



CWA 9119  
AFL-CIO

University Professional  
& Technical Employees,  
Communications Workers of  
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# U · P · D · A · T · E

## Ratification vote in the works

### UPTE's techs and researchers reach tentative agreement that includes up to 14.5% in wage increases over 3 years

UPTE-CWA's researcher (RX) and tech (TX) bargaining team has reached tentative agreement on a 5-year contract that brings union-represented workers up to 14.5% in wage increases over 3 years.

"It was a long haul, but we came out with an agreement that

will begin to bring researchers and techs up to fairer market wage levels," said UPTE's chief negotiator, Kevin Rooney.

"The strikes, demonstrations and other actions that rank-and-file techs and researchers energetically participated in were the key factor in persuading UC to come back to the table," said Rooney.

The contract, if approved by UPTE's members in an upcoming ratification vote, will provide up to 14.5% pay increases over the next three years (of 4.5%, 5% and 5% each year) to the union's 9,000 researcher and tech members.

All unit members would also receive a \$1,000 lump sum payment (pro-rated for FTE) this July to help compensate them for the lack of a raise in 2009/10. For an employee who makes \$40,000, that payment is equivalent to a 2.5% raise for one year.

The tentative agreement includes a \$1.7 million (0.5%) equity pool to be distributed among various titles determined to have major market inequities. None of the wage agreement is dependent on state funding of UC.

UPTE tentatively agreed to UC's proposal to redirect the 2%

Defined Contribution Plan payments into the UC Retirement Program starting April 15, 2010 (this is the same date such contributions will be restarted for non-represented workers), while UC will begin making a contribution of 4% of salary to the pension plan.

The agreement allows UC to ask for 1% employee pension contributions in each of the next two years, but only if it also at least matches that contribution. There are limits in the agreement on how much health premiums and parking costs can increase.

## Legislative pressure key

Rooney said UC also felt "quite a bit of pressure" from legislators who had encouraged it to settle the contract. Students, faculty and community members also added their support during bargaining.

"Working together in coalition is one of the most powerful avenues we have to make positive change at UC, making sure that the university is retaining skilled staff, producing ground-breaking research and delivering world-class education to California's citizens," said Rooney.

All TX/RX employees who have received notices of temporary layoff would be allowed to convert them to START, and the START program will be extended through the end of the year. The agreement, if ratified, would withdraw the union's pending unfair labor practice charge against UC's temporary layoffs in exchange for the additional money in the base-building raises detailed above.

In November, the state's Public Employment Relations Board (PERB) issued an unfair labor practice charge against UC over UPTE's complaints of management's misconduct in bargaining. PERB charged the university with multiple violations of state labor law regarding its furloughs, layoffs and campus closures, as well as changing employees' health benefits before bargaining was completed.

PERB charged UC with trying to "bypass, undermine and derogate the authority of UPTE" by dealing directly with the union's represented workers over pay cuts and furloughs, while simultaneously refusing to negotiate these issues at the bargaining table.

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Students support UPTE's Berkeley picket line during last fall's strike.

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(505) 662-4679

Los Angeles:

(310) 443-5484

Merced:

(510) 848-UPTE

Riverside:

(951) 781-7922

San Diego:

(858) 458-0845

San Francisco:

(415) 753-UPTE

Santa Barbara:

(805) 685-3661

Santa Cruz:

(831) 429-UPTE

## Executives get \$3.1 million in bonuses

### Workers, students to rally systemwide on March 4 to protect public education

Thousands of students and staff are preparing for what promises to be a massive day in support of fully-funded public education across the state on Thursday, March 4.

Protestors from hundreds of schools and colleges statewide, including all the UC campuses, will be holding peaceful actions locally to speak out against layoffs, furloughs and fee hikes, while others will be marching on Sacramento. A coalition of UC unions, students and faculty are working together to insist that the UC regents reorder their priorities and put education back at the center of their mission.

