discuss how to respond effectively to UC’s drastic plans. Contact your local for details if you want to attend.

“UC has let employees know that they intend to reduce, modify or eliminate our pensions and benefits, as well as retiree health care,” notes IX coordinator Wendy Mullen. “All the UC unions are discussing a joint approach to these arrogant and employee-unfriendly initiatives, so we can fight back together.”

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UPTE delegates strategize at 16th annual convention

More than 100 delegates and guests gathered in San Diego October 14-16 for the 16th annual UPTE/CWA 9119 convention. The annual gathering is the highest body of the union, where elected delegates debate policy and vote on resolutions to guide the union’s work in the coming year.

With the state’s special election looming, politics were on the minds of many delegates. They heard a rousing speech from the California Federation of Labor’s Art Pulaski urging a “no” vote on Proposition 75, which would have made it much more difficult for union members to be heard in Sacramento (see related story, page 4). Working with the San Diego Labor Council, delegates spent an afternoon precinct walking to reach voters.

Delegates discussed and adopted a variety of resolutions on issues including protection of our UC benefits and pensions, and support for organizing among administrative professionals. A resolution passed requiring that all of UPTE’s wireless phone service be provided by Cingular Wireless, a union-friendly company. UPTE’s national union, Communications Workers of America, represents Cingular’s workforce and the company also offers discounts to union members (see the Cingular discount link at www.upte.org for details).

Members to vote on dues increase

Two dues resolutions passed – one for techs, researchers and health care professionals (who have union contracts) and one for administrative professionals and Los Alamos National Lab members (who do not have union contracts). “There was a very high-minded and thoughtful debate in which people took very seriously the necessity of funding our union at an adequate level,” said Lisa Kermish, UPTE’s vice president and an administrative professional at UCB.

Each resolution requires a member vote to pass. “The one for represented units calls for raising dues from 1.15% to 1.3% of gross salary, and raising the dues cap by fixed amounts,” said Kermish, “but only if members receive at least a 3% salary increase from UC in the preceding year.”

The resolution for administrative professional and LANL members calls for raising the dues cap by $2 every two years (above its current $20) but leaving the contribution at 1.15% of gross salary. A member vote is scheduled for administrative professional and LANL members in June 2006, and for members under contract before next year’s October convention.

Attendees also participated in workshops on topics such as workplace actions, how to become a steward, career development and legislative advocacy.

Saturday evening’s activities culminated in the annual fundraiser for the Elizabeth Glaser Pediatric AIDS Foundation. Locals donated gift baskets as prizes, a raffle was held, and $2,700 was raised – a record!

Next year’s convention will be held in Santa Cruz and we hope to see even more members there.

Berkeley 99 wins grievance hearing

UPTE has many members who are not covered by the tech (TX), research (RX) or health care (HX) contracts. These employees include administrative analysts, student affairs officers, senior editors and program/analysts, among many other titles.

But as UPTE members, they are entitled to representation in any individual grievances, a lesson that Cephos John, an administrative analyst in UC Berkeley’s Housing and Dining Services learned last month when he needed UPTE’s assistance with a workplace problem. His supervisor had given him a letter of warning without just cause, and he asked UPTE to represent him in challenging it. “The hearing officer ruled that UC didn’t have sufficient cause to issue the letter,” said John’s grievance representative Lisa Kermish, and UC’s action was reversed.

John is grateful to the union for its assistance, and says “having union representation in these situations makes a huge difference.” He plans to attend UPTE’s stewards’ training himself so he can help others who need representation.

Stewards’ corner

Your right to due process

An extremely important right guaranteed by a union contract is that an employee can only be disciplined or terminated for “just cause.” Just cause means the employer cannot exercise the power to discipline and fire for capricious, arbitrary or discriminatory reasons.

UPTE recently won two arbitrations on behalf of employees whom the university had attempted to fire without just cause. One was a pharmacist at the Davis Medical Center with 18 years of sterling service. The other was a Davis researcher with 8 years of service, excellent evaluations, and an outstanding record of scientific achievement, who was terminated without just cause based on a false allegation that he threatened his supervisor.

