



CWA 9119
AFL-CIO

University Professional
& Technical Employees,
Communications Workers of
America 9119 • AFL-CIO

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UPTE-CWA health care professionals consider strike to pressure university at bargaining table

UPTE-CWA health care professional (HX) members across the state have signed strike pledge cards at department meetings and even on the web.

Incensed by executive bonuses at the medical centers averaging over \$80,000 per person, members are insisting on fair pay increases

and market equities.

UC management finally agreed to return to the bargaining table, and negotiating sessions are scheduled for mid-May, just as the *Update* goes to press. UPTE's HX bargaining team will be arguing for fair raises, backed up by support from an active membership.

UC's bargainers admit that

there is money for health care professional raises. "They just refuse to bargain it because they have a directive from UC President Mark Yudof that no one is to get raises, no matter how much profit the medical centers make, and even though the student health centers receive almost no state funding," said Sheila Stittiams, a UCSD clinical social worker who serves as UPTE-CWA's HX coordinator.

With medical center executives receiving tens of thousands of dollars in bonuses, and the medical centers themselves raking in hundreds of millions of dollars in profits, UC has no excuse to put health care professionals' market equity raises on hold.

New start in bargaining?

"This time around, we're hoping UC will bargain in good faith and give HX unit employees the contact we rightfully deserve," said Stittiams.

The union's team will make sure UC understands that members stand behind them, ready to take strong action, including a possible strike, if necessary.

If UC does not agree to a fair settlement, UPTE-CWA will file a motion to go to impasse with the

labor board. In impasse, a neutral factfinder will hear the positions of UPTE-CWA and UC, and suggest a resolution.

Strike vote scheduled

If that resolution does not lead to a settlement, a short-term legal strike may be in the offing.

In preparation for possible impasse, UPTE will hold a strike authorization vote May 24-28. If a majority of members vote to strike, UPTE's leadership will be authorized to call a strike at the appropriate time, if necessary. The strike would be a short-term strike.

Meanwhile, UC nurses systemwide represented by the California Nurses Association have already voted to strike for safe staffing levels and fair raises.

Stittiams says if UPTE's strike vote is successful, UPTE leadership will have the ability to coordinate action with CNA.

"This kind of joint action is the way we're going to get UC to move on the issue of fair compensation," she said.

For more information, contact your local union representative, or visit UPTE-CWA's health care professionals webpage at <www.upte.org/hx>.



Susanne Paradis, photo

UPTE's systemwide president Jelger Kalmijn, UPTE's Merced president Brad Neely, UPTE Davis executive board member Frank Pinto and UPTE activist Kevin Scott participate in a segment of the 48-day March for California's future.

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Riverside:

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Santa Barbara:

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Marching for public education across California

Tens of thousands of UC staff, students, faculty and community supporters turned out on March 4 to make their voices heard on the issue of supporting public education.

Rallies were held at every UC campus, as well as at hundreds of other universities, high schools and elementary schools.

"UC is precious as the state's premier higher educational institution, 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."

Central Valley march for public education

Meanwhile, teachers and other education workers spent most of March and April on a 48-day march from Bakersfield to Sacra-

mento to deliver a message about the value of public education.

UPTE members joined the marchers in Merced, Sacramento and elsewhere along the march (see photo above).

"Rather than fighting over the crumbs of the state budget, we are working together with all of public education and other

social services for a fair budget process that does not gut what is most valuable to our civil society, schools, health care for children, care for our

seniors, and other social services," said UPTE's president Jelger Kalmijn.

Teachers, students, workers and community members joined the march for parts of its route.

The marchers made an extraordinary personal commitment and sacrifice to protest cuts to

public education, public health and public safety, and to draw attention to the need to reclaim California's promise.

The marchers arrived in Sacramento for a massive rally on April 21. For pictures of the march and rally, visit <www.fight4calfuture.com>.