"UC is the jewel in the state's crown, and we can't let it be destroyed," said Lisa Kermish, UPTE-CWA's vice president and an administrative professional at UCB. "We demand full funding for quality public higher education, that is affordable and accessible to California's working families."

The March 4 actions grew out of last October's huge Mobilizing Conference to Save Public Education at UC Berkeley. There, 800 representatives from over 100 different schools, unions, and organizations from all across California and from all parts of the public education system voted to call for actions on that day.

UPTE locals on each campus and medical center have activities scheduled for March 4. Check this website for details of actions statewide: <[www.upte.org](http://www.upte.org)>.

## UC execs make out like bandits

In the midst of cuts to education and research, at their January meeting, the UC regents approved another \$3.1 million in "incentive" pay money to be split between 38 already-highly paid senior managers at the five medical centers. Each exec will receive bonus checks ranging from \$30,000 to \$219,000.

While UC says the money for executives comes from non-state medical funds, some analysts do not believe the budgeting is so neat and tidy. The pay increases are

occurring as UC is cutting enrollments and students are finding it difficult to get into classes. For the first time in UC history, waiting

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## MARCH 4 DAY OF ACTION

LIST OF EVENTS: [www.upte.org](http://www.upte.org)



DEFEND PUBLIC EDUCATION

# Organizing for fairness

UPTE Los Angeles members organized a memorial for Sheri Sangji in late January, to mark the one-year anniversary of her death. Sangji was a 23-year-old lab researcher who was severely injured in a fire at UCLA on Dec 29, 2008. She died from her injuries 18 days later.

A Cal/OSHA investigation found three serious violations in the lab, and fined UCLA almost \$32,000. But with all the details of what happened still unknown, Sangji's family, friends and colleagues are asking legislators to open an inquiry.

A memorial site with tributes and details on Sheri's case is at [www.sherisangji.com](http://www.sherisangji.com).



Aaron Rosenfeld, photo

## Researching the regents

An award-winning independent journalist is looking into just who benefits from controlling the University of California's \$53 billion in Wall Street investments.

Peter Byrne, who has written for publications such as *San Francisco Magazine*, *salon.com*, and *Mother Jones*, is raising funds to research the story through the community-supported journalism project, Spot.U.S. You can find Byrne's initial research at <http://tiny.cc/regents>.

An UPTE member on the picket line at UC Santa Barbara last fall.



Michèle Crawford, photo

## Day of action for higher education March 4

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lists will be established for each UC campus. "Education is being starved," said Jelger Kalmijn, UPTE's president and a staff research associate at UCSD, "in order to feed UC's executive pay machine."

### Outrageous bonuses

Critics also object to the highest-paid UC employees getting raises for "promoting efficiency" at a time of layoffs and furloughs. As a *Sacramento Bee* writer observed, "the people mainly responsible for the efficiencies are the lower-paid line staff and professional staff, many of whom don't make in annual salary what these bonuses call for."

"It is outrageous that they are finding new ways to enrich their top executives," Senator Leland Yee (D-San Francisco), told the *San Francisco Chronicle*. With the support of a broad coalition of unions, student groups and the community, Lee recently helped pass a measure to conduct a full audit of the university (see story, page 4).

"The superlative financial performance of the UC medical centers is being given as the reason for these awards," noted Sheila Stittiams, UPTE's HX coordinator and a clinical social worker at UCSD. "But UC's offer to UPTE's 2,300 health care professionals is 0% for two years, and what amount to cuts to pensions and health benefits."

While some of UPTE's health care professionals got a modest incentive award, it is "no substitute for a base-building pay increase," said Stittiams, adding that many job titles remain under market rates.

Union members say the double standard for pay seriously undermines morale among staff. "UC president Mark Yudof has called for 'sharing the pain,' an argument that has no legitimacy with these unconscionably immense incentive awards," said Kermish. "Why is the pain being inflicted solely on those of us who do the frontline work at UC?"

Meantime, while most of us were out on furloughs this winter, media began reporting that California's governor is backing off on cuts to education in the next budget round. The governor's chief of staff told the *New*

*York Times* in early January that last year's UC protests were a "tipping point."

