



CWA 9119
AFL-CIO

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

(510) 704-UPTE
info@upte-cwa.org
www.upte.org

U.P.D.A.T.E

Thousands of UC administrative professionals sign cards for UPTE-CWA representation

Over the last three months, hundreds of UC administrative professionals have reached out to their co-workers in one of the largest union campaigns ever launched in the UC system.

For Dora Scott, an analyst at UCSF, the reason is simple: "It is time for us to have a voice. With-

out one, the university ignores us. It is time for us to have a union."

Without the protection of a union contract, administrative professionals (or APs) remain the UC employees most at risk of being affected by budget problems. The AP unit consists of some 16,000 employees with a wide variety of job titles, who do everything from computer programming and budget preparation to counseling and library reference.

The past few months have been a great success. "Thousands of us have signed authorization cards to form a union – a strong majority of those we have spoken to," said Keith Pavlik, a senior publications coordinator at UCSF.

The power of a collective voice

"The most effective way to protect our interests as UC employees is for all 16,000 of us to bargain collectively with UC management," said Pavlik. In order to do that, AP organizing

committees are gathering signed cards supporting a vote on UPTE representation.

Once enough employees have signed, the cards will be given to California's Public Employment Relations Board, which will hold an election for union representation. "Better yet, if more than 50% of APs sign UPTE cards, under state law, no election will be necessary," added Pavlik.

Pay and job security top agenda

"We believe APs, like all staff, deserve a voice in decision-making about salaries, pension contributions, health care costs, and layoff policies," according to UC Berkeley coworkers Nancy Kato, an assistant registrar, and Jean Day, a senior editor. They cite UPTE's "excellent record" of bargaining fair contracts and promoting professional development for UC employees.

Being in a union makes a "positive difference" according to Jessea Greenman, a UC Berke-

ley student services advisor, who is "confident that organizing with UPTE will provide both protection and improvements going forward."

Some 80,000 UC workers are already covered by union contracts, and have the ability to negotiate language about salaries, pensions, health benefits, and health and safety on the job. UPTE currently represents about 12,000 of them, including large units of UC researchers, technical employees, and health care professionals, all of whom received improved pay and protections in recent negotiations.

"It's in everyone's interest to have stronger unions at UC," said Greenman, "especially as we come together to negotiate over any changes to our pensions and benefits." Like many of her UC colleagues, she's been asking her co-workers to sign up and get involved.

Details on the campaign, including a list of job titles in the AP unit, is at <www.APsforUPTE.org>. Join the discussion on Facebook too: <www.facebook.com/APsforUPTE.org>.



UC Irvine administrative professionals Joanna Itoh (Admissions Manager), Jeffrey A. Stern (Programmer/Analyst III), Sue Cross (Sr. Learning Skills Counselor) and Nola Colman (Sr. Admin Analyst) say "We support UPTE!"

UPTE LOCALS

Berkeley/UCOP

(510) 848-UPTE

Davis:

(530) 759-0803

Irvine:

(949) 854-UPTE

LBNL:

(510) 665-7722

Livermore/SPSE:

(925) 449-4846

Los Alamos:

(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

District attorney charges UCLA professor and UC regents in death of lab worker

In a case that has drawn national attention, the death of lab worker Sheri Sangji is in the news again. UCLA is negotiating with the Los Angeles County District Attorney over settling three felony charges filed December 27 against the regents, UCLA, and chemistry professor Patrick Harran for willful violations of workplace health and safety standards, which resulted in her death.

Harran could face up to 4 1/2 years in a state prison and UCLA could be fined \$1.5 million. Harran and UC's lawyers had appeared in court for an arraignment on February 2, when the judge continued the case

until March 7 to allow one more month for negotiations.

Sangji, a 23-year old recent chemistry graduate of Pomona College, was fatally injured on December 29, 2008 by a flash fire in Harran's lab while she was transferring a highly reactive chemical that ignites when exposed to air. She died 18 days later as a result of burns to 43 percent of her body and inhalation exposure.

The investigation

Although UCLA claims that Sangji was an "experienced chemist" and could have prevented her own death, here are the main findings of the Cal/OSHA

Bureau of Investigations report that underpins the criminal charges:

▶ As an undergraduate, Sangji's research involved taking measurements and peptide synthesis. Chemicals that burn when exposed to air "were not used in the undergraduate classroom setting."



