Union activists have won another major victory in the fight to preserve benefits and pensions: health care premiums for next year will actually drop for most UC workers. Yes, you read that right: you’ll probably pay less per month for your health coverage next year.

This is the third major victory this year. First, UC was forced to drop its proposal for new employee pension contributions, after months of union and legislative pressure. Second, UC’s director of benefits programs announced that the university was backing off on plans to set up two-tier “high-low” health plans that would have negatively affected employees.

Double-digit health care costs unacceptable
About the same time, UC announced that employees should brace themselves for another year of “double-digit” health care premium increases that would far outweigh our raises. UPTE members, joined by others in the Coalition of UC Unions, turned out in force at all campuses in late summer to protest the news.

As UPTE negotiators worked behind the scenes, hundreds of union members delivered petitions in late August to campus management demanding that employees not be stuck with rising health care costs.

The UC regents will be holding no more closed-door meetings on executive compensation, now that a new law ending that practice was passed by the legislature and signed into law by the governor in mid-October.

At UCLA’s medical center, over 80 people clogged the corridor to CEO David Feinberg’s office, representing unions such as UPTE (techs, researchers and health care professionals), CNA (nurses), CUE (clericals), SETIC (skilled trades) and AFSCME (service).

Member Cindy Yuge, a clinical lab scientist in UPTE’s health care professionals’ unit, said the health care hikes were unacceptable. “Last year, my health care premiums skyrocketed by 32%, and I fear they are only going to increase again this year.” She suggested that UCLA roll some of its profits back into its staff: “I would expect that some of the $70 million that UCLA made in net income last year could be used to subsidize the rising cost of health care.”

At the UC Davis medical center, some 20 union coalition activists converged on CEO Ann Madden Rice’s office, where UPTE member Matthew Call detailed the unions’ demands and presented the petition to management, flanked by AFSCME and CNA leaders.

San Francisco’s medical center also saw a march of about two dozen union members. “We just caught CEO Mark Laret leaving his office, so our timing couldn’t have been better,” said Kevin Rooney, UPTE’s local president. “Two representatives from Senator Carol Migden’s (D-San Francisco) office were present and addressed him on the issue of keeping health care affordable.”

Victory number three
UC got the message, and dropped the average cost of 2008 premiums for most plans. Overall, UPTE-represented employees’ costs fall by about 4%. Better still, the largest percentage decreases are for lower-paid employees (see <www.upte.org/2009ProposedHealthDollars.pdf>.

“Let’s celebrate these victories,” said Jelger Kalmijn, UPTE’s UC Union Coalition, we won a decrease in health premiums, rejection of the two-tier HMO and the postponement of any pension contributions.” Had such cost increases gone through, it would have eroded the wage increases negotiated in UPTE’s contracts.

He added that next year UPTE will be working to change its contracts so UC can no longer make unilateral changes to benefits. “Working together with the other UC unions, let’s continue our string of successes,” said Kalmijn.

New legislation ends regents’ secret deals on executive compensation
The UC regents are currently the only state employees who do not share any information about their retirement plan. As this legislative resolution to comply. However, as Orr notes, "It puts UC on notice that legislatures want shared governance for UC workers, and if they don’t do it, we will pursue a mandatory version of this shared governance legislation."
Organizing for fairness

PERB certifies Livermore Lab skilled trades unit

In late September, the state’s Public Employment Relations Board (PERB) certified that skilled trades employees at Lawrence Livermore National Laboratory (LLNL) have collective bargaining status as UPTE-CWA Local 11 (also known as the Society of Professionals, Scientists, and Engineers).

The action came after a majority of employees in the unit signed cards authorizing the union to represent them. The unit includes air conditioning mechanics, carpenters, electricians, painters and others.

The local’s president, Jim Wolford, said this was “a clear signal from employees that they want to hold onto those things that have made LLNL a premier employer for 55 years.”

Budget shortfalls in the coming fiscal year have prompted the US Department of Energy to request that LLNL draw up a restructuring plan that is expected to include layoffs. Wolford says the union hopes that collective bargaining will prevent or at least deter layoffs for the newly represented skilled trades unit.

“SPSE-UPTE formed in 1973 in response to several rounds of layoffs that followed the end of the Vietnam War,” added Sue Byars, the local’s president-elect. “It is especially fitting that our first collective bargaining unit would form in time to face another layoff challenge.”

“We will all benefit from this recognition, both workers and management,” said Bron Leri, a lead air conditioning mechanic of the state labor board’s recognition.

Management refuses to bargain

But PERB’s recognition came just days before the lab underwent a change in management — from UC to a consortium led by Bechtel Corporation, known as Lawrence Livermore National Security, LLC. UC will remain a major partner in the private-sector company.