Fred Lonidier, photo



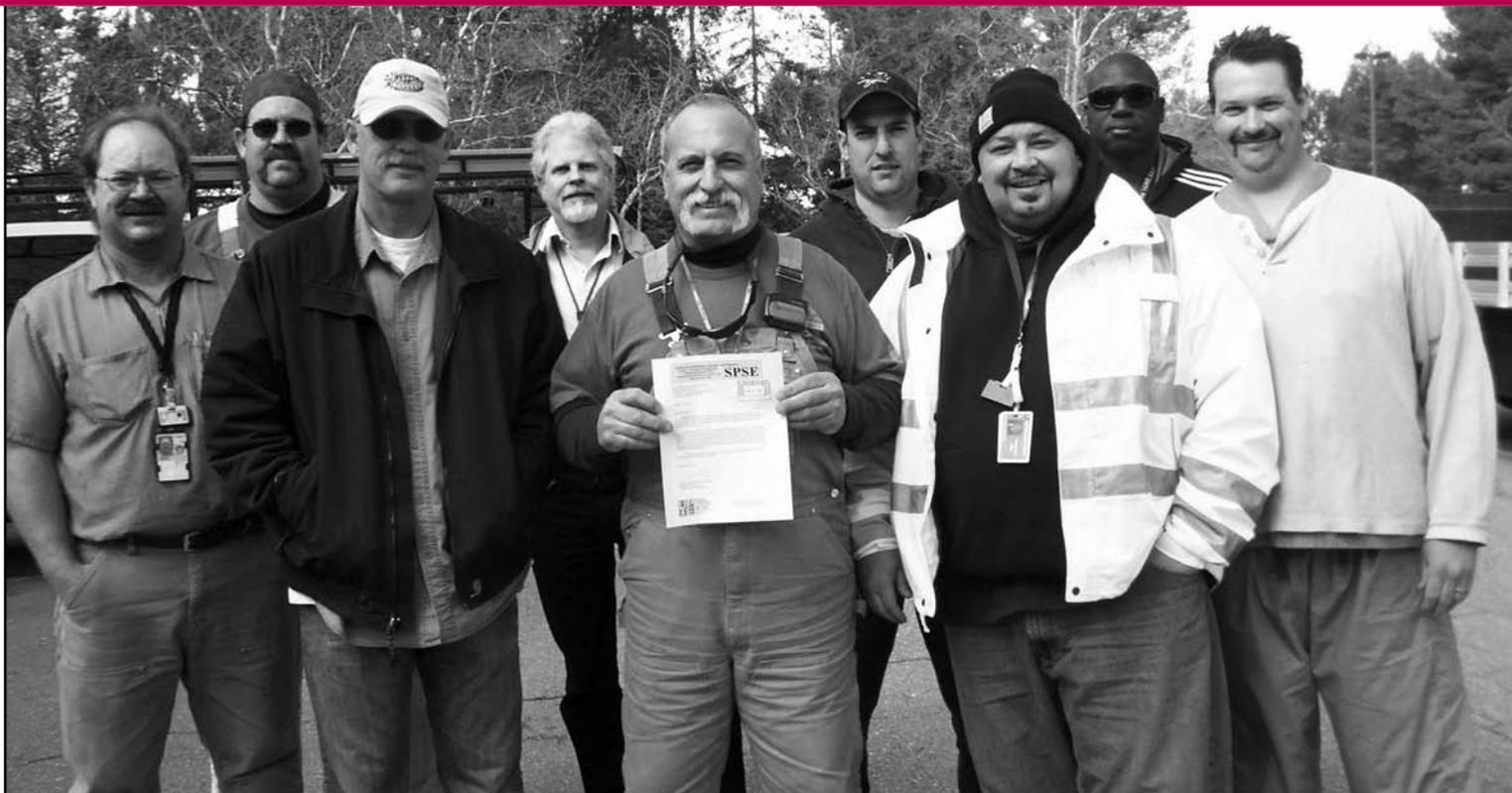
In one of many marches across the state, San Diego UC, CSU and community college activists joined together on March 4 to rally for public education.

