Union members testify at pension negotiations; PERB issues complaint against UC

The UC Union Coalition bargaining team continues to meet with university management over its proposed changes to pension contributions. The 20-member team includes UPTE-CWA (representing techs and researchers), CUE (representing clericals), and AFSCME UC’s pension bargainers. CUE member Shae Sake, a Berkeley faculty assistant, told UC’s reps, “My rent goes up 3% every year no matter whether I get a raise or not; gas and groceries increase far more, as we all know. To start paying out 2.6% for my pension is quite simply beyond my means.”

UC had been considering requiring employees to contribute 2% of salary to UCRP before UC made any contribution at all. “This would be a reversal of the historical precedent,” noted Lisa Kermish, UPTE’s vice president. “For many years before pension contributions were suspended in 1993, UC paid the lion’s share toward UCRP benefits, as part of employee compensation.” There’s no reason that should change now, she added, especially since most UC employees have worked for below-market wages for so long.

“Now, UC has backed off and has publicly stated it will not require employee contributions before UC itself pays into UCRP – a clear victory in our union campaign to force the university to bear its fair share,” said Jelger Kalmijn, UPTE’s president. In addition, UC requested $60 million it said was necessary to implement its pension restructuring, but this year’s governor’s budget victory in our union campaign to force the university to bear its fair share,” said Jelger Kalmijn, UPTE’s president. In addition, UC requested $60 million it said was necessary to implement its pension restructuring, but this year’s governor’s budget

Meanwhile, the state’s Public Employment Relations Board (PERB) has issued a complaint against UC stating that it failed to fulfill its legal obligation to allow public input, or “sunshining,” of proposed changes to the pension plan. While it is unclear exactly what PERB will do if it finds UC guilty, this complaint indicates that the state labor board may be unsympathetic to UC if it claims that pension bargaining is at a standoff and it files for impasse.

Joint governance needed

Because UCRP lacks meaningful representation from plan participants, the union coalition has proposed joint governance of UCRP, with elected representation from union members. Nationally-recognized pension expert Peter Saltzman testified at the bargaining table that jointly governed pension plans are far healthier overall, providing much better benefit levels and lower rates of default than employer-only governed plans. At the January 17-18 regents’ meeting in San Francisco, union coalition members held up transparent plastic signs that demanded “transparency” and “an end to

Ratification vote March 12-16

Tentative agreement in health care professionals bargaining

The UPTE-CWA health care professionals (HX) bargaining team reached tentative agreement with UC in the early morning hours of February 15. The agreement would allow HX unit representatives to be full members of the joint bargaining process over pensions (see story above), and includes substantial pay increases and a transition to a step system for wages in the second year of the contract, among other provisions.

The proposed contract will be put to a ratification vote among UPTE’s HX members from March 12-16, after ample time for discussion and vote. Only members can vote on the contract. If you are not yet a member of UPTE, you can join and vote. Contact your local for more information.

UPTE LOCALS

Berkeley
(510) 848-UPTE
Davis:
(530) 759-0803
Los Angeles:
(310) 443-5484
Irvin:
(949) 854-UPTE
LANL:
(505) 662-4679
LLNL/SPSE:
(925) 449-4846
Merced:
(510) 848-UPTE
Riverside:
(951) 781-7922
San Diego:
(858) 458-0845
San Francisco:
(415) 753-UPTE
Santa Barbara:
(805) 685-3661
Santa Cruz:
(831) 429-UPTE

(service and patient care techs).

UC has floated the idea of redirecting employees’ mandatory 2% defined contribution plan (DCP) payments to the UC Retirement Plan (UCRP) pension fund. “That would amount to a pay cut,” noted UPTE chief bargainer Kevin Rooney, “since it would require employees to replace that 2% out of their wages in order to maintain their current DCP savings levels.”

Preserving pensions

Employees have been turning out in force to make their voices heard at multiple negotiating sessions and other meetings around the state. On January 30, dozens of union members showed up to protest UC’s proposals at a pension bargaining session in Berkeley. Some testified at the bargaining table about the effect such changes would have on them.

