UPTE LOCALS
Berkeley
(510) 846-UPTE
Davis:
(530) 759-0803
Los Angeles:
(310) 443-5484
Irving:
(949) 854-UPTE
LANL:
(505) 662-4679
LBNL:
(510) 665-7722
LLNL/SPSE:
(925) 449-4846
Merced:
(530) 846-UPTE
Riverside:
(951) 781-7922
San Diego:
(858) 458-0845
San Francisco:
(415) 753-UPTE
Santa Barbara:
(805) 685-3661
Santa Cruz:
(831) 428-UPTE

a newsletter for professional and technical employees at the University of California

UPD A T E

Regents get an earful of employee outrage
It’s time for UC to pay its fair share on pensions

A
t the regents’ meeting last month in Los Angeles, union activists presented over 8,000 signed cards objecting to UC’s plans to force employees – rather than UC – to make pension contributions.

An overflow crowd filled the auditorium with chants and colorful t-shirts. About 20 participants carried stacks of cards signed by UC employees objecting to UC’s own $10.2 billion, 17-year-long “contribution holiday” from the retirement plan. While employees have been regularly contributing 2% of their salary each month into the Defined Contribution Plan. It also noted that UC had given itself yet another “holiday” by shifting $18 million dollars in benefits costs onto employees.

The cards noted that UC’s attempt to cost-shift benefits and pensions to employees, most of whom already receive below-market wages, “is unacceptable.”

“They are getting the message loud and clear,” said UPTE pension bargainer Kevin Rooney. “We want a thorough discussion of the pension fund’s future that doesn’t penalize already underpaid employees.”

UC police initially tried to stop attendees from bringing in a poster-sized facsimile of the card, claiming no signs were allowed in the room. “UPTE’s Cliff Fried worked his magic and got security to bring it in with the promise that when we spoke they would bring it to us,” reports AFSCME’s Nicole Moore. As attendees lined up to speak at the public microphone, they stacked the cards before the regents, topping off the delivery with a giant image of the card’s demands, while TV and newspaper cameras snapped photos.

UC should pay more
Thanks to the efforts of the UC Union Coalition (of which UPTE is a member), it appears increasingly unlikely that UC will implement its proposed re-direct of our already-existing 2% contributions from the Defined Contribution Plan into the UC Retirement System, on July 1, 2007, as it had originally proposed. The university has yet to prove its case that such contributions are needed, and has not come to agreement with any UC unions on who would foot the bill for such cost-shifting.

UPTE (representing techs, researchers, and health care professionals), AFSCME (representing service and patient care technical workers), and CUE (representing clericals) are in joint bargaining with UC over pensions. The UC Union Coalition has argued that if such contributions are eventually necessary, any new funding should come primarily from UC (as was the case before the “contribution holiday” began in 1990), not from employees already under-market salaries.

The unions’ campaign has been so successful that UC President Robert Dynes told a recent Senate Education Committee meeting that the distribution of pension contributions should be 11% from UC and 5% from employees.

“This certainly shows some movement from their previous position,” said Rooney, “but it doesn’t mean much because they have not put this new offer in writing.” Dynes, Rooney notes, does not have policy-making authority. “Until the regents direct Labor Relations to enact this, it doesn’t count,” said Rooney, who adds that more pressure directly from employees is needed to get a

Health care professionals ratify contract with step-based pay, equity increases, right to bargain pensions

After a lively debate, UPTE’s health care professionals (the “HX” unit) have overwhelmingly ratified a new contract by a majority of 75%. Turnout was heavy, with 67% of the unit’s members casting ballots. “Everyone involved in this bargaining process deserves commendation: our bargainers, union builders and mobilizers, and members who considered the issues carefully and cast their votes,” said Jelger Kalmijn, UPTE’s president.

The new contract includes conversion to a step-based pay plan, ensuring that most employees will get an annual step increase in addition to a cost-of-living raise. The agreement allows health care professionals to formally bargain pension issues together with other units, which means that the HX unit will bargain as a full and equal partner in the union coalition now negotiating with UC over the pension plan. In addition, equity raises of up to 14 percent will bring many health care professional titles closer to market pay rates. UPTE will also have “market equity discussions” with management at each campus annually.

“UC has stated it wants to bring all job titles up to market rate, and we want to hold them to that,” said Rooney.