Organizing for fairness

After laborers at LLNS (the private entity that now manages the Livermore national lab) petitioned to be included in SPSE-UPTE's skilled trades unit last month, management voluntarily recognized the union. SPSE (the Society of Professionals, Scientists and Engineers) is affiliated with UPTE-CWA and represents a variety of employee groups at LLNS.

"It feels good finally to be recognized as skilled workers and to have a voice in our future," Tremayne Willis, a LLNS laborer told the Update. "The laborers shouldn't have been excluded from the unit in the first place," said Rob Swanson, a skilled trades unit member. "With the laborers coming into the unit, it will help them lock in their wages."

Front row: Rich Needen, Brian Mitchell, Ron Basso, Tremayne Willis, Aaron Zander. Back row: Rob Swanson, Jim Wolford, Jeff Costa, Roy Dixon.



Pete Goodman, labor activist

UPTE-CWA is mourning the loss of its founding president, Pete Goodman, who died on May Day at the age of 89.

Pete spent his life as a passionate, articulate force in support of the rights and dignity of working people around the world. The union's executive board learned of Pete's death as it began its May meeting and passed a resolution in his honor (which you can find at www.upte.org/petegoodman.html). It notes his long legacy of labor activism, from organizing merchant marines in the 1940s, to his pioneering support of women's and civil rights, and his help founding UPTE at the University of California in 1990. He will be missed.

Pete Goodman, 2008.



Techs, researchers ratify contract with 14.5% pay increases over 3 years

With heavy voter turnout, 90% of UPTE-CWA's researcher (RX) and tech (TX) members have voted in favor of ratifying a new contract.

"Our members are amazed with the agreement we were able to achieve," said Kevin Rooney, UPTE's chief negotiator for the contract.

"UPTE members' mobilization efforts, legislative pressure, legal efforts, media campaign and perseverance at the bargaining table paid off with a great agreement," added UPTE's president Jelger Kalmijn, a researcher at UCSD.

Wage increases & protections

The new contract contains up to 14.5% raises over the next three years (4.5%, 5% and 5%), as well as a \$1,000 lump sum payment this July to make up for the lack of a raise in 2009/10. It includes a \$1.7 million equity pool to be distributed among various titles determined to have major market inequities.

The wage increases in the agreement are independent of the state budget. There are defined limits on how much pension contributions, health benefits and parking can increase. "The members voting know the bottom-line of what they will be making through June 30, 2013, when the contract expires," said Rooney.

Researchers and techs will make contributions to the UC pension plan, including the re-direct of the 2% Defined Contribution Plan payment like many other employees, but UC will contribute twice as much – 4% – this year. If an additional 1% employee contribution starts in 2011 and 2012, UC must match or exceed it.

Those techs and researchers who have received temporary layoffs will be allowed to convert them to START, a program which will be extended through the end of the year.

UPTE will continue to oppose layoffs and time reductions where there are no real budgetary shortfalls. The union will also continue to "vigorously support the broad movement to support education funding

and accountability at UC," said Kalmijn, "starting with the jobs of our members who provide student services."

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, an UPTE-represented laboratory worker who tragically died in a preventable accident at UCLA last year," said Rooney (see related story, page 3).

UPTE-CWA's team on equity will meet soon with UC to decide on how to divide up the \$1.7 million set aside for equity increases. UPTE will appoint members to the layoff/re-employment committee that the contract establishes.

"Our broader struggle to preserve public education and the services we provide the citizens of California will continue, as the state considers additional budget cuts and UC prioritizes commercial ventures over public education and service," said Kalmijn.

The lack of adequate state funding and gradual privatization of UC remain as major obstacles to providing the quality education and public service to which UPTE members are committed.

