Number one priority: raising wages and safeguarding benefits

Techs and researchers convene to set negotiating agenda, elect rank-and-file bargaining team

With bargaining for UPTE’s Technical (TX) and Research (RX) Units about to gear up in 2008, union members attended a systemwide bargaining conference in Berkeley December 1-2 to discuss goals and strategies for a new contract, and to elect a bargaining team to negotiate with the university.

“This is an exciting time, when we get to brainstorm about what kind of changes we’d like to see in our wages and working conditions,” said Jelger Kalmijn, UPTE’s systemwide president and a researcher at UC San Diego.

“The union is casting a broad net – through surveys, workplace meetings, one-on-one discussions and local bargaining conferences – to solicit ideas for improvements and welcome everyone into the bargaining process,” he said.

The December meeting came after UPTE locals held meetings around the state that all techs and researchers to give input and elect local delegates to the systemwide bargaining conference. In all, 80 delegates gathered to take on the task of developing overall bargaining goals and planning the initial campaign.

“We had a large and enthusiastic turnout,” said Tanya Smith, UPTE’s TX/RX mobilizing coordinator, who also works as an editor at UC Berkeley. “This bodes well as we enter bargaining next year,” she said, adding that the union will need every member to take action to support positive contract changes.

New challenges coming

Delegates reviewed the results of surveys completed by UPTE members at hundreds of meetings conducted by zone contacts at every campus. These showed members’ top concerns as protecting health benefits and pensions, and bringing compensation up to market levels. Other issues of concern included health and safety protections, extra

Looking ahead to 2008, UPTE prepares to bargain over health care as legislators debate reforms

Union members worked long and hard this year on benefits issues, winning several major victories.

After a concerted campaign by the UC Union Coalition (of which UPTE-CWA is a key member), the university agreed to no new employee pension contributions, as well as to the principle that UC will help pay for any future contributions.

On the benefits front, average health care premiums for UPTE-CWA-represented employees decreased by 4%, after the union persuaded UC to roll back its plans for double-digit increases. UC also backed off on setting up a two-tier “high-low” HMO health plan that would have negatively affected employees.

As bargaining for a new contract for UPTE’s Technical (TX) and Research (RX) Units gears up, benefits issues will have to again be a top priority.

One central issue will be ending the health benefits “waiver” that UC has insisted upon for many years, which has allowed it to unilaterally determine our benefits plans and co-pays (see page 2).

“Historically, UC benefits were free and the university’s insistence on a waiver didn’t hurt employees,” said Kevin Rooney, UPTE’s RX/TX coordinator and an EHS technician at UCSF. “But lately, UC has been raising costs at employees’ expense. We need to deal with benefits issues directly at the bargaining table in order to protect the salary gains we’ve made in recent years.”

Meanwhile, larger issues of health care reform are being actively debated in Sacramento. In November, the Democratic leadership agreed to key elements of Governor Arnold Schwarzenegger’s health care reform plan, including a mandate that all Californians have insurance.

Single payer needed

This, however, puts the burden on individuals, many of whom cannot afford the insurance. Organized labor has opposed mandatory insurance, arguing instead for a “single payer” system that covers everyone equally, and that is paid for by employers rather than individuals.

Under the new Democratic plan, families earning up to about $62,000 per year for a family of four would be covered by free or low-cost public programs. Those earning more would have to pay full cost, unless their employers covered them or joined a state-run insurance pool.

“We have yet to see the full details of the Democrats’ health care reform plan, any deal that forces individuals to buy insurance is outrageous and disgraceful,” said Rose Ann DeMoro of the California Nurses Association, an AFL-CIO affiliate.

Rodney Orr, UPTE’s legislative director, said the deal with the governor amounts to “cost shifting to those who can least afford insurance,” and is a boon to insurance companies. He says true reform will come only if legislators stand up to the insurance and drug companies to create a single payer plan.