After UC refused to allow UPTE to dedicate the new RX/TX contract to Sangji's memory, the union printed this label for members to add to their copy of the union contract. It's available by request from your UPTE local.

UPTE-CWA 9119 dedicates this contract to SHEHARBANO "SHERI" SANGJI (11/2/85-1/16/09) STAFF RESEARCH ASSOCIATE who was fatally burned in a UCLA chemistry lab fire. UPTE-CWA negotiated stronger safety language to help prevent future workplace tragedies.

▶ During an earlier, four-month job "As a junior level chemist, she was closely supervised and did not perform any independent experimental work in the lab without direct guidance from her supervisor due to her limited prior laboratory experience."

▶ Harran had not discussed with Sangji the hazards of working with the chemical; failed to ask whether she was familiar with it "prior to directing her to use it"; and admitted that he never tried to determine whether she had actually been trained by his senior researcher, even though he acknowledged the chemical was extremely hazardous.

He failed to provide Sangji appropriate personal protective equipment or to ensure that it was used in his lab. The method she used to transfer the chemical was "contrary to both the procedures outlined by [the manufacturer], as well as prevailing scientific literature."

▶ UCLA had a history of failing to take necessary precautions to prevent injurious incidents, and failed to act after two graduate students were seriously injured in the very same department a year before, and even a week before Sangji's fatal fire.

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DEMAND JUSTICE: Contact LA's District Attorney

Sheri and her family deserve justice. Send a message that university labs must provide safe working environments for their employees, whether student or staff.

EMAIL Los Angeles DA Steve Cooley at webmail@da.lacounty.gov or call him at (213) 974-3512. Some suggestions for what to include in your message are at <www.upte.org/takeaction>.

Organizing for fairness

UPTE's health care professionals (HX) bargaining team. Back row: Jamie McDole (UCD), Tom Brewer (UCLA), Jason Rosenbury (UCSF), TK Lee (UCSD). Front row: Susan Rode (UCB), Wendi Felson (Chief Negotiator), Sonia Palacio (UCI).

Solution for California: the Millionaire's Tax

Real budget solutions for UC and the rest of the public sector services in California depend on the state's wealthy paying adequate taxes.

UPTE has joined community groups and other unions to support the Millionaire's Tax initiative. The tax will raise \$6 billion annually from those who make more than \$1 million a year. These are the top 1/3 of the top 1%, the most wealthy of the wealthy.

Millionaires make their fortunes because the state educates those entering the workforce, the state builds roads and other infrastructure, and the state provides the critical social services our families need so we can be productive working at their jobs. Wealthy Californians who make a profit from these state services need to contribute to keep them funded.

Join us in collecting nearly a million signatures to get the Millionaire's Tax on the November 2012 ballot. All UPTE locals will have citizen petitions to circulate. Once the initiative is on the ballot, we will need to reach out to our co-workers, families and friends and ask them to vote in favor. This will be a tremendous task, but we hope it will have a huge and lasting payoff.

Keep track of the progress of the initiative at www.millionairestaxca.com.

Members of UPTE's Davis local during an early morning "banner drop" from a freeway overpass supporting the Millionaire's Tax.



Researchers, techs gain voice in benefits

UPTE-CWA's 12,000 technical (TX) and researcher (RX) employees ratified a supplemental agreement on benefits and pension in January. UPTE's bargaining team used UC's desire to bring TX and RX workers up to the same level of contributions as other employees as leverage to get more of a say in the development of our benefits.

UPTE and UC will have a joint committee to discuss what will happen with employee benefits in 2013. UC will share its proposals for next year's benefits. We will identify any problems with UC's proposals and give feedback. UPTE would like your input on problems with UC's current benefits as well as your ideas for improvements. Contact your local or email rxtxbenefits@upte-cwa.org.

Bringing down costs, improving benefits

UPTE's committee members will research the latest developments in preventive and community-based health care, which can dramatically bring down costs while at the same time as improving quality. We will push UC to make changes that benefit our members and not the insurance companies.

A second committee will work with UC to develop a plan for protecting our retiree health benefits. We will focus on setting up a funding plan so there are adequate resources to continue benefits for those who retire prior to age 65. UC's current proposals make it financially unlikely that any except the most wealthy will be able to retire before 65 when they are Medicare-eligible.