“We need to have quality staff in my department, but it’s very difficult for us to recruit with the low salaries. The one tool we have to help attract people is the pension benefit,” Jonathan Selsley, a principal television tech at UCB, told UPTE members at UCLA turn out Jan. 11 in support of pension bargaining.

(continued on page 2)
CWA scholarships available

Now is the time to apply for CWA’s Joe Beirne Foundation’s 2007-2008 scholarships. All UPTE-CWA members, their spouses, children and grandchildren are eligible.

The foundation will award 30 partial college scholarships of up to $3,000 each, and the winners also will receive second-year scholarships for the same amount, contingent upon satisfactory academic achievement.

Applicants must be high school graduates or high school students who will graduate during the year in which they apply. Undergraduate and graduate students returning to school may also apply.

You can find the application at <www.cwa-union.org/members/beirne>. The deadline is March 31, 2007. The winners will be chosen by lottery from those submitting the required essay.

Pension bargaining

(continued from page 1)

secretary” on UC’s part each time a union speaker took the podium.

Management continues to stall on providing requested information to union bargainers. The unions’ actuary, David Venuti, explained at a recent negotiating session how important such data was to evaluating the proposals. Venuti stressed that UC’s analysis contained serious omissions, and that even substantially smaller pension funds routinely perform much deeper analyses, especially prior to any change in policy. (Venuti’s report can be found at <www.upte.org/VenutiReport.html>.

The union coalition has collected thousands of postcards to be delivered to regents and legislators demanding that UC delay employee pension contributions until it has proven that they are truly necessary.

Support from students, faculty

The union coalition’s bargainers (AFSCME, CUE and UPTE) have been consistently supported by representatives from the UAW 2865 (Academic Student Employee Union), the Council of UC Faculty Associations, and the American Association of University Professors.

“We are here because we share the union coalition’s concerns that lower-paid employees, including lower-paid faculty, cannot afford these pay cuts,” Chris Rosen, Associate Professor at the Haas Business School and member of the Berkeley Faculty Association, told UC at a bargaining session in December. “We also share the coalition’s concern regarding conflicts of interest with pension decision-makers and the lack of transparency regarding key pension decisions.”

The UC Student Association passed a resolution in January supporting the union coalition, noting that “quality, affordable and accessible health care benefits and a strong retirement plan are key elements necessary to recruit and retain the best employees to keep the UC a great public university.” The association pledged to “sit with the UC workers on their side of the negotiations table” to help fight for fair pensions and benefits.

HX workers reach tentative agreement with UC

(continued from page 1)

member of UPTE, please contact your local to join and be part of the process. If you are a member, reach out to your coworkers who aren’t and get them to sign up for union membership, so they can participate in this important discussion.

Street heat works

These developments come after widespread pressure from HX workers over the last months.

On January 11, while union coalition and UC bargainers met at UCLA, thousands of workers rallied outside to object to UC’s lockout of UPTE’s health care professionals from the joint pension bargaining process. UPTE’s health care professionals from the joint pension bargaining process. UPTE’s other two units (searchers and techs), along with AFSCME (service workers) and CUE (clericals), are currently engaged in joint bargaining with UC over pensions and benefits.

HX workers at several other campuses also held rallies on January 11 in support of the bargaining team’s goals.

At UCSF, demonstrators turned out to a lunchtime picket, which included nearly all of the HX employees at the campus health center, along with supporters from every campus union. Participants received a warm response from pedestrians and motorists, many of whom honked their horns in support or stopped to sign a postcard to UC President Dynes and the regents.

“If it’s wrong of UC to try to divide UPTE’s health care members from the technical and research members (and the other unions, too) when it comes to bargaining over pension issues,” said Lance Bracht, a clinical lab tech specialist at UCSF. “We’re all in the same pension plan and we should all bargain over it together,” Bracht added.