Democrats also lowered the minimum amount that employers must spend for employee insurance. This amount, which was included in the Democrats’ last attempt at reform, was part of a bill that the governor vetoed.

Any health care reform will still need to go to the voters for funding for the plan, most likely on the November 2008 ballot.
CWA's first online presidential poll

UPTE’s national union, the Communications Workers of America, conducted its first on-line presidential candidate poll this fall. It showed three leading Democratic candidates running neck-and-neck, while CWA members expressed a preference against an early endorsement by the national union.

Over the six-week on-line voting period ending in November, union members cast more than 30,000 votes. The votes were split primarily among three Democratic candidates – Hillary Clinton, John Edwards, and Barack Obama – with slim margins between each. About 20 percent cast votes for a Republican contender.

Following the poll, CWA’s national executive board voted not to make an early endorsement. “CWA is a member-driven union and we will be guided by our members’ decision on this issue and all others,” said CWA’s president Larry Cohen.

Back to the table on benefits

**UPTE’s Research (RX) and Technical (TX) Units negotiating team will return to the bargaining table this spring, and high on its list of priorities will be protecting and improving our UC health benefits.**

The Update asked UPTE’s president, Jelger Kalmijn about health care issues to watch for in this year’s bargaining.

**Q. What is a health care waiver and why do UC employees have one?**

A. UC administrators can unilaterally determine what our health plans are and how much we have to pay because of a contractual “waiver” they have insisted on for many years. If we eliminate this waiver, we will have a full say on the cost of the plans – on everything from what they cover to how much we pay for them. This will be an important goal in bargaining our new TX/RX contracts next year.

**Q. Isn’t health care a “mandatory subject of bargaining” under labor law?**

A. Yes, by law, employers must bargain over health care plans unless you sign a waiver. That is why our new contract cannot have this waiver.

**Q. How do co-pays affect our wages?**

A. Benefits are a big part of our compensation package. Co-pays erode any pay increases we receive, just like higher health care premiums and parking increases do. Higher co-pays are a bigger financial hit for those who are ill more often because you pay them when you use health care services.

**Q. How do UC’s health benefits compare with other employers’ benefits?**

A. UC’s health benefits are comparable but not better than other public and large employers. The days when UC’s health benefits were the gold standard are long gone. There is a lot of room to improve UC’s benefits, and the way to do that is at the bargaining table as part of a strong UC Union Coalition working together for change.

Union challenges UC’s “limited appointment” status

**Temporary employees should be just that: temporary. However, recent discoveries that some so-called temporary employees are anything but has led UPTE to file a grievance over the clear misuse and abuse of temporary positions. Employers sometimes need to hire temporary workers due to special projects, seasonal variations, or leaves of absence. The UPTE contract allows UC to hire “limited appointment” workers to respond to legitimate temporary needs. Limited appointments are intended for positions that will never reach 1,000 hours in a rolling 12-month period, or for a time when they are very part-time or are short in duration. Any position exceeding those limits really reflects an increase in staffing levels, and the contract requires that the position be converted to career status accordingly.**

**Lacking important benefits**

Limited appointment employees have fewer protections under the contract than career employees. “They are deprived of important health benefits, such as vision and dental coverage, as well as employer disability insurance to protect them if they get hurt on the job,” noted Cliff Fried, UPTE’s executive vice president who is stewarding a union grievance on the matter. “And they do not receive service credit for retirement.” Consequently, abuse of such positions has been a powerful temptation for UC. It’s not just an idle concern. Only a few years ago, before strict contract language on temporary employees was negotiated, UC would regularly “lay off” many casual employees (as temporary workers were then known) one day a year for the sole purpose of denying them career status. Some casuals endured years in these supposedly temporary positions. UPTE stopped the practice by taking it to arbitration and winning thousands of UC workers retroactive service credit.

Now, UPTE has learned that many individuals have been hired into limited appointments in violation of the strict contract language. Some of these “limited appointment” employees were hired at full time with the intention of converting them to a career after six months. Some departments even recommend hiring individuals into limited appointments to circumvent the open hiring process, when the supervisor already knows whom they want to hire. Other departments have simply misused limited appointments as an extended probation period, opening the position for permanent hire only after they have decided they like the employee, and terminating the position if they do not.

