State labor board issues complaint against UC for bad faith bargaining over furloughs, wages

California’s Public Employment Relations Board (PERB) has issued a far-reaching complaint against the University of California for bad faith bargaining in tech and researcher unit (TX/RX) negotiations, in response an unfair labor practice charge filed by UPTE-CWA. The PERB complaint, issued November 23, covers UC’s refusal to bargain about furloughs, cuts and layoffs for UC’s 10,000 researchers and techs, as well as making its wage offer contingent on the state budget and then withdrawing it.

The charge also includes UC’s practice of direct dealing with UPTE members about how to impose cuts, its refusal to bargain about holiday closures, and UC’s cancelling and sabotaging many bargaining sessions.

“A complaint” means that PERB has determined that, if it were not for the union charges occurred, UC has violated the law. PERB will hold a conference with both parties to settle the case, and if necessary, a full hearing.

“We hope this complaint will wake up UC’s Office of the President and they will start working with unions for real solutions instead of their current union-busting tactic of absolute refusal to negotiate,” said Kevin Rooney, UPTE’s chief TX/RX negotiator.

“The university seems to have no respect for fair play,” said Tanya Smith, a Berkeley editor and member of the UPTE bargaining team who was laid off recently. “They’ve used every trick they can to avoid negotiating as they are legally required to do, including laying off bargainers, refusing to schedule bargaining sessions and direct dealing with members over furloughs.”

The complaint validates the unfair labor practice strike that UPTE members conducted. “Our members have been forced to strike this year because of UC’s recalcitrant behavior,” said Jelger Kalmijn, systemwide president of UPTE-CWA. “We hope this development has the effect of putting the brakes on UC’s illegal tactics.”

The PERB complaint will also make it much more difficult for UC officials to impose any kind of unfavorable agreement because they have not gone through the legally mandated bargaining process.

The original UPTE charge against UC and PERB’s complaint can be found on the union’s home page at <www.upte.org>.

UC stalls in HX bargaining

While the PERB’s complaint doesn’t formally cover UPTE’s health care professionals (HX) unit, what is decided in that case will likely affect those 2,000 employees.

On October 6, UPTE and UC had their last session of bargaining for the HX contract. UC took a hard line, refusing to engage in good faith negotiations or to schedule future meetings, and leaving on the table its last, “best” offer of no wage increases for two years, no step increases until possibly 2011, and threatening to send layoff notices to workers.

“UC wants us to accept furloughs for campus-based workers, as well as increases in health care benefits, and a 2% redirect of our Defined Contribution Plan monies into the UCRP pension fund,” said Sheila Stittiams, who is a UCSD clinical social worker. “That would be a huge hit to our compensation, which is, in many instances, already below market.”

“I can’t believe UC has the nerve to tell us that this is a ‘good offer’ and that we should grab it,” commented Chris Radke-Schmidt, a clinical social worker at UCSF. “These changes would be disastrous for us, reversing the gains we have made in bargaining over the last few years.”

Meanwhile, grant-funded employees or those working

UPTE researchers and techs strike at Berkeley

Thousands demonstrate to save public higher education

Thousands of students, staff and faculty across the state demonstrated their opposition to tuition increases, layoffs and furloughs as the UC regents met at UCLA November 18-20. At UCLA, demonstrators from across the state converged on Covel Commons to attend, but UC officials locked all but a few out of the room where the meeting was being held. Fourteen protesters, mostly students, were arrested the first day of the meeting after they stood up and refused to leave, singing the civil rights anthem, “We Shall Overcome.”

On the second day of the meeting, regents voted to raise tuition 32% while some two thousand demonstrators voiced their objections outside the hall, blocking exiting regents from leaving with impromptu sit-ins.

“It was a dark day for public higher education in California,” said Lisa Kermish, UPTE’s vice president and a UCB administrative analyst. “The fee hike is the most egregious example of the dangerous path that the regents have taken. It means many students are going to be dissuaded from even applying,” she said.