While the contract does not provide retroactivity for the pay increases, each HX employee will get a $1000 “lump sum” bonus. The contract runs for five years, until June 30, 2011. UPTE has the right to “reopen” and bargain again in 2009 over wages, health care benefits and pensions for the years 2010 and 2011.

A healthy discussion
While the bargaining team had recommended a “yes” vote in the ratification election, UPTE’s executive board had recommended a “no” vote, primarily because the pay increases in the contract will not be retroactive to the start of bargaining, and because the agreement does not give the HX unit the ability to bargain the overall financial package along with other UPTE units in 2008.

Team members countered that the institution of a step pay system, substantial equity raises, and the ability to bargain pensions, while health care benefits will be the same as UPTE’s other represented units, outweighed any drawbacks. Ultimately, some 200 new members signed up in March. Systemwide, sixty-seven percent of all HX workers are now UPTE members, with some campuses – UCLA, Irvine and San Diego – topping out at over 70 percent membership.

Over the coming months, the union will work to implement additional equity increases for those with many years of experience who are still low in the pay scale. During ratification, we collected every voter’s years in their trade, which will be used as a guideline for demanding the additional raises. Union activists will meet at each work location to prepare proposals to make to UC on this issue.

The agreement was posted on UPTE’s website at <www.upte.org/HX-TAs/index.html>.
Union women to gather at UCB this summer

UC Berkeley’s Labor Center is getting ready to host the 26th Annual Summer Institute for Union Women from July 17-21. The program “celebrates the solidarity of union and community-based women activists, and crosses the boundaries of age, race, occupation, and nation.”

Classes and activities will be available for women union activists at every level of experience, from beginner to advanced, and materials will be presented in a supportive environment to enable the sharing of ideas, strategies and experiences. A variety of cultural events, solidarity actions, talks and conference panels are also scheduled.

Rita Kern, UPTE’s Los Angeles local vice president, is looking forward to the meeting. She attended a similar conference a few years back, and reports that it was “fantastic.” “Time was given to skill training to take back home,” said Kern, “and we heard from many wonderful women leaders in labor and politics – very inspiring and a great energizer.”

The deadline for registration is May 29. Funding assistance from UPTE is available, and UCB’s Labor Center also offers some scholarships. For more information, see <laborcenter.berkeley.edu/events/siuw/index.shtml>, or contact your UPTE local.

Pension bargaining: Keep the pressure on (continued from page 1)

commitment to a fairer pension contribution formula.

Mark your calendar for Wednesday, May 16. That’s the day UC employees will be converging on the next regent’s meeting, set for San Francisco, as UC’s governing board takes a vote on possible pension changes. Demonstrations will also be occurring at other campuses. Some UPTE locals will be providing free bus transportation to the event. Contact your local for details.

Executive pay, student fees up

Meanwhile, the regents voted to raise student tuition at the March meeting by at least 7 percent – the fifth increase in six years. Since 2001, UC’s undergraduate tuition has climbed 92 percent.

At the same meeting, the regents awarded Executive Vice President Bruce Darling a raise, bringing his base salary to $380,000 – a whopping $111,000 higher than it was 18 months ago.

Regents also told UC executives to come up with policies to prevent overpayment of vacations, improper payment of honoraria and other mistakes.

This comes eighteen months after such problems were first publicized in a series of articles in the San Francisco Chronicle. The investigative series revealed that some executives were secretly paid more than was allowed under UC policies, leading to state and university audits of UC’s executive personnel programs.

And in a recent legal development, the state’s Public Employment Relations Board (PERB) issued a complaint against UC for refusing to provide information requested by the union in order to continue with informed pension negotiations. UC’s reluctance to open its books to public scrutiny has slowed the pace of negotiations.

UPTE members to UC on extra funding: Don’t short-change researchers and techs!

UC has announced that it will grant pay increases ranging from 1% to 2% to the lowest paid UC employees who are not represented by a union. This group represents less than 20% of non-union-represented titles.

For employees represented by unions, UC is proposing similar raises. UPTE’s research (RX) and technical (TX) employees initially received a similar proposal from UC, but several curious facts emerged.

While the pay increases are the result of an additional 1% of payroll received by UC from the state legislature for FY 2006-2007, UC’s proposed increases will not come close to distributing the money UC has at its disposal. When the union calculated the dollar amount of the pay increases, UC’s opening proposal amounted to 0.31% of payroll.