**UC takes advantage**

“We’ve been down this road before,” said Jelger Kalmijn, UPTE’s systemwide president. “Of course these employees may be excited at the job opportunity. But limited appointment employees are quite vulnerable, and however grateful they may be for their job, it doesn’t justify the university’s taking advantage of them.”

UPTE has located approximately 30 limited appointment employees who may be misclassified; the union will pursue this grievance on behalf of all limited appointment employees whose status is being abused. If you have a limited appointment and work more than half time, this union grievance may apply to you.

Anyone who believes they may be incorrectly appointed should fill out a brief questionnaire that will help the union determine whether the job is properly classified. You can get the form by contacting your local UPTE office.

**UC executive pay “out of control”**

At the UC Regents’ November 16 meeting, outgoing UC President Robert Dynes, who was pressured earlier this year to resign, was granted an over-scale faculty salary of $245,000 for research and teaching at UC San Diego. Before that, Dynes will be taking a year’s sabbatical at his presidential salary of $405,000 after he steps down. Dynes’ package was criticized by state Sen. Leland Yee (D-San Francisco), who told reporters, “Nothing really surprises me anymore about it. The result is to cause the Legislature to ask the question, ‘Why do we give UC a blank check?’” he said. “I think that the UC is out of control.”

Two hundred and forty five other executives were also slated to receive salary increases from the regents.
UC’s 12,000 admin professionals ask: Where’s the money?

If you had any doubt that a union contract means more money in your paycheck, you can put that doubt aside. Most UC employees covered by UPTE contracts are receiving 5.8% in pay increases, compared to the merit pools of 4% for unrepresented employees. This means UPTE employees are receiving an additional 1.8% this year in addition to the extra 1% they received last year.

“Those with UPTE contracts have begun to win back some salary losses from previous years, while UC continues to shortchange employees without union representation,” said Lisa Kermish, UPTE’s vice president and an administrative analyst at UC Berkeley.

Non-represented employees lose millions

She points out that this is only the tip of the iceberg. Many unrepresented employees aren’t even receiving the 4% that the legislature allocated for salary increases. UPTE has obtained information that many employees who received performance evaluations with ratings of satisfactory and above have been granted salary increases of less than 4%. “If you assume that non-represented employees averaged increases of 3.5% on salaries of $45,000, the loss of .5% amounts to more than $40 million in undistributed salary increases,” said Kermish.

Guidelines for distribution of the salary increase money allocated by the legislature (and supplemented by UC with 1% for equity increases) vary by campus, control unit, and department. UPTE has been unable to discern any consistent policy on wage increase distribution, but we have seen some departmental guidelines that clearly require employees who are rated satisfactory (and sometimes more satisfactorily) to receive less than 4%.

Share your knowledge

Unrepresented employees throughout the UC system are buzzing about the lack of information that surrounded this year’s salary increase distribution.

We can work together to hold UC accountable for the money it says it has for our pay raises. We have been told there is 5% available for raises. Does that money really get distributed? If so, to whom? When there is a merit pool of 4%, do we really get that money? Who gets the 1% that is set aside for market or parity increases? Often the answer to these questions is “no” and “not me.”

If you or those you work with have been shortchanged or feel you deserve more, let’s raise the issue. “Let’s make sure UC at least distributes all the money it says it has,” says Kermish. “UPTE has obtained pay data for all unrepresented employees before and after the raises for 2006-2007 and wants to work with anyone interested in evaluating the information,” says Kermish. You can visit UPTE’s Wage Watch website <www.upte.org/wagewatch.html> to share your story, request more information and help us all get our fair raises.

UPTE will post more information as we all contribute our experiences. We encourage you to bookmark it and check back as you and your colleagues share stories.

