UC plans double-digit premium increases
Union coalition defeats two-tier “high-low” health benefits plan

After hearing strong and unified opposition from the UC Union Coalition to its two-tier payment plan for HMO health coverage, UC announced that it has backed away from the proposal. UC meets with the union coalition, which includes UPTE-CWA, quarterly to discuss health benefit issues.

Such a “high-low” plan would have included a reduced monthly premium in return for higher copays when health care was actually used. Critics of such plans, which have become more common nationwide, say they discourage lower-paid workers from seeking the medical care they and their families require, and would likely lead to sicker patients who would drive up costs for everyone.

Pension contributions off the table – for now
The health care victory comes on the heels of the UC Union Coalition’s success in getting UC to drop its proposal to take away employees’ 2% defined contribution payment from their own control and redirect it to UC’s defined benefit pension fund (the University of California Retirement System).

The regents had planned to redirect the defined contributions into the UCRS pension fund as of July 1, restarting employee contributions for the first time since 1990.

But the plan was dropped after UC met with strong opposition from the union coalition in the joint pension bargaining process, which has been ongoing for most of the past year. Union members showed up in the hundreds at many regents’ meetings to voice their opposition to the plan, and to ask for an investigation into UC’s mismanagement of the retirement fund.

At the most recent regents meeting in mid-July in Santa Barbara, UC officials were taken aback by the size of the crowds at the normally sedate campus. Students allies joined union members from Santa Barbara, Los Angeles, Irvine and Riverside, who took the day off work to speak at the meeting’s public comment period.

“This shows that when we work together, we can accomplish major changes,” said Jelger Kalmijn, UPTE’s president. “There are some 60,000 employees represented by unions at UC, and we are stronger when we act collectively.”

Premium increase ahead
While the unions pushed back the two-tier plan, UC does have several other negative changes in store for health benefits next year.

Here are UC’s responses to questions posed by union representatives:

◆ While UC officials refuse to say how much monthly premiums will go up (even though they already know as they’ve been negotiating the contracts), in a meeting with the unions, they let slip that they intend on imposing “double-digit” percentage increases.

◆ UC plans to drop the PacificCare HMO. Employees using it will have to switch to another plan, perhaps requiring a change in physicians.

◆ UC won’t support any of the current health care reform plans being considered by the Legislature, even though all of them would lower UC’s costs by providing insurance for the uninsured.

◆ UC refuses to add an extra pay band for the executives, ensuring that executives will continue to pay a much smaller percentage of their salaries for benefits. That means the burden will continue to fall on ordinary employees to make up the difference.

Get ready for bargaining next year
“Clearly, there are many outstanding concerns about how UC handles our benefits that will only be resolved when we have an equal seat at the table to determine our benefits,” notes Kalmijn.

At this time, he says, UC must “consult” with the unions but does not have to bargain health care changes. “In our next contract negotiations, we will insist that we have more control over benefit terms and conditions,” said Kalmijn.

A series of activities to prepare for contract negotiations is in the works. To learn more, contact your UPTE local.

UPTE LOCALS
Berkeley/UCOP
(510) 848-UPTE
Davis
(530) 759-0803
Irvine
(949) 854-UPTE
LanL:
(505) 662-4679
LBNL:
(510) 665-7722
LLNL/SPSE:
(925) 449-0845
Los Angeles:
(310) 443-5484
Merced:
(510) 848-UPTE
Riverside:
(951) 781-7922
San Diego:
(619) 456-0845
San Francisco:
(415) 753-UPTE
Santa Barbara:
(805) 685-3661
Santa Cruz:
(831) 429-UPTE

UPTE activists on their way to pension bargaining.

UC president forced to resign after tenure marred by exec pay scandals

President Robert C. Dynes, whose four years heading the University of California have been marred by a series of compensation scandals and secret deals, announced in mid-August that he will step down next June, or earlier if the regents appoint a replacement sooner.

Dynes presided over giveaways of millions of dollars in hidden perks and benefits to the university’s highest-paid officials, while student fees rose to unprecedented levels and ordinary employees endured below-market pay and rising health care costs.

But knowledgeable sources close to the case told the San Francisco Chronicle that Dynes was pushed out of office by regents unhappy with mismanagement. The paper reported that board chair Richard Blum had met with Dynes in late July over dinner to tell him the board was frustrated with his lack of progress in reforming the UC hierarchy. When Dynes offered to step down next year, Blum “told him it would be better if he did it sooner rather than later.” (SF Chronicle, August 15, 2007).

A state official told the paper that several regents had concluded that Dynes, a physicist and former UC San Diego chancellor, was in over his head as UC president.