UCSF union members marched to the office of medical center CEO Mark Laret with nearly 400 petition signatures on hand. An enthusiastic crowd marched at UCLA, chanting, “Be fair to those who care,” and making the connection between fairness for employees and quality patient care.

At UCSD, health care professionals braved freezing weather to sign a poster-sized postcard to their CEO, demanding protection of pensions and fair salary increases.

At UCB, a lively picket line of union members distributed informational leaflets and stickers to visitors at the Tang Student Health Center.

At Davis, health care professionals wore stickers supporting joint union bargaining over pensions, and leafleted their coworkers about the issues at stake.

Your voice counts

“We need the right to bargain over UC’s attempt to pass pension costs on to employees,” said Wendi Felson, a UCSF clinical lab scientist and an HX team bargainer.

Felson said health care professionals were standing side-by-side with coalition coworkers to stop UC’s “pay cuts for pensions” proposals.

HX members will be discussing the tentative contract over the next several weeks. Look for notices of meetings in your department or campus, and make your voice heard.

If you have questions, contact your local bargainer or UPTE rep (see <www.upte.org/contacts.html> for a list).
Captionists organize at UCB

S

ession was held at UPTE’s systemwide office on February 9 (photo above). Left to right, presented job titles such as Student Affairs Officers, Administrative Analysts, Programmer/Analysts. These services are necessary for disabled students and help the university meet its equal access obligations under the Americans with Disabilities Act.

Bargaining new job titles

Under state labor law, UC must bargain new job titles with UPTE. According to Tanya Smith, UPTE Local 689, CUE, AFSCME, Labor Council, Alamada Firefighters Local 689, CUE, AFSCME, students, held a successful two-day information action that garnered over 700 signatures of support. The protests drew the attention of the campus newspaper and a local radio station. UPTE activists and student supporters have vowed to continue their efforts until D’Orazi gets her job back.

Campus labor relations officials claimed D’Orazi’s termination had nothing to do with her bargaining work and that all CART employees’ positions ended on the last day of the semester. So far, UC has refused to return D’Orazi to her job and instead has offered her a different position for the spring semester only.

Solidarity brings attention to case

Campus labor relations officials claimed D’Orazi’s termination had nothing to do with her bargaining work and that all CART employees’ positions ended on the last day of the semester. So far, UC has refused to return D’Orazi to her job and instead has offered her a different position for the spring semester only.

STEWARDS’ CORNER

UCLA administrative professional wins grievance

One of UPTE’s administrative professional activists, Retha Hope, a UCLA buyer, recently won her grievance against management, which had unjustly suspended her for 5 days without pay. Since administrative professionals (called “99s” because of their UC payroll designation) are not yet covered by a union contract, Hope’s case was filed under UC’s Personnel Policies for Staff Members.

UPTE steward Cliff Fried argued that there was no factual basis for the suspension, and a UC hearing officer agreed, issuing a ruling that “management has not met its burden of proof in demonstrating the reasonableness of its actions.” The hearing officer ordered that the suspension letter be removed from Hope’s personnel file, and that she receive a week of lost pay.

“UPTE can represent administrative professionals in grievance situations, even though we don’t have a contract,” noted Hope. “Without the guidance of the union, I wouldn’t have known my rights.” When you are unjustly accused at work, Hope added, it is “a trying situation, and it is so important to have a skilled and experienced union representative on your side, to argue your case and to just be there as your ally.”

Hope encourages administrative professionals to join UPTE. “You’ll not only get newsletters and information to keep you up-to-date with work-related issues,” she says, “you’ll be helping build the organization so 99s can get a contract in the future.”

UCSD sleep techs win work hours case

Two sleep techs at the UCSD Medical Center were being sent home any time there were no clients for their shift, which meant that they had to use comp time, vacation, and sick leave in order to maintain full time employment for benefits purposes.

“This was a violation of the 45-day rule for change of work hours,” said UPTE steward Bruce Jones, who recently helped the two workers file a winning grievance over the issue.

One sleep tech, who had left UC by the time the grievance was settled, was reimbursed for all of the vacation and comp time he had used during the year preceding the date the case was filed. The other tech, who was still employed by UCSD, was given the same reimbursement and had his used sick leave credited back.