Speaking to the regents during public input, UPTE president Jelger Kalmijn pointed to UC’s misleading financial information, using the example of how all the university’s research grants actually have money included for raising that is not being allocated.

“Why is there money for market equity for executives and massive new construction, but I’m paid 20% under market rate and the library I work in just cut its hours?” asks Rich Kacmar, a computer resource specialist at UCSD’s Scripps Institute of Oceanography Library. “These priorities make no sense for Californians,” said Kacmar.

At Berkeley, a strong alliance...
**Organizing for fairness**

**UC’s fiscal health**

UC’s budget is approximately $19 billion. State funds made up 16.8% of the budget, while non-state funds provide 83.2%. Therefore, the overall cut to the UC budget is only 2.1%.

The more than $4 billion of net patient revenue at UC’s five academic medical centers is unrestricted.

A total of $14 billion on UC’s balance sheet can be used for any purpose.

Expendable financial resources that grew from less than $8 billion in FY2002 to over $13 billion in FY2006 are unrestricted.

The source for the facts above and interesting analysis about the UC budget is at [ucpay.globl.org/crisis_of_priorities.php](ucpay.globl.org/crisis_of_priorities.php).

**Demonstrations to save public education**

CONTINUED FROM FRONT PAGE

of students and workers conducted three days of activities, including a two-day UPTE unfair labor practice strike because of UC’s threatened temporary layoffs. The first day included picket lines, a building occupation and a massive noon rally on Sproul Plaza, where thousands listened to analysis about what was wrong with the regents’ plan to privatize UC.

On November 20, dozens of protesters (mostly students) entered a main Berkeley classroom building, Wheeler Hall, and began a sit-in, demanding a repeal of the fee hike and the reinstatement of 38 custodian jobs at the campus. Within a few hours, some 2,000 supporters gathered outside the hall, peacefully surrounding it. Several UC faculty members served as negotiators between the protesters and the chancellor’s office. Eventually, all the demonstrators outside Wheeler Hall were allowed to exit and the crowd dispersed.

The chancellor had promised “no violence” from police, but as the situation continued throughout the day, police pushed into the peaceful crowd with batons swinging, injuring several.

“All the YouTube videos I’ve seen show consistent non-violence by strikers and students,” said UPTE member Ben Timmons, a computer resource specialist at UC Davis. “Students and strikers practiced the lessons of Gandhi in peacefully sitting down in front of cops, and were exercising their freedom of speech.”

Over 100 Berkeley faculty have signed a letter voicing “strenuous objection to the use of unwarranted violence by the police forces” during the Wheeler Hall occupation. Many others, including Berkeley’s Academic Senate, have also objected to the police actions. UC’s chancellor has pledged a full investigation.

At UC Davis, students and community supporters occupied Mrak Hall, the main administration building on campus, and 52 were arrested after refusing to leave. At UC Santa Cruz, dozens of students who had been occupying two campus buildings for three days were threatened with arrest and voted to end their action.

The next week, on November 23, some 60 students on their way to a court hearing in downtown Oakland stopped in at UC’s Office of the President to demand a face-to-face meeting with UC president Mark Yudof. Yudof wasn’t in, but two UC officials met with them for several hours, promising an investigation into the police violence. A November 24 re-occupation of Davis’ Mrak Hall by 150 protestors ended after UC agreed to drop disciplinary proceedings against previous protestors and negotiate over demonstrators’ demands.

**A season of walkouts**

November’s activities were the latest in a season of protest that has made headlines internationally, starting when the UC community collectively walked out in defense of public education on September 24.

That day started at dawn on all 10 campuses with UPTE technical and research workers on strike, joined by other union members, faculty, and students throughout the day on picket lines, at rallies and teach-ins.