"We are heartened by the new found support for higher education, but the fight is far from over," said Elizabeth Wilks, who works as an accountant at UC Santa Barbara and is UPTE's systemwide treasurer.

The state's commitment to the university has dwindled from 7% of the budget in 1970 to 3.1% in 2008, affecting the entire UC system. "That means that everyone is hurting – from student support services, to ground-breaking research and top-notch medical care that has made UC the premiere academic institution in the nation," she adds.

"Staff shortages mean my co-workers and I cannot respond to faculty needs for classroom support," said Phil Johnston, a computer resource specialist in the audio-visual department at UC Santa Cruz and UPTE's president there. "For example, when a projector breaks, we get to it as soon as we can but some lectures may go without."

"We educate the future scientific, civic and business leaders at the same time that we develop the new technological breakthroughs that propel economic growth," said Carolan Buckmaster, UPTE's San Diego president. "Failure to invest in UC now will mean decades of unfulfilled potential," she said.

Buckmaster adds that any renewed financial commitment to UC must come with accountability to taxpayers so that scarce funds go directly to education, research and public service. She invites all UPTE members to participate in the March 4 Day of Action to send a strong message to the regents about UC's future course.

## TX/RX tentative agreement

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"We will continue to oppose layoffs and time reductions where there are no real budgetary shortfalls," said UPTE's president Jelger Kalmijn, a staff research associate at UCSD. "We will also continue to vigorously

support the broad movement for education funding and accountability at UC, starting with the jobs of our members who provide student services."

The tentative agreement creates a new joint labor/management committee to identify "best practices" for re-employment policy, and assist laid off workers, where feasible, with job placement and training services.

### Improved health and safety

The tentative agreement includes a new health and safety committee with access to information about problems in the workplace and stewarding time to find solutions. "We will dedicate the new contract language to the memory of Sheri Sangji," said Kalmijn. Sangji was an UPTE-represented laboratory worker who died in a preventable accident at UCLA (see photo caption above).

The agreement must be ratified by members to take effect. Complete details of the contract will be presented to UPTE members during the ratification vote. RX/TX employees who are not yet UPTE members can join during the voting process.

A notice of the vote will be sent out shortly with a summary of the contract.

UPTE Santa Cruz members Mary Howe, Scott Harris and Lynne Sheehan at last fall's strike.



Amy Newell, photo

## A Berkeley AP reflects on organizing

UPTE members in the 12,000-strong administrative professionals (AP) unit are engaged in an organizing campaign to designate UPTE as their exclusive representative. Job titles in the AP unit include administrative analysts, student affairs officers, programmer/analysts, publications coordinators, senior editors and writers, as well as many other titles.

While many APs have voluntarily joined UPTE, participating in the union and helping their coworkers with workplace problems, they do not yet have a union contract to enable them to bargain collectively for wages, benefits and working conditions.

Jessie Greenman works as a student affairs officer at Berkeley's School of Public Health, and is spending one day a week organizing APs. We talked with her about the campaign, and about the effects of UC Berkeley's Career Compass program, which resulted in changed job titles and descriptions for all campus APs last year. The program is expected to spread throughout the UC system shortly.

### How did you get involved in union work?

I got involved in union organizing and advocacy soon after becoming a UC employee in 1989, because it was clear from the start that UC was not treating employees fairly. In those days, for example, women at UC Berkeley did not receive equal pay for equal work, and had many fewer advancement opportunities than similarly situated male employees. Now, working with UPTE on the AP organizing campaign is important both professionally and personally. It helps me learn about the working conditions of my colleagues, and it feels good to be doing something to help my co-workers redress their many concerns about conditions of employment at UC.

### How has UC's Career Compass program affected Berkeley's APs, and what should folks at other campuses be watching for?