In addition, UC’s proposal excludes the vast majority of researchers and techs from the raise. Here’s UC’s current proposal:

- If you make $30,000/year or less, you’d get 2%.
- If you make between $30,000 and $35,000/year, you’d get 1%.
- If you make $35,000-$40,000/year, you’d get 0.5%.

UPTE is at the bargaining table with UC about the additional money. UC’s current proposals would exclude about half of UPTE’s members. The union’s executive board has taken the position that while lower-paid employees should receive proportionally more, all employees should receive some share of the funding.

“Don’t short-change researchers and techs from the raise for research conducted at UC. Legislators providing more than $1 billion for research conducted at UC. Legislators should be concerned about UC’s inability to retain research staff to carry out the work they fund. “Since the majority of us work in research-related jobs – whether SRA or lab assistant, mechanic or animal tech, or some other job title – we’re focusing on legislators who pay special attention to science and research,” said Jelger Kalmijn, UPTE’s vice president. “If we can get more money for those in research, it will apply to everyone.”

You can make a difference by sending an automated email to key California legislators serving on science committees to let them know about the important work you and your coworkers do, and to demand that UC not short-change this group. Just go to <www.upte.org/salaryaction.html>.

The union has launched a similar letter-writing campaign to UC’s vice chancellors of research and chairs of science departments. You can add your voice by filling out a sample letter and returning it to your UPTE rep for delivery <www.upte.org/vclletter.pdf>. Or get one from your local UPTE office or nearest zone contact.
Arbitration victory on sick leave use

Can an employee be disciplined for legitimate use of sick leave?

That was the question in a February 2007 arbitration over disciplinary letters issued to a UCI Clinical Pharmacist for what UC said were excessive absences. There was no dispute the absences were for legitimate reasons. Since the contract guarantees sick leave, UPTE argued that UC could not punish an employee for its legitimate use.

The arbitrator ruled that the sick leave language guarantees only that someone will be paid for sick leave but still allows the university to take disciplinary action for excessive use. However, noting the employee’s long service, accumulated sick leave, disciplinary actions will be fair, properly in the context of union contracts. It ensures that any warnings inappropriate. He downgraded one letter of warning and withdrew the second.

Just cause for discipline is a vital provision of union contracts. It ensures that any disciplinary actions will be fair, properly investigated, and appropriate for the violation.

Legislation on open meetings, pension studies at UC

Two bills are in the works that would change the way UC makes decisions. The first, Senate Bill 190, would require both the University of California and the California State University systems to comply with existing state law on open meetings. SB 190 would require the UC regents to take action on all executive compensation packages in a public meeting at both the system and University levels. It also requires that any executive actions be paid, properly investigated, and appropriate for the violation.

The bill will allow for public comment on specific action items in contrast to UC’s current practice, where public comment on all items is only allowed at the beginning or end of meetings.

SB 190 would also close an existing loophole that lets UC hold “advisory committees” or “task forces” behind closed doors. Open meetings would be required for any committees that include 2 or more regents and have oversight of such topics as executive compensation.

“This would end UC’s current practice of what are, in effect, secret meetings in which important decisions are made,” said Rodney Orr, UPTE’s legislative coordinator. UC has been trying to convince legislators to retain this loophole, so far unsuccessfully.

SB 190 has unanimously passed both the Senate Education Committee and the Senate Judiciary Committee, and is headed to the Senate Appropriations Committee.

Audit the books

Union activists are also pressing for a second UC-related bill, AB 1333, sponsored by Loni Hancock (D-Berkeley/Oakland). It would require UC to have independent actuarial studies done for public review at least 120 days prior to any changes in employer or employee pension contributions. Orr says the bill will “shed light on what is truly needed to keep UC’s retirement system healthy for all employees.” In 1990, the regents suspended employer and employee contributions to UCRP. Now, after 17 years, they claim that UCRP is in crisis, needing renewed contributions and a bailout from the state to the tune of $60 million.

But an audit by the respected firm of Venuti and Associates, commissioned by the UC Union Coalition, concluded that the regents’ study did not rely on “best practices” in its analysis. UC’s actuarial company used a “single point estimate,” which according to Venuti and standards set by the Actuarial Standards Board, is of limited value. (See <www.upte.org/VenutiReport.pdf>.)

UPTE supports AB 1333, says Orr, “so that all parties involved can evaluate the need for changes to our pensions and ensure that UC remains accountable to the public.”