At UC Berkeley, an estimated 5,000 gathered for a spirited 2-hour-long noon rally that turned into a march through the city. On the Berkeley campus, some workplaces closed due to the strike, including the Bancroft Library and the Herbarium, where workers said they were out with the “Yudof flu.” At UCLA, nearly 1,000 demonstrated and a group of activists also sat in at the chancellor’s office until he agreed to meet. Time magazine noted a large turnout at “normally placid” UC Irvine. At UC Davis, staff and student activists spoke out at a noon rally. At UC Santa Cruz, construction workers, city bus drivers and UPS drivers refused to cross the picket lines. At UCSF and UCSD, hundreds of faculty and students walked out to join union picket lines.

There were also lively protests at UC Santa Barbara, UC Riverside, UC Irvine, UC Merced, and Lawrence Berkeley Lab. In Taiwan, UC Education Abroad students picketing at the front gate of the National Taiwan University where they were studying.

**Health care professionals Wendi Felton, Uyen Cheung and Lynn Silverstein, all from UPTE’s San Francisco local, at the UCLA regents meeting demonstration on November 19.**
Student fees used as bond collateral for construction

While UC officials blame the budget crunch on the state, the university's own scholars have been carefully examining where the fees collected from students actually go. And their disturbing findings have been raising sharp concerns about budget priorities and transparency among students, staff, faculty and parents.

Details of how UC is using student fees as bond collateral were uncovered recently by UCSC professor Robert Meister, president of the Council of UC Faculty Associations. This is an excerpt from his October 11 open letter to students, “They Pledged Your Tuition.” You can find the full version with sources at <www.ucfa.org/news/2009_oct11.php>.

How does UC sell $1.3 billion in construction bonds immediately after declaring an “extreme financial emergency,” slashing funds for teaching and research and cutting staff and faculty pay? By using your tuition as collateral. Higher tuition lets UC borrow more for construction even while it cuts instruction and research.

You’re often told that your tuition goes up because the state pays less for higher education, but you’re almost never told that UC isn’t obliged to use your tuition in the way it uses public money. Unlike state funds, your tuition money can also pay the interest on construction bonds that have been used as bond collateral.

UC has in fact promised its bond trustee (Bank of New York Mellon Trust) and the companies that rate bonds (S&P and Moody’s) that bondholders have first claim on your tuition in the event of default. (See the full report at <ucfa.org/news/tuition_bonds.php>.)

UC has also promised bondholders that it will raise tuition as needed to avoid bond default. Most importantly, UC has pledged to do nothing to lower the ratings on its bonds. Your tuition is not only pledged to Wall Street, Wall Street could demand the next tuition hike by threatening to lower UC’s A11 bond rating.

Harvard, the world’s richest educational corporation, curbed construction when endowments fell because its people and programs came first. Its bond rating, slightly higher than UC’s, does not seem to have suffered. UC, however, seems to have the opposite priorities. It started borrowing against your tuition in spring 2004 – when Gov. Schwarzenegger gave it a green light to raise tuition, and claims the ability to do this in every prospectus for bonds partially backed by your tuition.

By June 2008, UC’s pledged collateral has jumped by 60% (from $4.2 billion to $6.72 billion). Tuition, a large and growing component of that collateral, will have risen 10% from 2004 if this year’s increase happens. The regents have approved another $2B in projects that they plan to fund primarily with tuition-backed bonds, because this is where their debt-bearing capacity will grow. When these new bonds are issued, after your tuition hike is a done deal, debt service on all tuition-backed bonds will have risen to around $430M, nearly double what it was last year.

UC’s problem is that bondholders have first claim on your tuition. By describing tuition increases as a simple substitute for state educational funds, UC avoids the question of how much goes for construction, rather than instruction.

Don’t be fooled by the argument that UC is simply emulating the great private universities. The ones I know now use their endowment income to subsidize tuition for students who would otherwise need loans. UC, by contrast, now pledges its ability to drive you and your families deeper into debt so that it can increase its leverage on Wall Street. This is what it looks like to privatize a great public university. – Bob Meister

National Academy of Sciences to examine privatization of UC labs

The privatization of the Livermore and Los Alamos laboratories will come under much needed public scrutiny, thanks to a National Academy of Sciences investigation pursued by UPTE.

The new private for-profit monopoly structure running the labs costs nearly $400 million per year in additional federal funds, without any apparent improvement in the safety, security or scientific outcomes.