Career Compass seems to have adversely affected the majority of APs at Berkeley because it amounted to involuntary reclassification, often without participation or consultation. Many departments and man-

agers did not allow employee input. Most employees went across the "exemption membrane." Some went from non-exempt to exempt without any increase in annual compensation for the additional responsibilities and expected hours. Others went from exempt to non-exempt, in what was basically a demotion without a reduction in responsibilities or expected productivity. Most Berkeley APs are worried by the outcomes of Career Compass, since it has major implications for seniority in their new classifications.

### How would APs benefit from union representation?

Union representation would have prevented Career Compass, which leaves everyone more vulnerable to layoffs. APs know how this institution works and need to have the power, via union representation, to make their good ideas heard. Several recent events have demonstrated that the unions have been both factually accurate and morally right in their assessments of UC management, and UC administration has been disingenuous, inept, and wrong in handling its financial affairs. The senior administration of this university has abandoned its mission, but its staff are still dedicated to the education and research missions of the university and the union is a worker-run institution that can help get UC back on track.

## UPTE researchers ally with UAW post-docs

Late last year, UPTE's 9,000 research and tech members joined with 6,000 post-doctoral researchers represented by the United Auto Workers (UAW) in a common cause: to protest the university's refusal to implement salary and benefit improvements that were provided for in their grant-funded positions.

Both groups are funded in large part by UC's growing grant revenues from federal agencies such as NIH, NSF, DOE, NASA, rather than state funds. These grant funds, which have more than doubled since 1997, must be used on the projects to which they have been allocated and may not be used to substitute for the loss of state funding at UC.

Nonetheless, university negotiators claimed that state budget woes prevented UC from offering a fair compensation proposal to research workers.

The two groups of workers held joint pickets and press conferences across the state late last year, hosting congressional representatives, student leaders and county and state labor supporters, and continue to work together on bargaining issues.

### Legislators, faculty lend their support

"Postdoctoral scholars, researchers, and technical workers play an invaluable role at UC campuses," Representative



AP activist Jessie Greenman, a student affairs officer at Berkeley

Lynn Woolsey (D-Marin/Sonoma) told the press in mid-December, urging UC to settle with the workers. "They have helped bring in billions of dollars in federal grants and contracts, and their work is part of what makes UC a world-renowned research institution."

The university's strategy of hiding behind the state budget crisis has also raised the ire of faculty.

"The university has enough discretion in research grant budgets to give fair increases in salaries and benefits to the front-line researchers who do the lion's share of the work driving the research mission of the university," noted Stan Glantz, a UCSF professor of medicine.

Indeed, Glantz said, UC would "not permit faculty to submit grants unless the budgets allow for anticipated increases in salaries and benefits."

## HX workers meet to discuss strategy

Health care professionals (HX) from across the state met in Berkeley in early February to discuss how to put pressure on UC to come back to the bargaining table.

Attendees came from San Diego, San Francisco, UCLA and Irvine representing clinical laboratory scientists, pharmacists, physician assistants, medical interpreters, clinical social workers and social worker associates.

"There was much anger and frustration in the room as people spoke out about the recent extravagant bonuses senior medical center executives received," said chief negotiator Wendi Felson, "as well as at UC's refusal to come to the bargaining table, and its 'take back' offer of zero wage increase for 2 years, while increasing health care and pension costs."

"Everyone in attendance felt even more strongly that working towards a strike will move UC to do the right thing," she said.

A decision to circulate strike pledge cards among HX workers was made at the last mobilizing meeting in December.

Health care professional members should mark their calendars for the next session on Saturday, March 20 at the UC Irvine Medical Center. And if you haven't signed your strike pledge card yet, please do so. To make it easier, you can sign the card online at [www.upte.org/hx/strikepledge.html](http://www.upte.org/hx/strikepledge.html).

To schedule a meeting in your workplace, please contact UPTE's HX coordinator, Sheila Stittiams, at [uptehx@upte-cwa.org](mailto:uptehx@upte-cwa.org).

## The other health reform bill in Congress

Like health care reform, another piece of federal reform legislation is stalled in Congress. Both are critically important to American workers and their families and face an uphill battle for passage. And both are winnable, with all of us pushing. Act now.