Good riddance
Dynes’ resignation was welcomed by critics, such as State Senate majority leader Gloria Romero (D-Los Angeles). She was part of a group of legislators who publicly called for Dynes to step down after the Bureau of State Audits in 2006 concluded that UC management illegally circumvented public disclosure rules in its payment of executive perks.

“Executives’ pockets were padded while students’ pockets were picked,” she told the press the day after Dynes announced his resignation.

Three separate 2006 audits, by the state, the university and an outside firm, found that UC’s own compensation policies on compensation were ignored or circumvented, often without the knowledge or approval of the regents.

Last year, UC announced increased oversight and reporting of executive pay and perks. Dynes and the regents then gave over $1 million in extra wages and benefits to some 70 top executives, by making “exceptions” to standing policies.

Dynes plans to return to teaching, and UC’s spokesman says he’s entitled to a full year’s paid leave at his president’s salary of $405,000 before resuming those duties, plus a low-interest home loan to help him relocate. If Dynes were to retire in June, the Chronicle calculates that he could either cash out for $1.6 million or receive a pension of $145,524 a year.

While Dynes offered to step down next year, Blum “told him it would be better if he did it sooner rather than later.” (SF Chronicle, August 15, 2007).
Organizing for fairness

Lab assistants and staff research associates from UC Riverside take a lunch break at UPTE’s Summer School for Union Builders and Stewards. Top row, left to right: Mandy Wong, Fran Holzer and Lorena Altamirano. Bottom row, left to right: Ruby Miller, Stephanie Calviño and Caroline Devan.

Ask a lawyer

Union membership has its benefits, one of which is free legal advice. Union Plus, available to all UPTE-CWA members, provides a wide range of programs, including legal services. Its database of union-approved lawyers contains more than 2,000 law offices nationwide. No enrollment forms or fees are required. Union members are automatically enrolled and are entitled to the following benefits for each separate legal matter:

- A free initial consultation with a lawyer of up to 30 minutes (in person or over the phone).
- A free simple document review and explanation.
- A free follow-up letter or phone call, if likely to resolve a legal matter.
- Most additional services are discounted by 30% (including hourly rates and flat fees for most common legal cases).

To locate a lawyer in your area and begin using the service, go to <www.unionplus.org/benefits/legal> or call 888-993-8886 (9 am -7 pm ET, M-F).

Equity increases for HX professionals

R

aises for health care professionals (HX) are appearing in paychecks this summer. Most employees should have received an across-the-board increase, an increase as part of the new step pay plan, and for many, an equity increase.

“We are coming closer to our goal of market pay,” reports Wendi Felson, UPTE’s HX coordinator, and “we are working on additional equity increases by collecting every HX unit member’s total years of experience in their field of work.”

Information being collected includes the date an employee was first hired after receiving a license, all UC health care work experience, and any degree or certificates held. Under the contract, years of work in a foreign country don’t count, but years worked in another state do.

Getting paid for experience

“Every health care worker should be paid for all the experience and expertise that we bring to our UC job,” says Felson. “As it is, UC is reaping the benefits, but not compensating us for all those years.”

Currently UCLA is the only campus where the university has agreed to take into consideration all years of experience, not just years of service at UC.

New employees often get hired at higher wages than those who have been working at UC for many years. “In those cases, UC is counting their prior service,” notes Felson, adding that UPTE will be proposing in its next meeting with management that all years of experience – both UC and non-UC – should count for HX workers at all campuses.

Union members in the HX unit are getting a check from UPTE this month as well, due to an error UC made when deducting union dues from employees’ paychecks. Because HX bargaining was not yet complete, members were not required to pay the new dues rate from January-March 2007. Despite UPTE’s protests, UC deducted those three months of dues at the higher rate anyway. UPTE is reimbursing all those who were overcharged.

Extra pay for hazardous work?

A committee of UPTE members has met twice this summer with UC officials about issues related to “hazardous work,” and continuing discussions are planned.

The most recent meeting was at UCSD’s Scripps Institution of Oceanography in July. “We wanted to see and hear first hand about the hazards our folks face while doing dive work,” said committee member Kevin Rooney, UPTE’s San Francisco president and an environmental health and safety technician at UCSF.

UC jobs that include “hazardous work” include marine technicians, lab assistants and staff research associates, among many others.

Dealing with health & safety

“We’re pushing this issue since we’re all so far below market wages – in private industry, hazardous work means extra compensation,” said Rooney. He adds that UC has also agreed that if there are health and safety issues that aren’t being addressed locally, the committee is empowered to deal with it.