UPTE immediately demanded to begin bargaining for the represented employees, but lab managers refused, and have challenged PERB’s ruling, claiming that the National Labor Relations Board (NRLB) should conduct an election. The NRLB has jurisdiction over private companies.

“UC-Bechtel didn’t like PERB’s decision, so they’re simply refusing to comply with it,” said Jelger Kalmijn, UPTE’s systemwide president. “They want a second round, conducted under more management-friendly conditions, where they are more free to intimidate workers into voting against the union.”

“We expect to prevail on our demand to bargain, and on our unfair labor practice charge accusing the lab of a failure to begin negotiations,” added Kalmijn.

Techs, researchers surveyed on next contract

At your UC job, what issues matter to you? Wage increases? Pension protections? Ability to bargain health benefits? Childcare reimbursement?

As UPTE members prepare to return to the bargaining table, you have a chance to register your opinions. Members of the technical (TX) and researcher (RX) unit should be on the lookout for UPTE’s survey on next year’s bargaining priorities, which are circulating at all campuses and medical centers. If you aren’t contacted by a union activist to fill out one, call your local and ask for a copy.

In November, locals will be holding bargaining conferences to discuss and vote on the union’s negotiating priorities, as well as elect local delegates to a systemwide bargaining conference scheduled for Berkeley on December 1-2 (see details on left side of this page).

At that systemwide bargaining conference, local delegates will elect the actual rank-and-file bargaining team which will be at the table with UC management.

Initial proposals from UPTE and UC are scheduled to be exchanged in January and February 2008.

Besides filling out a bargaining survey and attending a local bargaining conference, there are a variety of ways you can support the bargaining team throughout the year.

- Post a bright blue and brown “bargaining timeline” poster, which will help keep you and your coworkers informed about the negotiating process. (Contact your local to get copies.)
- Participate in local actions such as demonstrations, informational meetings and letter-writing campaigns as the UPTE team fights to get improvements in the TX/RX contract for 2008.
- Stay in touch with all the latest news at <www.upte.org/bargaining.html>.

The return of “casual” appointments?

Six years ago, an UPTE tech, who had been “reappointed” to his job for 6 years running, took his case to arbitration. UC had saved money because casual employees were not eligible for full benefits, and were losing time that should have counted toward their pension, vacation, sick leave and/or seniority accruals.

The decision in UPTE’s favor in that case changed the way UC used “casual” appointments to avoid providing full benefits. The university had to effectively end its widespread use of casual positions.

However, UPTE stewards are now considering if UC’s new “limited appointment” policy is being abused in a similar way. They suspect that some positions in the tech (TX) and researcher (RX) units are being systematically incorrectly classified as limited appointment.

“It is also our contention that UC is hiring many individuals into “limited appointment” positions that should be career,” noted Cliff Fried, UPTE’s executive vice president and a UCLA researcher. “Our union contract states that any position that is more than half-time and is expected to continue for more than a short period of time should be career, and it doesn’t matter if you are on a research grant with a specific end date.”

UPTE has been surveying employees in these units whom it suspects of being incorrectly classified based on payroll data. If you suspect you may be, please contact your local.
Around the state

Admin professionals ponder pay disparities

The mysterious letter arrives by email. “Your new salary rate will be $3854.13, effective Oct. 1, 2007. Employees with a documented performance evaluation rating of Satisfactory/Meets Expectations or higher received a 2.8% - 6.9% increase. Senior managers made the decisions for the department in this matter.”

Exactly who made the decision and the reasons for the particular percentage increase are not stated. Did some get more than others, and on what basis? Such letters have appeared this month in email boxes of administrative professionals systemwide (also known as “99s” because of their UC payroll code). Some 12,000 UC workers fall into this category. They are covered not by a union contract with negotiable terms, but by UC’s unilateral Personnel Policies for Staff Members (PPSM).

Some 80,000 other UC workers – from techs, researchers and health care professionals, to custodians, clericals and lecturers – bargain collectively for their pay increases. They have a voice in who represents them in salary and benefits negotiations, and a democratic vote on any tentative agreements reached. Their elected representatives sit down with management to negotiate transparent agreements that treat all unit members fairly.

Vague policies, no accountability

But for administrative professionals, there is no bargaining. Instead, they are told UC has set an arbitrary “merit pool control figure” to determine how much is available for salary increases (this year’s was 4%). And they contend with UC’s vague “performance-based” guidelines: “The increase awarded to an eligible employee is based on performance as it relates to current pay and assigned responsibilities, the employee’s current position within the salary range, relative performance, and availability of funds.”

“What this means, simply, is that UC can give any increase it wants – or not give one at all,” notes Lisa Kermish, an administrative professional at Berkeley and Office of the President employee. “And they contend with UC’s vague ‘administration of professionals,’ ” adds Kermish. Workers in this unit have been meeting monthly to discuss organizing for a future union election. If you’d like to get involved, please write <info@upte-cwa.org>.