“This was one of those cases where the university was more than cooperative,” notes Jones, since under the contract, UC only owed the workers 30 days’ back pay, but they paid them for a year. “It shows that when reasonable people stick up for what they’re owed, other people will often act reasonably in return,” added Jones.

Davis interpreters win pay raise

Interpreters and translators at UCD have won pay raises after organizing to show UC just how below-market their wages are compared with comparable institutions. Over 40 interpreters provide essential services for health care interactions at the UCD medical center.

The workers began asking for an evaluation of their wage levels in mid-2005, but UC Human Resources kept delaying the process. Then, in July 2006, with the help of UPTE steward Mathew Call, a Spanish interpreter, and other UPTE local leaders, the interpreters took a series of collective actions, including petitions, meetings and a march on Human Resources. They presented management with a 2-page signed statement detailing how below-market salaries had caused a nearly 30% turnover rate, a drop in the quality of service, and personal hardships for many workers.

Campus compensation analysts finally determined the interpreters were 18% below market. As a result, UC proposed an 18% range adjustment retroactive to July 2006, as well as 3 additional steps added to the wage scale. The wage increase will be implemented in two stages; the first 10% is due in workers’ paychecks this month.

Upcoming stewards’ trainings

UPTE’s stewards are the backbone of the union in the workplace, resolving problems and winning justice on the job. “This is incredibly rewarding work that comes with a feeling of satisfaction that you’ve helped your coworkers,” says UCLA’s Cliff Fried.

The union provides extensive training for those who want to develop their stewarding knowledge and skills. Every campus will be having a basic steward training in the near future – just contact your local to sign up. For those with some experience already, UPTE will be holding a full arbitration training with real arbitrators and experienced advocates March 24-25 at the CWA 9415 office in Oakland. The course is free to members. Please contact Cliff Fried at <clifffried@yahoo.com> if you’d like to attend.
Organizing at Livermore Lab

UPTE members at the Lawrence Livermore National Lab have seen the losses that employees at the Los Alamos National Lab suffered last year when that formerly UC-run Department of Energy (DOE) lab was contracted out to a private company. At Los Alamos, many were forced out of UC’s pension plan, and are now being laid off or have been given dramatically changed duties.

The same process is about to start for Livermore, but employees there want a different future. To help protect their jobs and benefits, UPTE members have started a campaign for union representation, circulating cards for employees to sign which designate UPTE as their collective bargaining agent. With a union, the employer must negotiate many of the transition changes instead of implementing them unilaterally.

Extremely positive response

“The initial response to our effort to collect signatures has been very positive,” said Jeff Colvin, a physicist at Livermore and an executive board member of the Society of Professional, Scientists and Engineers, UPTE’s local there. The SPEE/UPTE local has held a series of lunchtime talks and discussions with excellent turnouts—up to 500 employees at some.

Colvin says that a union contract can protect our UC pensions and retirement.”

All become “at-will” employees in the transition, he added. The reporters regularly worked 12 hours a day, and often six days a week. Federal law requires overtime after 40 hours worked in a week, and state law after more than 8 hours a day.

The company did not keep records of hours for reporters or salespeople. Employees who did have timetags were told not to fill in more than eight hours a day, and some were told to record break times they did not take, according to the workers’ lawyer, Corinella Dai. She noted that the victory “is important because foreign-based companies come here and do business, and a lot of their employees don’t speak English. They’re taken advantage of.”

Governor cuts UC labor studies again

For the fourth time since his 2003 election, Governor Arnold Schwarzenegger has launched an attack on the UC Labor Institute. According to the Los Angeles Times, the institute, with offices at UC Berkeley and UCLA, was founded in 2000 to provide research and training on workers’ issues. It offers the only Spanish-language training program for union leaders in the state.