The committee’s next stops will be UC Davis, to tour the Veterinary Hospital and examine the hazards that animal techs encounter, then onto UC San Francisco to survey the hazards of research related to biological, chemical, and radioactive materials and waste.

If you are interested in contributing your skills to UPTE’s hazardous work committee, please contact your local as soon as possible.

Next generation of activists at UPTE Summer School

UPTE’s second annual Summer School for Union Builders and Stewards was a big success.

Over 60 union activists – many of them fresh new faces – met in Berkeley during the last weekend in July to exchange ideas and learn practical skills to use in upcoming battles around pensions, health care and wages.

Weekend sessions included plenary talks by experts on the big issues – contract bargaining in UPTE’s three units, the problem of below-market pay at the university, as well as trends in retirement and health benefits programs. Attendees then broke into small groups for a series of workshops to develop practical skills, such as leading a meeting, talking to the press, legislative action, coalition-building, and helping coworkers with workplace grievances.

“We had a great time, picked up important skills in the workshops, and helped set an agenda for mobilization during the coming year,” said Cliff Fried, UPTE’s executive vice president and a staff research associate at UCLA, as well as the prime organizer and “dean” of the summer school.

“Next year will be a crucial one for all of us,” added Fried, as contacts come up for renegotiation. “We’ll need a strong core of committee activists to protect our hard-earned wages and benefits.”

But summer isn’t the only time for learning. Training on all of the skills needed by union activists is available on a continuing basis year round. Contact your local for details.
Attended the fourth World Conference for the Engineers and Scientists Unions (CESO), from May 21-23, 2007 in Rio de Janeiro, Brazil, as an UPTE delegate. Eighty delegates representing twenty-four professional unions from North America, South America, Latin America, Europe, Asia and Australia gathered to discuss the status of professional unions in the twenty-first century. The unions collectively represented over 5 million professionals.

With so many different countries represented, communication was a challenge. We were headphones for translation during the sessions, and found inventive ways to be understood when the translators were not present. The wide range of unions and the experiences their members reported was amazing. The European unions seemed very advanced. Many of the European unions use a professional association model, and offer professional development and life-long career coaching for its members. The Central/South American countries (Panama, Colombia, Peru, and Argentina) reported on repressive labor conditions with Telefónica (the leading telecommunications operator in the Spanish and Portuguese-speaking world). These delegates reported on the repression of union activism in their countries, including murders of some 3,000 union organizers by paramilitary forces.

Relevance of unionism for professionals

The primary focus of the conference was the evolving nature of employment worldwide, and how unions are adapting to such changes to ensure their relevance to their current and future membership. The need was identified for unions to have a focused strategy, to provide relevant benefits, and to provide efficiency in union organization. In the current market place, companies and management are global in networking and using their full power to achieve their goals. One key understanding that I gained while at the conference is the need for unions to do the same. We need to network globally in order to stay relevant in the twenty-first century. We need to work together and to know what our brother and sisters in unions worldwide are experiencing, what services they are offering, and to find ways to support each other.

During the conference, examples were given where professional unions had been able to support each other in a number of labor disputes and achieve a positive outcome. Two specific cases of support actually occurred during the conference. The first motion was for the conference to express its serious concern over the dismissal of 19 engineers at Yemen Airlines and the subsequent reinstatement of the engineers. Shortly after the conference ended, Yemen Airlines ceded and the engineers were reinstated. Secondly, the conference called on Telefónica to respect the engineers association. Shortly after the conference ended, Yemen Airlines conceded and the engineers were reinstated. Secondly, the conference called on Telefónica to respect its professional employees, and demanded the company honor its global agreement with UNI and all collective bargaining agreements with professional employees. The Central and South American delegates were very grateful for the global support they received at the conference.

Delegates agreed to give priority to establishing a network to provide an effective way of supporting international solidarity of professionals. While there are many language and cultural barriers to be worked out, participating in this network should provide us with opportunities to cross these barriers and support our union brothers and sisters globally.

Sue Byars is a site planner at the Lawrence Livermore National Laboratory and currently serves as the president-elect of UPTE Local 11 (the Society of Professionals, Scientists and Engineers).

Fourth annual world CESO conference

Union organizing by scientists and engineers around the world

by Sue Byars

The last Update reported on toxic soil that UC Berkeley illegally buried at a private site near the UC-owned Richmond Field Station (RFS). In July, the state’s Department of Toxic Substances Control (DTSC) cited UC for dumping at the neighboring Campus Bay development site, which occurred while the university was “cleaning up” environmental toxins at the RFS from 2002–2004.