A third committee will initiate discussions with UC about how to keep us all on the same pension plan and avoid a two-tier structure. Any two-tier structure will end up dividing the workplace, with the result that most of us will suffer – either because we'll pay more or take the cheaper plan to save money.

Eventually, UC would have been able to force us to pay the additional 0.5% for the existing pension plan. In return for agreeing now, we were able to obtain these significant concessions, which will allow us to shape the future of health benefits and retiree benefits.

HX bargaining at critical juncture

UC's bargaining behavior with UPTE's health care professionals unit (HX) can be quickly summed up in three words: divide and conquer.

UC has made clear its intentions to use HX bargaining, currently going on, as a wedge to force through its reductions in pension benefits (see story above on two-tier pension).

Many HX employees suffer from below-market wages or wage disparities, as UPTE bargainers have repeatedly demonstrated to UC. Clinical social workers, audiologists, pharmacists, and others make up to \$10,000 less per year than similar professionals in city or county employment – often with higher caseloads and a client population with more complex problems.

UC pushing for cuts

UC has said it recognizes the disparity but is making any pay increases conditional upon the HX unit's agreement to the proposed two-tier pension plan. This inferior plan would be implemented on July 1, 2013. As a further condition, UC demands that UPTE agree to a reduced retiree health care plan, which would cause substantial cost increases for as many as half of current union members.

UPTE has taken a firm stand that all of our units will negotiate over UC's pension changes together, and not leave HX workers to negotiate by themselves. UPTE is proposing a short-term contract with UC to enable all its represented employees to bargain pensions and health benefits together.

"At that point, many of the other UC unions and UPTE's TX/RX units will be negotiating over the same pension and retiree issues, giving us more collective strength at the table," said Sonia Palacio, a UC Irvine clinical social worker and member of UPTE's team. "HX is a smaller unit and UC clearly hopes it can drive a wedge between us by forcing HX to knuckle under," she added.

Maintaining solidarity

UPTE's team has made it very clear that it would not accept a contract that extends past June 30, 2013, in order that HX workers could join their colleagues during pension talks then. This was non-negotiable.

"We were hopeful that UC would revise their proposal to a shorter contract and still provide our members with fair, market wages," said Felson. But in a bargaining session completed just before this *Update* goes to press, UC issued another totally unacceptable proposal.

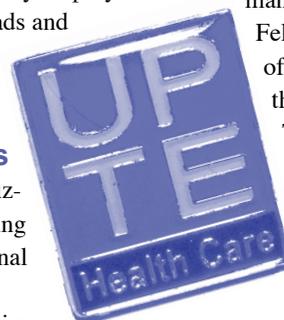
"After waiting for over a month for a 'revised' wage proposal based on our demand for a short contract length," reports Felson, "UC waited until nearly the end of our 4-day-long session to offer – as they had before – a 5-year contract.

They stated it was UC's 'best offer' but only included an additional 0.5% for each year in the contract."

That additional 0.5% increase is below what most other UC union workers have received recently – and they have received their increases *without* having to agree to a 2-tier pension or cuts to retiree health care.

The HX contract is now expired, and the unit is in "status quo." That means management can't implement any changes to working conditions, wages or benefits, and the union is no longer bound by the "no strike" article. Stay posted for mobilizing plans.

Meanwhile, check out the latest at UPTE's special Facebook page for HX employees on.fb.me/hxgroup. Bring your ideas and questions.



UC's proposed two-tier pension plan: pay more, get less

The UC regents are proposing changes to both major components of UC employees' retirement: our pensions and our retiree health benefits. They have said they believe employee benefits are "too generous" and want to force employees into a cheaper "two-tier" plan whose net effect will make it financially impossible for many to retire before age 65.

Why you should care

About half of *current* UC employees will be forced on to Tier 2 (that's the inferior one) in order to keep their retiree health benefits. If your years of service plus your age add up to less than 50 or you have worked fewer than 5 years as of July 1, 2013, you will be moved on to Tier 2. This pushes back the age at which UC will pay half of the employer contribution from 50 to 60.

By using Tier 2 to undermine standards, our current status quo will become stigmatized as the "expensive" plan. UPTE believes it is only a matter of time before UC will push for pay cuts for Tier 1 employees to offset the now-more-expensive plan.