How can you help these bills pass?

First, donate to UPTE’s Committee on Political Education fund, which supports the union’s legislative work. Second, find out when your local is next visiting legislators in Sacramento and volunteer to be a member of the union’s delegation.

Library Assistant Vs talk about pay equity

Employees in UC’s vast “99” unit (also known as administrative professionals) don’t yet have a union contract, with guaranteed rights to collectively bargain pay and benefits. But that doesn’t stop them from organizing around issues important to themselves and their coworkers. Many 99s are long-term, voluntary UPTE members, participating in the union and helping make progress on workplace issues even in the absence of a collective bargaining contract.

For instance, Library Assistant Vs at UC Berkeley are meeting next month to consider if their pay is up to par, given possible changes in the pension plan and how those changes could affect overall compensation. If UC keeps raising health care co-pays and also wants employees to make new pension contributions, real take home pay will continue to decline. After years of very small increases that haven’t kept up with inflation, this isn’t fair to employees who give so much to the university.

The union representing Library Assistants is through IVs, the Coalition of University Employees (CUE), recently bargained substantial pay increases to remedy under-market pay rates in those titles. Those raises were so good, in fact, that salaries for LA IVs near the top of their range are now virtually the same as those of many LA Vs who have been on the job for many years. And while LA V job duties in many areas parallel those of librarians (who are also represented by a union, the UC-AFT), the LA V pay range is substantially lower.

CUE’s successful pay equity campaign for LA Is through IVs had broad support from employees, backed up with data on salaries of comparable jobs at other institutions of higher education. UPTE is considering a similar campaign for LA Vs. Interested? If so, email CLAcommittee@upte-cwa.org and we’ll keep you informed.

STEWARDS’ CORNER

String of grievance wins at UPTE’s San Francisco local

UPTE stewards at the San Francisco campus have been keeping busy lately, and the work has paid off in a long list of victories for employees’ rights. In a precedent-setting case, the local won a grievance guaranteeing the right to bring signs into regents’ meetings as well as wear t-shirts with slogans and messages. UCSF had tried to prohibit such displays at a public meeting in May 2006, which was attended by several California legislators. UCSF police also searched and read private papers of attendees, which included UPTE representatives.

The local filed grievances alleging that the UC police’s so-called “security actions” unjustly and illegally retaliated against, coerced, abridged, and violated legal and contractual protections and rights to free speech. The UCSF police later apologized and stated that it was not their intention to violate freedom of speech. UCSF signed an agreement not to prohibit signs and t-shirts bearing legally permissible slogans.

“This agreement was useful at a recent regents’ meeting, when our thin plastic transparent signs were initially refused but then allowed when we reminded the police supervisor of the agreement,” says San Francisco UPTE steward Nina Maida.

Great stewarding leads to improvements

Over the past year, several other cases at UCSF – ranging from crucial health and safety to simple information issues – have been satisfactorily resolved.

Animal technicians told their UPTE stewards that the new building’s fire alarms had not been tested. UPTE filed a hazard notice with health and safety and requested that the testing be done immediately. The test showed that most workers could not hear the alarms. Management stalled, but UPTE kept the pressure up, and got an agreement to install auxiliary alarms. In another case, dangerously slippery floors were an issue; UPTE negotiated with management to get the issue resolved.

UCSF’s Clinical Laboratory Scientists complained that a lab job bulletin board was not being kept up to date. After a meeting between their stewards and management, the postings are now current.

San Francisco’s UPTE local also convinced UC to give increased notice of a changeover from paper to electronic pay statements, allowing employees more time to opt out of paperless pay statements if they desired.

UCSF Social Work Associates told UPTE stewards that a work rule notice assigned them the responsibility to find their own replacements when they called in sick. UPTE filed a grievance, which resulted in the responsibility being placed where it belonged, on management.

Learning the tools of arbitration

Some of San Francisco’s UPTE stewards took their work a step further this March by attending a union-sponsored arbitration training seminar to learn how to argue grievances before an independent arbitrator. After a grievance has been taken through all the levels provided for in UPTE’s contracts, the ultimate appeal is to an independent arbitrator who is jointly chosen by the union and the UC. The arbitrator’s decision is binding.