Privatize UC?

A new report from California state treasurer Bill Lockyer suggests completely privatizing UC in order to help balance the state’s budget. The state’s October “Debt Affordability Report” predicts that “eliminating State support for UC would reduce costs by $7 billion a year by 2027–28.”

UC managers are reaching out to corporations like British Petroleum, Bechtel and Intel for money. But it is new to suggest axing UC entirely. The university is a “vital part of our infrastructure and our collective future,” wrote John Garamendi, California’s lieutenant governor, in the same issue of the Chronicle, and key to economic growth in the state. Privatization, Garamendi writes, places the burden “on the backs of our state’s most vulnerable...you can be sure the burden will fall squarely on our students.” And workers, we might add, will lose out.

Stewards’ corner

HEERA: making room to organize

2008 will mark the 30th anniversary of the most significant legal advance for workers in the history of the University of California. On September 13, 1978, then-governor Jerry Brown signed the Higher Education Employer-Employee Relations Act into law. It took effect on July 1, 1979.

HEERA, as it is commonly known, was patterned after the federal National Labor Relations Act (NLRA), labor’s “Magna Carta,” a product of the great labor struggles of the 1930s. But the NLRA did not apply to state and municipal workers, nor to agricultural workers. Unions could organize in those sectors, but employers could refuse to meet with them. Unions could not bargain, workers could be fired for union activity, and binding arbitration was impossible.

Despite this, unions organized. At some UC campuses, workers established locals in the 1960s and agitated for economic justice, against discrimination, and to end the Vietnam War. After a decade of struggle, the United Farm Workers succeeded in winning the California Agricultural Labor Relations Act in 1975. Continued pressure led to HEERA (for educational employees) and SEERA (for state employees) in 1977, and finally to HEERA, for UC and California State University workers.

HEERA establishes the conditions that allow unions to function at UC, as equals. HEERA makes it illegal for the employer to threaten or retaliate against workers for their union activity. HEERA also makes it illegal for the employer to establish competitive company unions as a way of dividing workers, or refuse to bargain with the union, or simply to go through the motions without any real intention of agreeing. Information is power, and if UC refuses to release it to the union, that too is illegal. HEERA is enforced by the state’s Public Employment Relations Board, or PERB.

Both unions and employers can file “unfair labor practice” charges with PERB if they believe the law has been violated. HEERA remains the most important legal protection for workers’ ability to organize at the university.

HEERA begins at section 3560 of the California Government Code and may be found at <www.perb.ca.gov/laws/index.heera.aspx>.

Mobilizing for a fair contract

Elected representatives from UPTE’s technical (TX) and research (RX) units will be returning to the bargaining table next year, with pensions, health care and wages high on their agenda. The union’s bargaining team will rely on the support of rank-and-file members to back up the process. The Update asked Tanya Smith, a UC Berkeley editor who will be working for UPTE as its TX/RX mobilization coordinator, what to expect in the coming year.

A preliminary look at the first 50 or so bargaining surveys from Berkeley and Office of the President employees showed benefits ranking extremely high among priorities of bargaining. If this trend continues, UPTE will join other UC unions in a major campaign to protect our health care benefits and pensions.

This will be a tough fight. Our employer is neither willing to continue to foot employee health care costs (historically, one of UC’s more appealing benefits), nor to join the unions’ fight for single-payer health care.

Communication is key

My primary responsibility is to help UPTE members win their contract objectives. Each campus and hospital or lab site will have its own action team or mobilization committee. My job is to coordinate their communication among each other as well among other groups – the UPTE bargaining team, the union’s systemwide executive board and local executive boards, and other UC union coalition members. I will also help get these action teams set up if campuses want this assistance. These teams, with input from their local boards, will develop specific actions for their locations. Fortunately, UPTE has strong staff support, as well as amazing rank-and-file volunteers upon whom the success of our contract campaign will depend.

I think that it’s important for UPTE to use “lost-time” employees like myself (members who work for the union by taking time off from their UC jobs), because they know firsthand what the conditions at UC are like, and share the strong personal interest of other UC employees to improve those working conditions. A strong UC union coalition has formed over the pension bargaining. Besides our coalition allies, and we have support from the regional labor councils and students. I look forward to meeting, or at least hearing from, hundreds of UPTE members over the next few months. Together we can take back our university, take back our benefits, and win fair contracts for ourselves.

At last year’s UPTE convention, Tanya Smith (right) celebrates an organizing award presented to her local with fellow Berkeley activist Joan Barbaino (left).
In the news

Anti-immigrant, anti-worker rule temporarily halted

When immigrant hotel workers at the Woodfin hotel in Emeryville, California, last year organized to take advantage of a recently-enacted local living wage ordinance, hotel management fired more than a dozen of them on the pretext that the workers’ Social Security numbers did not match numbers in the Social Security Administration (SSA) database. Woodfin management had shown no concern about the apparent discrepancy until the workers started organizing.