Remember, the university must have a “just cause” for disciplining or firing an employee, which requires the following:

• Management must give the employee warning or notice that the employee is violating a rule or policy, and must tell the employee what the rule or policy is.
• The rule or policy must be reasonable and related to the orderly, efficient and safe operation of the university.
• UC must make an investigation to determine whether the employee did in fact violate the rule or policy cited. The investigation must be conducted fairly and objectively.
• The university must have solid evidence of the violation of the rule or policy. You are entitled to receive copies of this evidence.
• The rules or policies must be applied equally. They cannot be applied in a disparate, discriminatory or arbitrary manner.
• The discipline must be appropriate and reasonably related to (a) the seriousness of the employee’s proven offense, and (b) the record of the employee.

An important corollary is that discipline must be progressive. It is intended to correct a problem, not to be punitive. Management must give the employee a reasonable opportunity to correct the problem. More severe discipline, including termination, can only follow after lesser discipline has been imposed.

If you are facing discipline, analyze your situation using the above criteria, then contact UPTE for help. – Cliff Fried, UPTE’s executive vice president

Toxic testimonials

Radioactive materials dumped at Berkeley’s RFS?

Many staff at UC Berkeley’s bucolic-looking Richmond Field Station, as well as people who live and work in South Richmond, have been sickened by the effects of 101 years of chemical and pesticide manufacturing at RFS and the adjacent Zeneca site, as well as intermittent but continuing cleanup.

In 1965, a marsh that adjoins both properties contains toxic hotspots of arsenic, mercury, PCBs, lead, nickel, zinc, and selenium. (Both sites contain other toxic hotspots as well.) A little farther away, the marsh may contain something deadlier: drums of radioactive material from the Lawrence Berkeley Lab that a UC groundskeeping crew had attempted to dump there 40 years ago. Several things have occurred since the last Update.

• In October, testing of the marsh revealed the presence of metal five to eight feet below the surface. The metal could be anything, but the Cal/EPA Department of Toxic Substances Control (DTSC), in consultation with other agencies, has hired a company to carefully excavate the soil in stages and test for radioactive material.
• UCB put its RFS development plans on hold when possible radioactive contamination was disclosed.
• In late October, the state Department of Health Services began gathering confidential information about workers’ experiences and health concerns to assess health risks. For at least another month, DHS staff will be available for face-to-face and phone consultations with RFS staff and others affected by the far deadlier Zeneca/Richmond Field Station. If you are a former staff member at RFS who took a job on campus because of health issues in Richmond, or living in the same household as someone who does. If you are a former staff member at RFS who took a job on campus because of health issues in Richmond, or living in the same household as someone who does.

Health alert

Early in 2006, DHS will ask for public comment on a draft report in order to get a better sense of the health effects (including stress) of working at or near these contaminated sites, or living in the same household as someone who does. If you are a former staff member at RFS who took a job on campus because of health issues in Richmond, please contact Rubi Orozco to share your concerns and encourage others to do so: <Roorazo1@dhs.ca.gov> or (510) 620-3671. Everyone will benefit.

One of the next steps is a meeting with DHS to discuss what might be gained by conducting a health survey. DHS staff will provide technical assistance if we decide a survey will provide information we couldn’t get otherwise. For more information, see <http://soula.org/zeneca> and <www.dtsc.ca.gov>. – Joan Lichterman, UPTE’s health & safety director <joan@upte-cwa.org>
Los Alamos workers prepare for change

Much has been said about the bidding process the Department of Energy (DOE) is conducting now to select a new contractor to manage the Los Alamos National Laboratory (LANL).

Previous Updates have reported on the Request for Proposals (RFP) that was issued approximately six months ago, which requires that the new contractor provide “substantially equivalent” benefits and retirement plans for transitioning employees, maintain a work environment that respects scientific and academic freedom, protect employee organizing rights and provide whistleblower protections. These provisions were included in the RFP due to the concerted lobbying efforts of UPTE’s lab locals with support from UPTE systemwide and our national union, CWA.