UC employees who are not yet covered by a union contract have a voluntary right to join unions. UPTE is the union that represents UC professional staff systemwide. To sign up for union membership, visit <www.upte.org> or contact your local.

How much do administrative professionals’ salaries lag behind inflation?

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<th>% UC salary increase (target figure)</th>
<th>Calif. CPI*</th>
<th>difference</th>
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<td>2.0%</td>
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</tr>
<tr>
<td>1997</td>
<td>3.5%</td>
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<td>1998</td>
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<tr>
<td>2007**</td>
<td>4.0%</td>
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over 11 years = -33.8%

*Consumer Price Index (CPI) data is from <www.die.ca.gov/dis/CAPriceIndex.htm>.

**as of 8/31

Thousands march on labor board office

Angered by a slew of recent National Labor Relations Board (NLRB) decisions that are stripping workers of their rights, members of UPTE’s national union, the Communications Workers of America, joined other activists at a November 15 rally at the National Labor Relations Board headquarters in Washington, DC.

About 1,000 members of unions – from teachers to steelworkers to seafarers – marched several blocks to the NLRB building. They carried signs demanding passage of the Employee Free Choice Act to make it easier for workers to organize and bargain contracts. Workers in at least 20 cities across the country held similar rallies at local NLRB offices.

The NLRB enforces labor law for private sector employees nationally. The counterpart for public sector employees in California, including at UC, is the Public Employment Relations Board (PERB).

The Republican-controlled NLRB issued 61 decisions in September that stack the deck against workers. Collectively, the decisions make it harder for workers to form a union through majority sign-up (often called “card check”), and make it easier for employers to escape bargaining obligations.

“How would the federal agency that’s supposed to protect workers’ rights actually make it harder for workers to exercise their rights?”

Elected officials are marching to make it easier for workers to organize and bargain contracts. UPTE-CWA-represented animal techs at UCSF recently organized to oppose unreasonable statements by management that would have denied them legitimate use of earned sick leave.

Management told them that 6 or more uses of sick leave per year might result in a warning memo and would interfere with promotions.

UCSF was basking its decree on a 1985 policy imposing an automatic review of sick leave for “patterns of misconduct,” such as taking leave repeatedly on Fridays and Mondays. While such a trigger-activated monitoring policy is of questionable validity (and it provides for monitoring only), a policy that results in discipline for legitimate use of sick leave is certainly a violation of employees’ rights to due process and just treatment under the contract.

“Management chose to misread this memo and punish workers for being sick,” said Nino Maida, chief steward at UPTE San Francisco.

After the workers asked Maida to intervene, the matter was quickly resolved by requiring UCSF to retrain supervisors on proper procedures.

Maida adds that the case highlights the need to encourage members to bring questionable practices to the union’s attention.
Court overturns $33 million UC student fee increase

In November, a state appeals court ruled that the University of California system overcharged 35,000 graduate and undergraduate students $33.8 million in fees four years ago. The San Francisco-based appeals court determined that the Berkeley and Los Angeles campuses broke promises to freeze fees at the amount the students paid when they first enrolled.

“The judges showed that the UC isn’t above the law,” said Mo Kashmiri, who is a worksite organizer for SEIU 1021 and a UC Berkeley graduate, is also lead plaintiff in the case.

The refunds could be a few hundred dollars to most students, but more than $10,000 to some at professional schools. “When I started in law school, it was $10,000 a year, and we were promised that it would stay the same for the time we were in school,” said Kashmiri. “And then all of a sudden, UC decided they had a ‘budget crunch’ and started raising fees dramatically. By the time I left, my tuition was over $20,000.”

UC spokesperson Ricardo Vasquez told the Associated Press that students were given adequate notice that fees could be raised despite the no-increase pledge. The promise has since been dropped from UC’s websites and catalogs, UC is considering an appeal. If the university doesn’t appeal, the case returns to the lower court to dispose of the money.