UPTE’s Lisa Kermish and Cliff Fried led the seminar, which included training by independent arbitrator Fred D’Orazio and CWA’s Libby Sayre. Through case histories, role-playing and question-and-answer sessions, participants got a chance to hone their skills for future cases.

UPTE regularly offers stewarding and arbitration classes. If you are interested in learning these skills, please contact your local.

An example of stewarding activity from this past year: Employees in UC’s vast “99” unit (also known as administrative professionals) don’t yet have a union contract, with guaranteed rights to collectively bargain pay and benefits. But that doesn’t stop them from organizing around issues important to themselves and their coworkers. Many 99s are long-term, voluntary UPTE members, participating in the union and helping make progress on workplace issues even in the absence of a collective bargaining contract.

For instance, Library Assistant Vs at UC Berkeley are meeting next month to consider if their pay is up to par, given possible changes in the pension plan and how those changes could affect overall compensation. If UC keeps raising health care co-pays and also wants employees to make new pension contributions, real take home pay will continue to decline. After years of very small increases that haven’t kept up with inflation, this isn’t fair to employees who give so much to the university.

The union representing Library Assistants is through IVs, the Coalition of University Employees (CUE), recently bargained substantial pay increases to remedy under-market pay rates in those titles. Those raises were so good, in fact, that salaries for LA IVs near the top of their range are now virtually the same as those of many LA Vs who have been on the job for many years. And while LA V job duties in many areas parallel those of librarians (who are also represented by a union, the UC-AFT), the LA V pay range is substantially lower.

CUE’s successful pay equity campaign for LA Is through IVs had broad support from employees, backed up with data on salaries of comparable jobs at other institutions of higher education. UPTE is considering a similar campaign for LA Vs. Interested? If so, email CLAcommittee@upte-cwa.org and we’ll keep you informed.
Employee Free Choice Act passes US House

In an historic victory for working families, the US House of Representatives passed the Employee Free Choice Act last month, making it clear to corporate America that workers can’t be ignored.

The act allows workers to organize via “card check.” When a majority at a workplace signs cards seeking representation, the employer is obligated to respect their choice and recognize the union.

The law also calls for first-contract arbitration if parties can’t come to agreement, and strengthens penalties for employers who break labor laws.

Democratic leaders kept a promise made before last fall’s election that they would pass the landmark workers’ rights legislation soon after taking office. The vote was 241-185, with 13 Republicans and all but two Democrats voting in favor.

“In the news

35 years of teaching
Pay Me a Fair Wage
Now!

Maryland passes first statewide living wage law

Maryland has become the first state to require its contractors to pay employees a living wage, after organizing work by a coalition of union members, religious leaders and civil rights advocates. The state now joins scores of cities across the nation that have passed similar measures.

“It’s going to lift tens of thousands of Marylanders out of poverty,” state delegate Tom Hucker told the Washington Post. “It makes Maryland a leader in ensuring that our tax dollars are helping build the middle class, rather than perpetuating poverty.”

Despite negative campaigning from the Chamber of Commerce and Republicans, the Maryland Senate voted 31-16 on its last day in session to approve the measure, which the House passed last week.

The new law will require service contractors doing business with the state to pay employees $11.30 an hour in urban areas and $8.50 an hour in rural areas. The state’s minimum wage is $6.15 an hour.

CSU faculty union reaches tentative agreement on 21% pay increases

The California Faculty Association reached a tentative contract agreement with the California State University (CSU) system in early April that raises professors’ pay 21 percent over four years.

The CFA represents 24,000 CSU faculty members who teach at 23 campuses. The tentative settlement came after two years of bargaining and just days before walkouts were to start. Ninety-four percent of the union’s members had voted to strike.

A statewide CSU strike would have been the largest in US higher education history. The union has put any job action on hold while final contract language is hammered out and put to a member vote.

Independent fact finder backs union position

The accord was reached using the recommendations of a neutral fact finder as a framework for the deal. The fact finder recommended a 21% pay raise over four years — similar to the increase the union had proposed — to raise CSU faculty salaries up to comparable market levels.

“We have a tentative agreement that will be good for the CSU, good for our students, good for the faculty,” said John Travis, a Humboldt State University professor and president of the California Faculty Association. “Through this agreement faculty will make real progress toward closing the pay gap between us and our colleagues in other states.”

The union added that if a breakdown in final talks occurs, faculty are still prepared to strike. As the Update goes to press, the new agreement is scheduled for a member ratification vote in late April.