A number of UC employees who work at RFS complained of health problems during and after the cleanup, which UC officials dismissed, and some employees claimed they were driven away for speaking out. Former employees and people nearby have suffered from cancers, though scientists have so far not linked these directly to exposure to high levels of mercury, arsenic, cadmium, PCBS, super-phosphate fertilizers and other toxins, including possible radioactive waste, at RFS.

Since our last report, the DTSC has ordered UC to clean up hazardous levels of arsenic in surface soil, near the former Forest Products Lab. Barbara Cook, DTSC’s branch chief of Northern California Coastal Cleanup Operations, issued the emergency order because the levels of arsenic pose “a potential imminent threat to people working at the complex.”

Radioactive contamination?

The real bombshell since our last report has been the discovery of possible radioactive contamination on the Campus Bay development site, also known as Zeneca-Stauffer, that earlier evaluations ignored. A member of the Community Advisory Group (CAG) has found more than 68 patents “re-lating to Stauffer’s electron beam furnaces for the period 1950–1970.”

According to the CAG’s Toxics Committee report for August 9, one of the patents “refers to containers to hold molten uranium metal.” Others “refer to Stauffer’s development of tantalum capsules for plutonium nuclear reactor fuel.”

The “ToxCom,” headed by a retired UC scientist, doesn’t yet know how many electron beam furnaces were on site, how long they were operating, “how much and where uranium metal was processed,” and whether the capsules containing nuclear reactor fuel were welded on site or at the UC-run Los Alamos National Lab.

To uncover the history of the site’s “chemical manufacturing, pesticide production, radiological materials handling, uranium metal melting and plating,” and the demolition and dumping of materials and buildings on site, CAG members recently reviewed aerial photos from 1949 to 2002 that clearly document many of these activities.

Many gaps remain. For example, what happened after the buildings that had housed radiological activities were demolished? Where were the ground-up materials distributed? The CAG is requesting a more thorough evaluation of the Zeneca-Stauffer site to assess uranium contamination.

For up-to-date information, see Richard Bremmen’s articles in the Berkeley Daily Planet www.berkeleydailyplanet.com.

Assessing the situation

Employees will be invited to a public meeting at RFS to learn the results of a public health assessment conducted by the California Department of Public Health and the Contra Costa County Health Services Department.

Tentative dates are August 29, 31, or September 5 from 2 to 3 pm (UPTE Local 1 will have details as soon as the date is settled.) The report will be released for a six-week public comment period on August 13, and posted at www.eh2.org.

Joan Lichterman is UPTE’s health and safety director, and an editor at UCOP.

Possible radioactive contamination at UC-owned location

Unearthing Richmond’s toxic legacy

by Joan Lichterman

Sign up a co-worker, get an UPTE tshirt

To prepare for bargaining pensions, benefits and wages next year, everyone needs to have a say in the union and to participate in the effort. “For that to happen, we must build union membership,” notes Jelger Kalmijn, UPTE’s president.

New employees often think they are members because they are paying an agency fee for representation, but they’re only eligible for the rights and benefits of membership after they sign an UPTE-CWA membership form.

“UC should include this form in the new hire packet (along with all the other programs that we sign up for at that time), but they do not,” said Kalmijn. “We have to find new employees and ask them to sign the membership form ourselves.”

The sheer number of new hires at UC every month means that the union needs everyone’s help to reach them. When a new co-worker comes on the job, ask that person to join the union. As a “thank you” for committing to signing up your co-workers, we’ll give you a cool UPTE-CWA t-shirt. Fill out this form www.upte.org/co-workers.html and we’ll drop off your t-shirt!
In the news

UPTE ends UCLA’s pay band errors

UPTE’s Los Angeles local has put a stop to UCLA’s error of charging some employees higher health care rates than they should have been paying.

After UPTE filed an unfair labor practice with the state’s Public Employment Relations Board, the university agreed to stop using “phantom earnings” as a variable in determining employees’ health care premiums. After a discussion with local UPTE reps, UC admitted the errors. The union filed the unfair labor practice charge to make sure employees would be reimbursed for the overcharges.

UC calculates monthly health care plan premiums based on employees’ “pay band” – the benefits salary range into which they fall. The difference in payment can be substantial. For instance, an employee in the $40,000-$80,000 pay band would pay about twice as much for their health benefits as someone who makes under $40,000.

Phantom earnings

UCLA was overcharging some employees in UPTE’s health care (Hx) unit higher premiums based upon potential earnings, also known as “phantom earnings,” rather than actual earnings.