The Protecting America's Workers Act, sponsored by California Representative Lynn Woolsey (D-Marin/Sonoma), will strengthen the Occupational Safety and Health Act (OSHA) of 1970 and expand protection to millions of public employees.

Although OSHA has saved the lives of hundreds of thousands of workers, the toll of workplace injuries and deaths is still staggering. Every day, an average of 16 people are killed at work, nearly 12,000 are injured, and another 134 die from work-related diseases (like black lung).

### Working without protection

On paper, OSHA ensures everyone the right to a safe workplace. However, "everyone" doesn't include 8.5 million public employees in states that don't have their own OSHA plans, such as the public safety employees who protect the rest of us from disasters. (California and 20 other states and Puerto Rico run their own OSHA programs with federal approval and cover public-sector workers. Three other states and the Virgin Islands cover only state and local government employees. In the other states, public-sector workers have no OSHA protection.)

Other shortcomings include low penalties for employers who violate safety laws, making it cheaper for them to pay the fines than to correct unsafe working conditions. OSHA's whistleblower protections need a complete overhaul. And both the victims and families of work-related injuries and deaths are usually shut out of OSHA investigations, which intensifies their suffering.

At our convention in October, UPTE-CWA unanimously endorsed the Protecting America's Workers Act (PAWA) and resolved to work to secure its passage. Strengthening federal OSHA will help everyone, including Californians and residents of states with their own OSHA plans.

Labor, occupational safety and health professionals, community health advocates, and other groups are pushing to pass PAWA in the current session of Congress (which ends in January 2011).

So far, only a handful of California elected officials have co-sponsored PAWA: Senator Barbara Boxer and Representatives Judy Chu, Bob Filner, Barbara Lee, George Miller, and Lucille Roybal-Allard. Please contact your representatives to ask them to sign on as co-sponsors, or to support passage this year.

For more information about the Protecting Workers Alliance, its policy agenda, and its sponsors, see [www.protectingworkers.org](http://www.protectingworkers.org).

—Joan Lichterman, UPTE's health & safety director, is an editor at UC Berkeley



## State Legislature approves union request to audit UC

The state's Joint Legislative Audit Committee (JLAC) has unanimously approved a plan to audit the University of California. UPTE and other UC unions have been working over the past several months with state Senator Leland Yee to request the audit.

"A comprehensive state audit will help further uncover the extent of the waste, fraud, and abuse within the UC, and finally hold university executives accountable," Yee, who is an alumnus of UC, said in a press statement February 17.

"It is long overdue for the UC administration to start acting like a public institution and not a private country club," Yee added.

The audit will focus on how the overhead and wage money in grants is spent, the money UC makes from its auxiliary enterprises, and the financing of student fees.

"UC researchers would make an average of \$6112 more annually, if we had gotten the 3% built-in escalators in our grants over the last 9 years," UPTE's president Jelger Kalmijn told the committee. He also presented how research gets less institutional support for the overhead money that UC receives.

"This is the biggest and most expensive ever undertaken by JLAC," said UPTE's legislative coordinator Rodney Orr, "but the Legislature, UPTE and other UC unions, and the citizens of California will get answers to many questions that we have asking of UC for years, and on which UC has not been forthcoming."

The UC audit will be performed by state auditors and take approximately 10 months to complete.

## Ending California's budget gridlock

A UC Berkeley linguistics professor says one sentence can cut through budget gridlock in Sacramento and get the state back on track.

That sentence is "All legislative actions on revenue and budget must be determined by majority vote." Professor George Lakoff has drafted that language into an initiative that is now circulating in order to qualify for the November 2010 ballot.

Lakoff says that the state's current standard of a two-thirds vote for any budget and revenue decisions has led to a paralysis in state government because a minority vote of one-third of the Legislature may block any change. If successful, the initiative would change just two words in the California Constitution: "two thirds" would become "a majority."