Responding to his business backers, the governor first attempted to eliminate the institute’s $6 million budget shortly after coming into office. That effort was defeated after a lengthy fight. His latest budget proposal again eliminates the $6 million funding. Democratic Assembly speaker Fabian Nunez has pledged to restore the funding and wants to make it permanent.

Noting that business schools are long-established and much better funded at the university, UCLA Labor Center director Kent Wong criticized the governor’s action. “The University also has a legitimate role, not to just serve corporate interests, but to provide services to unions and workers.”

To learn more, see <laborcenter.berkeley.edu/press/labor_studies.shtml>.

Institute named for Latino leader

Meanwhile, at their January meeting, the regents agreed to name the Labor Institute after labor leader Miguel Contreras. Contreras, a former farm worker, was executive secretary-treasurer of the Los Angeles County Labor Council when he died in 2005.

Contreras’ widow, Maria Elena Duraso, told the regents, “The University is a public university supported by the tax dollars of hardworking men and women in our state, and I’m very proud that this could be the first time that a statewide institution within the University of California is being named in honor of a rank-and-file labor leader. Miguel would be very proud to know that the Labor Institute’s students will continue to carry on his work.”

Newspaper workers win $2.5 million on overtime, breaks

After a three-year legal struggle, newspaper workers at the Chinese Daily News were awarded $2.5 million for violations of basic labor standards.

A federal jury found that the newspaper had failed to pay overtime or allow rest and meal breaks to 240 employees at its Monterey Park office. The Daily News, also known as the World Journal, is one of the largest Chinese-language papers in California and has offices in Los Angeles, San Francisco and New York.

The workers are represented by the Communications Workers of America, UPTE’s national union.

Virtually all the workers are first-generation immigrants from Taiwan, China, Hong Kong and Vietnam. “For new immigrants here surviving is not easy,” said Lynne Wang, a former Daily News reporter, who told the press, “We all feel very lucky to have a job, and we don’t know the law,” she added.

The reporters regularly worked 12 hours a day, and often six days a week. Federal law requires overtime after 40 hours worked in a week, and state law after more than 8 hours in a day.

The company did not keep records of hours for reporters or salespeople. Employees who did have timetags were told not to fill in more than eight hours a day, and some were told to record break times they did not take, according to the workers’ lawyer, Corinella Dai. She noted that the victory “is important because foreign-based companies come here and do business, and a lot of their employees don’t speak English. They’re taken advantage of.”

Neighbors, environmentalists win injunction against UCB’s development plans

Community activists have won an injunction against UC Berkeley’s plans to cut down a grove of oaks near Memorial Stadium to build a $125 million athletic training center and 900-car parking lot.

Alameda County Superior Court Judge Barbara Miller granted the injunction on January 29 in response to lawsuits filed by the city of Berkeley, the California Oak Foundation and the Panoramic Hill Association, a neighborhood group, among other plaintiffs.

The groups argue that UC’s environmental impact report did not sufficiently address the risks of building near an active earthquake fault, or consider the ecological damage of removing the 140-tree oak grove. The site sits atop the Hayward fault, one of northern California’s most potentially dangerous, and is served by a narrow two-lane road. The oak trees are protected by a strong local conservation ordinance, but UC argues that it is not bound by local regulations.

In her ruling, Miller said the plaintiffs’ case showed a strong “likelihood of success” that the construction would violate the state’s Alquist-Priolo Act regulating new public buildings in seismic hazard zones. The case will probably go to trial in three to six months.

A group of tree-sitters has been occupying the site since early December, and says they plan to stay until after the trial. Community members and UCB students and staff have held a series of demonstrations at the oak grove and on UCB’s Sproul Plaza.

“This is a great day for the environment,” Oak Foundation attorney Stephan Volker told the San Francisco Chronicle. “This is sacred ground ecologically, culturally and historically, and we’re not going to stop fighting until it’s saved.”

UC is calling the injunction a “temporary setback,” and is considering whether to appeal the decision.

A ceremony in the Memorial Stadium oak grove on the Berkeley campus, which was followed by a rally at Sproul Plaza attended by over one hundred students, staff and community members.