Safety issues are rife at the labs. An employee died at the Los Alamos national lab from radiation poisoning. Scientific progress has been stymied by the inability to recruit and retain quality staff. The privatization of the labs has also hurt employees by taking them out of the UC pension plan. Last year, the Livermore lab took away UC retiree health benefits from those of Medicare age who had retired (whether or not they continued to work for the privatized lab), replacing it with a flat $2400 annual contribution to health plans that the retirees have to shop for themselves.

For non-Medicare UC lab retirees, health care premiums have doubled in just two years under the new private for-profit corporation.

While UC refuses to bargain with workers, regents give executives raises

At the September meeting where regents began planning for a 12% increase in student fees, nearly a dozen executives were awarded raises of up to 30%, or as high as $52,000 (see <www.upte.org/moreexecraises.pdf>).

“If UC were truly in a budget crisis, and the plan was truly to share the pain, Yudof would show leadership at the top and impose a moratorium on all executive raises,” said Tanya Smith, an editor recently laid off at UCB president of Berkeley’s UPTE local. “Instead, we are told ‘quality executives must be paid market rates.’ Why don’t these ‘market criteria’ apply to other workers, like clericals, techs, researchers and faculty making 20% or 30% under-market?” asked Smith.

Meanwhile, UC San Diego has hired a new CEO for the Medical Center, Thomas E. Jackiewicz. According to the Sacramento Bee’s public employee salary database, the new CEO earned a salary of $490,000 in regular pay at his previous position as Associate Vice Chancellor, while the San Diego Union Tribune reports that his new salary as CEO will be $600,000. This represents an increase of more than 22%.

Limiting salary increases and bonuses for UC executives during bad budget years would seem to be something everyone could agree on. California’s legislators did, overwhelmingly passing a bill doing just that last summer, along with two others improving budget transparency and whistle-blower protections.

In mid-October, Governor Arnold Schwarzenegger ignored that consensus and vetoed all three bills.

In October, UPTE launched a media campaign challenging UC president Mark Yudof’s corporatization of UC. The union is taking the message to the public with a campaign website (<www.peoplesopportunity.org> and billboards along the 880 freeway between the Oakland Airport and UC’s Office of the President, as well as inside the Sacramento and Oakland airports.

UPTE has also placed ads in various news media, such as the education page of the New York Times website and the Chronicle of Higher Education. Become a fan on UPTE’s Facebook page for updates on the campaign.

Have you been Yudoffed?

In the same week thousands of staff, faculty and students were expressing their passionate objections to the destruction of the university, UC president Mark Yudof shocked many by comparing his job to being “manager of a cemetery” in a September 27 interview with the New York Times Magazine. He also joked about his $828,000 annual compensation package and his $10,000 a month UC-paid rental home in the Oakland Hills. Leaders of all the UC’s Academic Senates wrote a letter to the Times distancing themselves from Yudof’s comments.

A student group has used Yudof’s own words to create postcards (<http://yudoffed.blogspot.com>) you can send to legislators to raise their awareness about the threats to UC from current management.
Univ. of Illinois strike wins wage increase

After two days of picketing that shut down the University of Illinois-Urbana Champaign, a strike by the Graduate Employees Organization (GEO) won an agreement for a 10% wage increase over three years and a higher employer contribution toward health care benefits.

Illinois has a state budget crisis almost as bad as California’s. The University management had threatened furlough days and a suspension of tuition waivers.

University management withdrew its proposals and offered to settle just two days into the open-ended strike, and the union tentatively sent its members back to work.

The union called the strike after months of stalled negotiations. While the GEO and the university had agreed in principle on most elements of a contract by mid-November, management had refused to provide sufficient protection for most tuition waivers in the bargaining unit.

Tuition waivers are, according to the union, “a traditional and necessary condition of employment that allows students to earn a degree without incurring extreme debt.”