"We hope that with this contract settled we can work in a more coordinated manner with UC to seek additional state funds. We will want to make sure that any scarce funds allocated to UC come with accountability and assurances that these funds will keep down student fees and provide adequate services," said Kalmijn.

Continuing vigilance on UC benefits plans is also required. UC is floating radical changes to employee pension and benefits plans, such as trying to entice new employees with a 401K style pension option that might appeal to those needing money now, but which would reduce the benefit and could undermine the financial stability of the entire fund. UC has made clear it aims to reduce retiree health benefits by changing eligibility and shifting the cost to retirees.

UCLA admin professionals get furloughs reversed

Some 14,000 UC administrative professionals don't yet have a union contract, but there are ways they can join together to bring a measure of fairness to their employment.

Two UCLA administrative specialists did just that. Judy Sweeney and Laura Strom work as editorial assistants for Accounts of Chemical Research. Their salaries are paid from grant funds provided by the American Chemical Society.

When UC instituted its furlough plan for "unrepresented" employees, the university said that grant-funded employees would be exempt, because no savings would be realized by cutting such salaries.

Nevertheless, Sweeney and Strom were surprised to discover that their September paychecks had been reduced. "We were told the decision had been made at UCOP and could not be reversed," said Sweeney.

Using UC's own policies as a tool

Sweeney and Strom decided to challenge UCOP's ruling using the university's own complaint procedure outlined in the Personal Policies for Staff Members, which covers administrative professional workers without a union contract. UC, by its own rules, must assign a "hearing officer" to hear evidence and decide on complaints.

The process took six months. "The hearing officer agreed with us that furloughing us made no sense according to the expressed purpose of the furlough, i.e., to replace funds lost due to the state's budget crisis, since the money would simply be lost," said Sweeney, an UPTE activist who served as a steward in the case. "We received all of our pay back and are no longer subject to furlough."

Sweeney points out that a union contract would have stronger protections than the PPSM complaint process, including the requirement of binding arbitration. Still, she says, "the PPSM procedure can be useful to defend our rights, and we should use it."

Los Angeles

Organizing for safety

It took a tragedy for UPTE's Los Angeles local to start organizing for safety. And for UPTE-CWA systemwide to win a strong health and safety article in the researcher/tech (RX/TX) contract. The tragedy was the death in January 2009 of Sheharbano (Sheri) Sangji, a 23-year-old staff research associate, 18 excruciating days after being burned in a UCLA biochemistry lab fire.

Sheri's death sent shock waves throughout the world. Within days, university chemistry departments posted instructions for handling chemicals that burst into flames upon contact with air. Chemists and scientific educators began discussing the chemical fire and are still talking about the issues raised by Sheri's death. And UCLA's chancellor Gene Block commissioned a campus-wide laboratory safety committee headed by Roberto Peccei, vice chancellor for research.

Sheri's death touched UPTE members and fellow SRA Rita Kern particularly deeply. Kern, a long-time UCLA employee and former UPTE Los Angeles president, said she has "always worked in labs, with some amazingly dangerous chemicals and biological hazards."

A few days after Sheri died, members began reaching out to her family, to other members throughout UPTE, to local organizations that focus on occupational safety and health, and to other unions on campus. And so began more than a year of intense activity to "never have something like that happen again."

An informational picket within a month or two of Sheri's death brought in new activists. By the March meeting of the local's health and safety committee, six to eight members were involved. At that meeting members decided on a number of actions that have connected them to the larger community and have strengthened the local's ability to protect worker safety and health.

Lab safety committee

One of the local's first official actions was to request that the chancellor include "experienced UPTE staff researchers in the process of improving the laboratory safety protocols, procedures, training, policy enactment, enforcement, and accountability."