Alternatively, UC may seek to get rid of these more expensive employees and replace them with cheaper new hires. UC has already laid the groundwork by eliminating the seniority requirement for layoffs for employees without a union contract.

Split pension plans divide employees and will make it harder to unite to pressure UC around wage and benefits issues. Because pensions and health benefits have repeatedly been cited in UC's own surveys as a strong reason employees stay at UC,

inferior Tier 2 benefits will result in higher staff turnover.

Degraded pension benefits will affect all of us. It is important to stay unified with new hires instead of seeing ourselves as "grandfathered in" and therefore, safe.

What's UC's motive?

Improving the financial health of the pension plan is **not** UC's motive. UC plans to contribute less for Tier 2 than for Tier 1, even though employees will pay more. If the plan was not financially sound, paying less would be inadvisable. The value of pension plans goes up and down with the economy. Despite losses in 2008 and 2009, in 2010 the plan made a 12% return on investment.

UC executives believe that employee benefits are too generous. They do not believe that employees who work at UC for 20 years and who retire at age 60 should have a pension that is half of their salary, nor continuing medical benefits.

The timeline

UC wants to implement the Tier 2 pension and retiree health benefits July 1, 2013. The bargaining leading up to that date will determine what UPTE members receive.

UPTE will work closely with other unions who will also negotiate what their members' benefits will look like. UPTE is currently conducting research surveys and analyzing data provided by UC.

The union will approach UC in a few months to discuss health benefits solutions, and pension bargaining will begin in early 2013.



Wonder where union stewards get their confidence?

By networking and learning with other union activists, that's how. Join over 2,000 CWA and USW (United Steelworkers) members at the two unions' first joint Health, Safety & Environment Conference, March 3-9, Pittsburgh, PA. The event will include 2-day or 4-day trainings, using a small group activity method. If you'd like to attend, contact your local. Financial assistance may be available. Learn more at <http://bit.ly/x6Ytlw>.

Irvine fume hoods

In October, a week before a hearing scheduled by California's Occupational Safety & Health Standards Board, UPTE learned that UC Irvine had been testing fume hoods with lower air flows than Cal/OSHA requires and had applied for a permanent variance to operate them at the lower levels.

None of the four unions whose members would be affected had received notice of the changes. We moved into high gear and worked together to postpone the hearing at the eleventh hour. (The other unions, in addition to UPTE, are UAW Locals 5810 and 2865 – postdoctoral researchers and academic student employees, respectively – and AFSCME 3299.)

A web search brought up notes from systemwide environment, health and safety meetings showing that UC plans to build "smart labs" with better overall energy use throughout the university, including lower-flow fume hoods, to save energy costs. Many of us, especially members who work in labs, were concerned that fume hoods with a lower air-flow rate would be less protective than the current Cal/OSHA standard.

The hearing was rescheduled for January, and UAW and CWA professionals in Washington, DC, worked together to prepare expert testimony – which was provided by UAW health and safety specialist Darius D. Sivin, PhD, who has experience with chemical exposures. UPTE provided testimony based on members' comments. Cal/OSHA's position on the variance is different from ours, but complementary.

The unions' criterion for granting the variance "is that it must provide equal or superior safety and health protection." The unions asked the Standards Board to add conditions requiring UCI to conduct testing and exposure monitoring for all fume hoods on the campus, not simply those that would be covered by the variance. That required UCI to monitor for baseline exposure for hazardous materials, to train union members to conduct this testing as well as participate in annual planning.

During breaks in the hearing, Sivin and UAW's attorney specializing in health and safety, as well as UPTE's health and safety director Joan Lichterman, discussed the possibility of working collaboratively with UCI on lab safety. Discussions are continuing.

Professor charged in UCLA lab safety case

(continued from page 1)

The investigator concluded that UCLA's lab safety practices "were so defective as to render the University's required Chemical Hygiene Plan and Injury and Illness Prevention Program essentially non-existent. The lack of adequate lab safety training and documentation, lack of effective hazard communication practices, and repeated failure to correct persistent and repeated safety violations within University labs, were all causal deficiencies that led to a systematic breakdown of overall laboratory safety practices at UCLA."

Scientific American said the case raises "the widely neglected issue of safety standards at university labs," noting that the "rate of serious mishaps in industrial labs is lower than that in academic labs, in part because industrial labs are more tightly regulated."