The GEO, which represents 2600 teaching and graduate assistants at the university and is affiliated with the American Federation of Teachers, voted to ratify the agreement on November 23. Graduate employees teach 23.1% of all undergraduate course hours, but their salaries represent less than 6.5% of the university’s state funding.

In a press statement, the union said “stands in solidarity with our sisters and brothers in the University of California system, who have just completed a three day strike over drastic and unprecedented tuition increases.”

The GEO’s victory fell within a global week of action for public higher education which was organized from Germany and included demonstrations and teach-ins across Europe, in Africa, and in the United States in support of public higher education.

UC retiree health cuts on the horizon?

Be alert for local campus forums on “post-employment benefits,” which UC is holding to float the idea that costs for both pensions and retiree health benefits must be reduced in the future.

UC is especially eying rollbacks of retiree health benefits, which it says are “too expensive” to maintain. Sometime in the next year, it is expected that UC’s Post-Employment Benefits Task Force is going to recommend changes to long-standing policies.

At a meeting with unions this fall, UC benefits administrators announced a plan to increase the cost of retiree health benefits. Currently, all retirees pay the same as employees in pay band 2 for health benefits. UC proposed a new scale for retirees that would force them to pay about 4% more of their benefits. This de-linking from pay band 2 opens the door for future changes.

“Retiree health benefits are not an entitlement,” noted GEO executive board member Cliff Fried, a retired UCLA staff research associate, “and we have to fight them.” UC unions have negotiated protections for retiree benefits in the past, but those must be renegotiated in each contract.

If you are retiring soon, consider joining the GEO’s retiree association. Information is at

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Library “study-in” at Berkeley leads to restored Saturday hours

Some three hundred students, staff and faculty occupied a closed Berkeley campus library on October 9 for 24 hours as part of a “study-in” to reclaim public space lost due to budget cuts. Saturday hours at UCB libraries had been cut earlier in the semester.

Library staff, in solidarity with students and faculty, came to an agreement with management shortly before the action to keep the library open without arrests. At one end of the main reading room, faculty, staff and students led a teach-in about preserving accessible public higher education at UC, while elsewhere in the library, staff helped students with their research papers.

As the night wore on, about eighty of the participants stayed to pull an all-nighter or bedded down in the stacks of the Anthropology Library, waking up to another day of discussion and studying. “The entire event was a peaceful and very moving illustration of how to organize for change at the university,” said UPTE member Joan Lichterman, an administrative professional at Berkeley.

A few days after the action, just as activists were planning a second library study-

in the Education/Psychology Library, UCLibrary officials announced that money had been found to keep some of Berkeley’s smaller libraries open on Saturdays.

Injuries and illnesses under-reported by OSHA

In a report released in late November, the Government Accountability Office (GAO) found that the Occupational Safety and Health Administration (OSHA) failed to provide an accurate accounting of the number of work-related injuries and illnesses from 2005-2007.

The agency cited employer pressure that caused a serious underreporting of work-related injuries and illnesses by employers, health professionals and workers, and OSHA’s own lax audit process. The report is an indictment of the low priority the Bush administration gave to protecting workers’ health and safety.

Keeping illness under wraps

More than half of the health professionals surveyed by GAO said employers had pressured them to downplay an injury or illness so it would not have to be reported. Two-thirds said they observed workers expressing fear of being fired or disciplined if they reported an injury or illness.

One third said employers had pressured them to provide insufficient treatment to hide or downplay injuries and illnesses. The GAO also criticized OSHA’s auditing process because the agency does not regularly interview workers during workplace illness and injury audits.

US Secretary of Labor Hilda Solis said the findings were “alarming” and promised that OSHA would take corrective action.

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Want to learn more about the budget and the fight to save UC?

Keep up-to-date on developments by subscribing to UPTE’s Monday Memo, a once-a-week email bulletin collectively edited by the union’s administrative professional members that includes news and views about working at UC.

Anyone may subscribe by sending an email to subscriptions_mondaymemo@upte-cwa.org. News tips, anonymous or credited, are always welcome.

Or read the Monday Memo on the web at <www.upte.org>.