Lakoff adds that "California is the only state in America where one-third plus one, only 34%, runs the Legislature by blocking the sensible, responsible majority at every turn."

The initiative has gained broad support from elected officials, community leaders, unions and academics (many of them at UC campuses). UPTE's systemwide executive board has voted unanimously to support the measure and encourages UC employees to learn more at [www.CaliforniansForDemocracy.com](http://www.CaliforniansForDemocracy.com).

## Court rules state furloughs illegal

UC has dismissed the impact of a court ruling that furloughs of some state workers are illegal.

Acting on a lawsuit brought by the Service Employees International Union for state workers, an Alameda County Superior Court



## Study-in at UC Davis library yields quick results

Above, one of two banners about the fight to save public education which were dropped from the roof of UC Davis' Shields Library on January 14. In early February, the campaign continued with a "study-in/slumber party" at the main library in order to pressure campus administration to keep the libraries open. An estimated 700 students, staff and community members had planned to attend.

Organizers were pleased to learn that the Davis chancellor and executive vice chancellor responded promptly in an open letter acknowledging the event in advance and saying that the need for adequate student study space "reflects a shared concern." Saying the library "is the heart of an academic institution and a shared asset of inestimable value," the administration called in staff to keep the library open throughout the study-in.

Last semester, a series of similar library study-ins convinced the UC Berkeley administration to fund Saturday hours at some branch libraries.

Student and staff activists believe that UC's failure to adequately fund campus libraries is an example of the administration's misplaced budget priorities.

"We're tired of student services bearing the brunt of the University's budget cuts," Sarah Raridon, a UC Davis senior said in a press release. "We're going to stand up against student space cuts, and challenge Chancellor Katehi to turn her rhetoric into meaningful changes in how student space is funded and governed on campus."

UC Davis library spending per student has been cut 30% since 2001, and staffing has been cut by about a third. The library's national ranking dropped from 38 in 2001 to 72 in 2008. Student activists say the library's situation is "symptomatic of the overall mismanagement of vital university resources."

judge ruled in December that the governor had violated legal restrictions on the hours of state workers and the conditions under which those hours could be changed.

Noting that interruptions in services caused by the furloughs had actually negated budgetary savings, the judge wrote, "When furloughs are implemented to save money, yet their implementation in some agencies saves nothing and increases costs, such a policy is arbitrary, capricious and unlawful."

The ruling mirrors findings by researchers at UCB's Labor Center recently showing that the state's 3-day-a-month employee furloughs were so "poorly designed" that they actually didn't save nearly as much as predicted (see [www.berkeley.edu/news/media/releases/2009/10/15\\_furlough\\_report.shtml](http://www.berkeley.edu/news/media/releases/2009/10/15_furlough_report.shtml)).

But UC spokesperson Peter King discounted the court's decision. "Our analysis is that this case doesn't affect us because this is a lower court judge," he said. "[The case] doesn't have us rethinking it [furloughs] in any way, shape or form."

That position may change as the case works its way through the system. The state appealed the ruling. An estimated 25,000 state workers are affected, and if they prevail the state could be liable for millions of dollars of back wages. Given the numbers

at issue, it is certain that both sides will appeal adverse rulings. Higher court rulings could have implications for UC workers.

## Single payer health for California?

Amid the recent news of rate increases by the big health insurers comes a reminder that alternatives exist.

On January 28, the California Senate approved SB 810, which would establish a single-payer health care system in California. The bill, authored by Senator Mark Leno (D-San Francisco) was approved 22 to 14 and is now on its way to the Assembly.

Under the bill, private insurers would be replaced by a non-profit health insurance fund which would pay for all services; hence the term "single payer." Most residents would be required to pay into the system. Hospitals and doctors would remain private, although the insurance fund would be public.

Supporters are now gearing up to pressure the Assembly to pass the bill and deter a veto from Gov. Arnold Schwarzenegger. Previous single payer bills were passed twice by a 62% majority of the legislature only to be vetoed by governor. Information is available at [www.healthcareforall.org](http://www.healthcareforall.org).

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