Pointing out that employers have long used “no match” letters to defeat worker organizing, the AFL-CIO filed suit earlier this year against a new Department of Homeland Security rule requiring employers to fire employees when their numbers do not match SSA records. On October 11, a federal judge issued a preliminary injunction prohibiting enforcement of the new rule.

While the rule was clearly aimed at undocumented workers, the AFL-CIO suit noted that the government’s own records show that 70% of the discrepancies belong to US-born citizens. The judge found that the rule would have affected more than 8 million workers, as the SSA admitted it would be unable to correct discrepancies before the deadline for employers to fire their workers. The court must now issue a final decision on the rule.

The lawsuit was filed jointly by the AFL-CIO, the central labor councils of Alameda and San Francisco counties, and the San Francisco Building Trades Council. The American Civil Liberties Union and National Immigration Law Center are also providing legal representation.

Elected officials, community rally for striking interpreters

With strong backing from political leaders who have promised to address their concerns, 400 Southern California court interpreters affiliated with CWA (UPTE’s national union) ended their 6-week strike on October 17.

The previous day, Senator Gloria Romero presided over a joint legislative hearing in Los Angeles, packed by 300 interpreters and their supporters, where lawmakers and court officials heard dramatic testimony about the vital role the interpreters play in helping non-English-speakers – about half the population in L.A. – deal with the justice system.

Calling the system “in chaos,” Senator Romero asked the interpreters to return to work, but promised further hearings in Sacramento to remedy problems exposed by the strike, which was focused on the years-long shortage of court interpreters.

Pay disparities between interpreters and other court employees have contributed to a one-third decline in the number qualified Spanish-English interpreters, according to the California Federation of Interpreters (CFI), part of CWA Local 39521.

At the hearing, LA city attorney Rocky Delgadillo testified to a “breakdown in the system,” noting excessive delays and potential loss of evidence from lack of interpreter services.

In ending the strike, CFI president Sylvia Barden said it was only the beginning of the interpreters’ effort to win respect for their work and a fair pay system. “This is a much bigger fight – we’re willing to take the long road on this,” she told the Lompoc Record.

The interpreters are continuing to press unfair labor practice charges against the court for illegally declaring impasse, said Local 39521’s Doug Cuthbertson, and he said part of the decision to go back to work was based on Senator Romero’s pledge to try to mediate a settlement.

Like many others in the labor movement, UPTE members supported the court interpreters by joining their picket lines and by donations to their strike fund. For more, log on to <www.mediaworkers.org>.

Beware: UC’s health questionnaire not confidential

Information obtained by the California Nurses Association in its bargaining with UC raises worrisome questions about the third-party “StayWell” health risk assessment surveys that UC’s health insurers offer on their websites.

On the surface, the surveys offer free advice about how to live healthier. Some even offer a financial incentive if you fill out the survey. What’s the catch? StayWell (a private corporation) can send the information to your insurer. There is a terms-of-use statement at the beginning of the online questionnaire revealing that it is not confidential, but many users won’t read it.

Some employers are charging more for health care to employees who refuse to divulge their personal health information in such a survey, or who don’t follow the recommendations of their “wellness counselor.” Employees are also concerned that sharing this information may affect their future ability to obtain insurance. UC may try to adopt these industry trends in the future.

Nearby 100 UPTE members gathered in Anaheim October 12-14 for the union’s 18th annual convention. Elected by their coworkers from each UPTE local, they discussed and voted on union policies for the coming year, and attended a wide variety of educational workshops on issues such as pensions, legislative action and stewarding.

Delegates kicked off the weekend with a lively solidarity action in support of CWA Local 9510, which is preparing for a contract fight for their members who work for Verizon, AT&T and Cingular in Orange County.

Back on the convention floor, delegates spent Saturday morning talking about the critical role of mobilizing in next year’s contract bargaining. Over the next two days, they approved resolutions supporting single payer health care in California and the union’s retired members’ chapter, and passed a resolution clarifying the relationship between the系统wide executive board and UPTE’s contract bargaining teams. Another successful resolution outlined steps UPTE will take to increase racial and gender diversity at all levels of the organization, including committees and bargaining teams.

On Saturday night, UPTE followed a dinner and awards ceremony with its annual fundraiser for the Elizabeth Glaser Pediatric AIDS Foundation, which seeks to prevent HIV infection in children and to eradicate pediatric AIDS through research, advocacy, and prevention and treatment programs. Between a raffle and a bingo game, delegates raised over $1100 for the cause.