But there’s no ironclad assurance that the next contractor will implement these provisions. “LANL employees are concerned about potential erosions of benefits and pensions, as well as rising health care costs and pay equity issues,” said Manny Trujillo, president of UPTE at LANL. “Other worries include losing the freedom to state and publish one’s views on scientific issues, and having a work environment free from retaliation when employees speak out on non-compliance issues concerning environment, safety and security.

UPTE’s LANL local has been working to protect these rights with the pending change in operating contractors. The union serves as a collective voice for a well-managed and accountable lab that will provide safe and secure jobs in high quality research. Ongoing local meetings are open to everyone. For more information, call the local at (505) 662-4679.

Workers rights are human rights

Communications Workers of America, UPTE’s national union, is playing a big part of the actions planned to mark International Human Rights Day on December 10, focusing its work on strengthening the right to organize. Events are being held across the US, and in many other countries as well, as workers, students, civil rights groups and lots of others take a stand in the critical fight for organizing rights.

“We need to urge our senators and representatives to pass the Employee Free Choice Act,” notes CWA’s president Larry Cohen, “which would restore workers’ rights to freely choose union representation and to bargain a fair contract. So far, 205 House members and 41 senators have signed on, but we have more work to do.”

Take a moment to contact your representatives via UPTE’s web page <www.upte.org/legislative.htm> and urge them to support the Employee Free Choice Act for the benefit of all workers.

Family leave cuts threatened

The Bush administration’s Department of Labor is widely expected to cut back protections of the Family and Medical Leave Act (FMLA) that has helped tens of millions of workers since it was signed into law by President Bill Clinton in 1993.

Big business groups—including the U.S. Chamber of Commerce and the National Association of Manufacturers—are pressing to limit workers’ ability to take time off without pay for the birth or adoption of a child, to care for a sick loved one, or for their own illness.

In its recently released regulatory agenda, the Labor Department said FMLA changes are among its regulatory priorities and could come as early as December. But unions and other groups have urged the Labor Department to keep the current FMLA regulations intact.

Read more about corporate attacks on family leave at <www.9to5.org> and <www.nationalpartnership.org>.

Cingular wireless workers union grows

Some 1,800 workers at several Cingular Wireless call centers and retail stores won union representation with the Communications Workers of America in the last two weeks.

The workers are among more than 8,100 who have joined CWA under an agreement reached by CWA and Cingular after the Cingular/AT&T merger. The company agreed to honor the workers’ freedom to form a union when a majority signs authorization cards.

In California, 1,600 workers at three call centers and 84 retail stores at several Nevada sites won a voice at work October 13 when their choice of CWA representation was certified. In Utah, 88 Cingular retail sales workers chose CWA.

Reprinted from Work in Progress (October 24, 2005).

Governor’s agenda defeated at polls

California’s said “no” to Governor Arnold Schwarzenegger in a big way this November 8. His anti-union Proposition 75, along with every other measure he backed, went down to defeat by comfortable margins in the state’s special election.

For UC employees, this means that the governor is less likely to revive his proposal to change our pension plan. “If he goes ahead anyway and spends enough money to get the signatures to put it on the ballot next year,” says UPTE’s legislative coordinator Rodney Orr, “we will be able to use our resources to speak out in opposition.”

Organizing works

The resounding defeat of the governor’s agenda was due in no small part to smart organizing by unions and progressive organizations across the state, who got their message out about the dangers of Arnold’s propositions via people-to-people contacts, television, radio and internet appeals.

Unions representing 2.5 million workers formed an umbrella group called the Alliance for a Better California, which shared resources to work against Schwarzenegger’s initiatives. Union leaders are planning to continue the coalition, advocating for progressive change such as universal health care and more funding for education.

The governor’s defeat at the hands of voters leaves him weakened as he heads into his 2006 re-election campaign and forced to deal with a Democratic majority in the Legislature.

“Let’s celebrate the defeat of Proposition 75 as the first win in our effort to defend our retirement and benefits,” urges Jegel Kalmijn, UPTE’s president. “We will have many more challenges in the coming years, but we will be able to have a voice in policies so important to us and our families.”

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