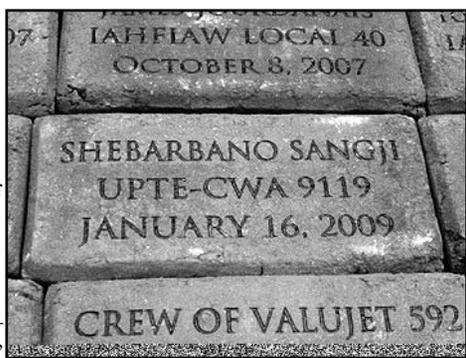
That prompted a meeting between Vice Chancellor Peccei, six UPTE members, the director of Environment, Health & Safety (EH&S), and Labor Relations. After members raised concerns about UCLA's practices, the local's president requested UPTE representation on the lab safety committee.

That's how Paige Cooper, a newly activated SRA, became a member of the committee

— perhaps the first time staff have been represented on such a high-level decision-making committee. Through her participation, UPTE has been able to give significant feedback on what became a comprehensive report on lab safety, and contribute to the committee's ongoing activities.

Partnering for safety

On Workers' Memorial Day in 2009, UPTE members paraded in Los Angeles in a car decorated with pictures of Sheri to raise awareness about the case and about lab safety. The event was cosponsored by UCLA's Labor Occupational Safety and Health (LOSH) and the Southern California Coalition for Occupational Safety and Health. (SoCal COSH is one of 20 U.S. nonprofit groups that protect workers' health on the job. International Workers' Memorial Day is April 28, when unions commemorate



A brick dedicated to Sangji at the National Workers Memorial near Washington, DC.

the dead and fight for safe workplaces.) This connection has helped UPTE learn and evolve. Through SoCal COSH, said Judy Sweeney, "two committee members made a presentation

at a Cal/OSHA advisory committee meeting." As a result, Cal/OSHA investigated UCLA again and made another formal complaint. According to Sweeney, two UPTE members went to all the inspections of the biochemistry lab cited after Sheri's death, and two other labs in the same division. "All have been cited."

The citations covered a number of safety violations related to improper chemical storage, lack of hazard information for workers, inadequate inspection, and poor recordkeeping. They also discovered an earlier incident that hadn't been reported. In that laboratory fire in 2007, a graduate student was burned and spent a week in the hospital.

UCLA is appealing the citation and fines. The health and safety committee is petitioning Cal/OSHA to be recognized as

a representative so UPTE can participate in the appeal, with the agency's encouragement.

According to Sweeney, "the inspectors expect us to back up the charges." Cal/OSHA doesn't have enough inspectors to make sure employers are following through. UPTE has invited other unions to participate because their members are involved as well. For example, Sweeney reports, "In chemistry, virtually every professor has a research group. They are mostly grad students and postdocs, SRAs (UPTE), lab helpers (AF-SCME), and two UAW unions."

Safety gains and gaps

Kern thinks UCLA has made a number of changes and that UPTE is having a positive impact. She attributes some of their gains to Sweeney, an administrative specialist in Chemistry: "Judy has been key to keeping us connected to the department." But they both note disconnects. Departmental meetings held after Sheri's death showed that "faculty thought safety in labs is EH&S's responsibility," said Sweeney. "This clearly showed they needed training and needed to be accountable."

UPTE suggested lab-specific training for principal investigators (PIs), and Sweeney went to the first one for PIs in chemistry. While she called this "a good step forward," Sweeney has noticed biochemistry researchers wearing shorts and flip-flops or sandals. Kern mentioned problems getting information distributed, which is "hit and miss. Managers think that if they write a policy everything will magically come together. Information in their top-down structure sometimes stops somewhere in the middle. They haven't built a culture of safety."

The LA health and safety committee is committed to improving safety, and has a number of plans to remember Sheri and to monitor UC's safety performance. These include a memorial garden, and continued identification of safety problems on campus to eliminate causes of workplace injuries and illnesses. — Joan Lichterman, UPTE-CWA's health & safety director, is an editor at UCB

Health and safety activists Rita Kern, Judy Sweeney and Vilma Speuer remember UCLA lab worker Sheri Sangji, who is pictured on the UPTE-CWA sign.