Phantom earnings are income that can be potentially paid, but in fact is never realized. For example, certain staff members such as pharmacists and clinical lab technicians are eligible to earn a shift differential for work performed in the evening, but in practice many never work evening shifts and are not paid that income. In some cases, the supposed earnings were enough to place people in a higher pay band, which translated into a higher health care rate.

Remember to keep an eye on your monthly pay stub and contact your local if you ever have any questions or concerns.

Ballot initiative would cut public employees’ pensions

Two right-wing politicians in Orange County are seeking to qualify a ballot initiative that would drastically cut retirement benefits for new state and local workers.

The initiative, proposed by Orange County supervisor John Moorlach and former state assemblymember Keith Richman, would amend the state’s constitution to place limits on pensions and retiree health benefits for employees hired after July 1, 2009.

Public employee advocates say the measure would result in some employees’ benefits being slashed up to 60 percent.

“It’s an amazingly draconian initiative,” said Dave Low, chair of Californians for Health Care and Retirement Security, a pro-worker coalition, told the San Jose Mercury News. “It’s taking a 30-year employee and saying, ‘You’ve got to retire in poverty.’”

If passed, the initiative would roll back retirement age from 50 to 60, reduce pension accrual rates to as low as 1% for each year of service for some employees, calculate retirement salary by averaging the latest 5 years instead of 3, and prohibit collective bargaining of retirement benefits.

The measure could end up on either the June or November 2008 ballots, if proponents can collect more than 94,000 valid signatures before January 10. If it reaches the ballot, the proposed amendment would require a simple majority to pass.

A similar initiative by the two politicians was defeated last year after a long campaign by public employee unions and their supporters.

CWA convention puts diversity on the front burner

Eight UPTE-CWA Local 9119 delegates joined hundreds of Communications Workers of America (CWA) members from around North America to meet in Toronto in mid-July for the national union’s 2007 convention. Decisions made by the delegates will steer CWA’s course for the next year.

In an historic action, delegates to CWA’s national convention overwhelmingly approved a passage of a constitutional amendment ensuring that the national executive board reflects the diversity and strengths of CWA’s membership. The amendment establishes four “at-large diversity seats,” at least three of which should be filled by persons of color and at least two of which should be filled by women. The board members will represent the geographic regions within CWA.

“It is not about being politically correct, it’s about doing the right thing,” said Larry Cohen, CWA’s president. “Bringing the perspective and the ideas of local leaders and activists to the top ranks of the union’s leadership can only make us stronger and wiser and better equipped to take on the tough challenges facing our movement,” he said.

The board is currently 21% female and 5% people of color, which is not representative of CWA’s membership. Based on a 2004 survey, the union’s membership is 43% female, 57% male, 76% white, 11% African American, 8% Latino, 1% Native American, and 1% Asian.

Making change happen

CWA’s executive board will initially appoint the four members, who will be nominated by the Committee on Equity, the National Women’s Committee and the CWA Minority Caucus. Diversity board members will be elected to three-year terms at next year’s convention.

Meet your fellow stewards

UPTE’s national union, CWA, has scheduled two “stewards’ conferences” in California this fall. These are great learning experiences and excellent opportunities to swap stories, exchange skills and network with others doing organizing and grievance work. They are scheduled for:

• Southern California: Sept. 28-30 at the San Bernardino Hilton.
• Northern California: Sept. 27-30 at the Konociki in Clearlake.

Scholarships are available. Contact your UPTE local as soon as possible if you’d like to attend.

Last year’s CWA delegates passed a forward-thinking motion called “Ready for the Future” that, among other things, directed the CWA national executive board to propose a way to address the lack of diversity on the board.

“It was clear that waiting for change to happen organically just wasn’t working and the delegates were tired of waiting. This was a very progressive proposal and I was pleased to see the incredible support it received on the floor,” said Elizabeth Wilks, UPTE’s treasurer and an accountant at UC Santa Barbara.

Unions have been taking steps to broaden their boards in response to the AFL-CIO’s 2005 resolution on diversity. Labor has long worked in alliance with civil rights and women’s movements, helping to pass the landmark Civil Rights Act and Equal Pay Act in the 1960s.

Convention delegates also passed resolutions in support of federal funding for embryonic stem cell research, in support of pro-labor candidates, health care, retirement security, collective bargaining, organizing rights, and fair trade. Another resolution called on Congress and the president to impose sanctions in response to the genocide in Sudan’s Darfur region.

UPTE-CWA was honored with several organizing awards from the national union, including a certificate for “extraordinary work bridging locals and helping CWA members recover from Hurricane Katrina.” In CWA’s national newsletter competition, the UPTE Update was recognized in the “best news reporting” and “general excellence” categories.