Student advocates say the court’s decision could also influence a separate pending lawsuit by some 2,700 grad students who were charged higher fees in a pending lawsuit by some 2,700 grad students who were charged higher fees in a pending lawsuit by some 2,700 grad students who were charged higher fees in a pending lawsuit by some 2,700 grad students who were charged higher fees.

Bush administration forced to act on worker safety

Nine years, a lawsuit, congressio-

nial pressure, and some 400,000 injured workers. That’s what it took for the Bush administration to finally make employers responsible for providing personal safety gear to workers in dangerous jobs.

The rule, requiring employers to pay for such items as hard hats, life jackets, face shields and gloves, was first proposed in 1999, but the Bush administration aban-

donned it after coming to power in 2000. A lawsuit by the AFL-CIO and the United Food and Commercial Workers, and a con-

gressional deadline, have now forced the Occupational Safety and Health Administration to act.

AFL-CIO president John Sweeney said that workers in some of the country’s most dangerous industries, such as meatpacking, poultry and construction, “have been vulner-

able to being forced by their employers to pay for their own safety gear because of OSHA’s failure to finish the rule.”

Rep. George Miller (D-Calif.), chair of the House Education and Labor Commit-

tee, said, “It should have never taken the threat of a lawsuit and legislation to get the Department of Labor to take these simple steps to provide workers with everyday job site hazards and prevent thousands of workplace injuries each year.”

The Alliance of Motion Picture and Television Producers, which represents management, had proposed a flat $250 payment for a year’s use of an hour-long TV show on the web. That’s far below the $2,000-plus that writers now earn for a single network return of a TV episode.

In a letter to its members, the Writers Guild said the studios were not putting any reasonable proposals on the table. “We’ve heard that one or more of the companies are preparing to throw away the spring and fall TV season, plus features, and prolong the strike,” wrote WGA president Patric Verrone, noting the “devastating effect this would have on the unions, workers, and their families in this industry.”

You can learn more about the issues at www.wga.org.

Union members affected by wildfires

The massive wildfires that spread across much of Southern California in late October affected thousands of UC employees, especially in San Diego. The UCSD campus was closed for a week, and 11 staff members lost their homes. Thousands more were evacuated, or unable to travel on local roads and freeways during the regional emergency.

While workers at the UCSD’s main campus got a week’s paid leave, those employed by the medical center did not. Until, that is, the union got involved.

“It was unconscionable,” said UPTE’s local San Diego president, Carolan Buckmaster. “Many workers were either under evacuation orders, or had family who were, and local emer-

gency officials were asking people to stay off the roads.”

Management said that because the medical center was not in the direct line of the fires, it remained open. Because employees were mandated to work in emergency situations, they were required to report to work, even if their neighborhoods were engulfed in flames.

Buckmaster helped organize a response by the local coalition of unions to convince UC to do the right thing. “UC has agreed to give two days’ administrative leave to any employee who had to evacuate their home, and two days’ administrative leave to those who did come into work as a reward, and an additional day if your home was damaged,” said Buckmaster.

A “vacation” spent fleeing fire?

The union is also representing an employee who was scheduled for vacation leave during the week of the fire. After fleeing her home under a mandatory fire evacuation order, UCSD management refused to allow her to use administrative leave, instead of vacation leave.

“If you get sick on a scheduled vacation, you can use sick leave,” noted Buckmaster, “and the same principle should apply here. If you couldn’t use your vacation because you were caught in an emergency, you should get the same administrative leave others got.”

UPTE will be helping the employee file a grievance over the issue.

Some members of UPTE’s national union, CWA, also lost their homes in the wildfires. CWA locals conducted a survey of their members to assess the extent of damage, and reported that many members helped through volunteer efforts, as well as donations of food, blankets, water and dollars to the Red Cross and the San Diego County Labor Council.

“We’re asking our members with serious losses to contact their locals for help in applying for assistance from the CWA Disaster Relief Fund,” said Cherie Brokaw, a representative of CWA’s District 9, which includes UPTE. For more information, contact your local.