Mark your calendars!

A chance to develop your union skills

UPTE-CWA's annual Summer School is planned for July 31-August 1 in Southern California, where members will gather for a weekend of training seminars and strategy discussions on being workplace stewards and union activists.

The union is also holding a hands-on arbitration training, at which a real-life arbitrator/mediator will share her knowledge. It's set for Oakland on the weekend of May 22-23.

If you are interested in attending either event, contact your UPTE-CWA local for more information.

Berkeley

Scene techs fight layoffs

UCB employees are protesting the latest executive pay scandals by protesting at Berkeley concerts, such as those given by folk singer Arlo Guthrie and a cappella ensemble Sweet Honey in the Rock.

Cal Performances, the performing arts company, recently hired new director Matias Tarnopolsky at an annual salary of \$240,000 — a \$62,000 pay increase over that of his predecessor. Around the same time, Cal Performances laid off 5 UPTE-represented scene techs, many of whom have since returned as temporary workers without benefits.

"We were perplexed last fall when we saw Mr. Tarnopolsky brought in at such high pay while workers were facing layoffs," says Tanya Smith, an editor and president of UPTE's Berkeley local. "But there's no shortage of work, and now these employees are returning as temporary workers."

Smith points out that the Tarnopolsky's \$62,000 pay increase would more than cover the cost to provide benefits for the employees.

Public support high

The protests were received warmly by concert-goers, with over 1600 leaflets on the workers' situation given out. Many Cal Performances patrons joined the campaign with their own calls and emails in support of the laid-off employees.

After UPTE activists approached Sweet Honey in the Rock to inform the group about the situation, Tarnopolsky and other managers agreed to meet with UPTE reps about the benefits situation.

"The support gave us leverage going into the meeting," said Smith. Sixteen scene techs whose hours had been reduced over the last few months were immediately brought back to regular hours.

Management also proposed bringing back the 5 laid-off workers in a year, but UPTE steward Doug Chambers, a scene tech himself, presented specific examples of how work previously covered by scene techs had been outsourced, and argued persuasively that the work should be brought back sooner to CalPerformances to ensure adequate hours for the scene techs.

At Update press time, followup meetings to continue negotiations are scheduled.

New clerical union organizing at UC

Employee email lists were ablaze in April with talk of a new labor organization for UC's 14,000 clericals, the New Alliance of Clerical Employees, which is affiliated with UPTE's national union, the Communications Workers of America (CWA).

A statewide group of rank-and-file clerical employees asked CWA to help them organize in response to AFSCME's campaign to replace the current clerical bargaining representative, the Coalition of University Employees (CUE), and CUE's subsequent move to affiliate with the Teamsters.

PERB-sponsored vote likely

AFSCME is expected to submit a petition to the state's Public Employment Relations Board shortly, which will likely trigger a union election in the clerical bargaining unit. If NACE-CWA can show sufficient support, it will also be included as a choice on the ballot.

When there is no contract in place for clericals and under state law, any union that can collect the support of 30% of the bargaining units' members can ask the state labor board to put the question of representation to a vote.

Employee dissatisfaction with CUE has been high for some time. Members have pointed to lack of democratic practices within the union as a problem.

"We've watched over the years as CWA has assisted UPTE in obtaining substantial raises and better protections while allowing UPTE to make its own decisions, a combination that would serve clericals well, now with budget difficulties and over the long term," said Claudette Begin, an administrative assistant at UCB's School of Public Health. Begin is one of many CUE members working to get NACE-CWA on

the ballot so employees will have a choice in any representation election.

"We simply want the ability to have a member-run, democratic union that can get the job done for UC's 14,000 clericals," she said.

In response to a request from the NACE-CWA organizing committee, UPTE-CWA's systemwide executive board voted to support their campaign.

You can learn more about the new union at www.nace-cwa.org or by signing up as a fan of NACE-CWA's Facebook page. Be sure to let your clerical co-workers know about this new development.

New report reveals union advantage

The California Labor Federation reports that a study released in this spring finds that nationwide, workers in unions earn on average 15 percent more than their non-union counterparts, are 19 percent more likely to have employer-provided health insurance, and are 24 percent more likely to employer-sponsored retirement plans. The study was conducted by the Center for Economic and Policy Research.

In California, where union workers make up 18 percent of the workforce, the statistics are even more dramatic. California's unionized workers receive an average hourly wage of \$25.88 compared to the non-union average of \$21.70.

Nearly 80 percent of the state's union workers have employer-provided health insurance but only 53 percent of non-union workers do. And while 75 percent of union workers have an employer-sponsored retirement plan, only 38 percent of non-union workers are afforded that same benefit.

You can read the full report at www.cepr.net/index.php/the-benefits-of-unionization.



UPTE stewards met in April to plan implementation of new health and safety contract language. From left to right, Nino Maida (Staff Research Associate, retired, UCSF), Lucy Joseph (Sr. Museum Scientist, UCD), Kris Miller (Principal Telescope Tech, UCSC), Yvette Piceno (Sr. Scientist, LBNL), Rita Kern (Staff Research Associate, UCLA), Richard Baldwin (Lab Assistant IV, UCSC).

New RX/TX contract language protects worker health & safety

Employees at UC face a wide range of health and safety issues, from hazardous chemicals in labs, the working conditions in museums, to ergonomic challenges in offices.

UPTE-CWA's researchers and techs won strong new protections for workplace safety in their latest contract with UC. Importantly, UC agreed not to retaliate against workers reporting health and safety concerns.

New safety training requirements

"This is crucial because in the past people have sometimes felt intimidated and feared reporting violations," said Kevin Rooney, UPTE-CWA's chief RX/TX negotiator and an environmental health and safety technician himself at UC San Francisco.

In addition, the new contract requires UC to provide health and safety training before a worker is put to the task of doing the job. "No more inadequate 'catch up' training that doesn't even meet basic federal legal requirements," said Nino Maida, an UPTE steward based in San Francisco. "Now, people will be trained in advance of performing duties."

Paid time off to make sure work is done safely

Union members who take on stewarding duties for health safety will get paid release time from UC. They can use this time to interview employees, talk to management, do area inspections, go over complaints or gather other information.

UPTE aims to have vibrant health and safety committees at all UC campuses, open to members in all units, from researchers and techs, to health care and administrative professionals. A special day-long training is scheduled for October 14, the day before UPTE's annual convention, which is set to take place in the Bay Area.

If you are interested in being part of your local committee or attending the training in workplace safety, please contact your local. You can also check out UPTE's health and safety resources at www.upte.org/hs.

Supporting union workers in Mexico

UPTE's Peace and Justice Committee is working to support tens of thousands of employees in the Mexican Electrical Workers union (Sindicato Mexicano de Electricistas), who were summarily fired last fall by the government in its quest to privatize the public utility.

The government liquidated the electrical utility Luz y Fuerza and have had the Federal Electrical Commission take over the provision of power to the Mexico City region. The new company has hired scabs to replace the union workers.

The government has offered a severance pay and retraining to the workers in return for their forfeiting all legal rights to challenge this gross violation of Mexican

labor law. The majority of the workers have declined the severance to continue the struggle for their jobs and rights. They have filed complaints in Mexican court, under the labor side agreements of the North American Free Trade Agreement and with the International Labor Organization in Geneva.

Sindicato Mexicano de Electricistas has historically been one of the strongest and most democratic unions in Mexico, and has consistently fought for workers' rights. This union was born out of the Mexican revolution in the beginning of the 20th century.

UPTE-CWA members will be joining other union activists in front of Mexican consulates nationwide on May 14. To learn more, please visit www.upte.org/MexicanLaborRights.html.

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