According to attorney Frances Schreiber, a former director of the Bureau of Investigations, "Harran could have been charged with felony manslaughter. The evidence in support of the felony Labor Code charges is solid. Harran's utter indifference to the health and safety of his laboratory personnel, his heedless approach to basic precautionary standards and accident preparedness, and his inadequate laboratory management illustrate that he both acted and failed to act without due caution and circumspection and with reckless disregard for the lives of his employees."

The Cal/OSHA Bureau of Investigations report is available at www.defendingscience.org/upload/Calif-BOI-report-Sheri-Sangji.pdf.

A matter of life and death

UPTE is requesting that as many members as possible write personal letters about their UC lab experience to the District Attorney. "We believe that Sheri and her family deserve justice and that a fair outcome will send a message around the country that academic labs must provide a safe working environment for their workers, whether student or staff," said Joan Lichterman, UPTE's health and safety director.

Take a few moments to read www.upte.org/takeaction and send your thoughts about the case to the District Attorney.

KEY FEATURES OF TWO-TIER RETIREMENT

- ◆ **UC pays less and employees pay more.** Starting July 1, 2013, UC will contribute 4% less while employees contribute 0.5% more.
- ◆ **Minimum retirement age goes from 50 to 55.** Currently, very few people voluntarily retire before age 55. This change will affect employees who must leave UC earlier than they desire. Those leaving before age 55 will receive **NO** retiree health benefits. For example, an employee with 20 years of service who gets laid off at age 53 will have no UC retiree health benefits.
- ◆ **Maximum benefit at 65 instead of 60.** Because of a change in the "maximum age factor," if you retire at age 60 with the same number of years working at UC, you'd get 30% less in your pension. For example, an individual with a salary of \$50,000 and 30 years of service credit would get nearly \$1000 **LESS** per month.
- ◆ **No lump sum cash-out.** UC wants to eliminate the option for a lump sum cash-out of your retirement funds. The lump sum cash-out benefits those who have another source for health benefits and do not need a reliable pension income.
- ◆ **UC wants to eliminate the subsidy for on-going pension benefits to surviving spouses and partners.** Currently, an eligible spouse or domestic partner automatically continues to receive 25% of the employee's pension if his or her partner dies. UC wants to cut this benefit.

CWA joins coalition working to overturn Citizens United

More than 60 organizations have now joined the effort to combat the anti-democratic corporate and special interest spending in US elections made possible by the Supreme Court's ruling in *Citizens United v. FEC* by supporting a constitutional amendment to overturn that decision.

The movement to fix the Supreme Court's dangerously flawed decision is being supported by advocacy groups like Common Cause and MoveOn.org. UPTE's national union, the Communications Workers of America (CWA), recently became the first labor union to take up the cause. Through this effort, millions of Americans are taking action to ensure that our democracy responds to the needs of the American people, not just the bottom lines of wealthy special interests.

Under the United For the People banner, these organizations are harnessing the grassroots power of the vast majority of Americans who demand that the American people – and not wealthy special interests and corporations – hold the keys to our democracy.

Grassroots actions spread

As the second anniversary of *Citizens United* passed, an expanding network of organizations united in opposition to unchecked corporate spending in our elections is coordinating a series of actions from grassroots gatherings to rallies at courthouses and corporate headquarters across the nation to let the peoples' voices be heard.

For thousands of American citizens, elected officials and progressive organizations standing together to demand a consti-

tutional amendment to reverse the effects of *Citizens United*, this is a "movement moment."

For details, see the wealth of information, including upcoming events in your area, at www.united4thepeople.org.

Pacifica Radio bounces paychecks, flouts labor law

CWA-represented workers at KPFA, the Bay Area's historic community radio station, are usually the ones reporting on labor rights violations. But this month, they were shocked to find out that their employer not only continues to illegally withhold their pension contributions, but is now unapologetically bouncing paychecks.

Workers and community members at the 63-year-old progressive radio station have been fighting to regain local control of programming from parent network Pacifica, which owns 5 stations nationwide: Berkeley (KPFA), Los Angeles (KPFA), New York City (WBAI), Houston (KPFT) and Washington DC (WPFW).

Last month, employees around the Pacifica network, including KPFA, had paychecks bounce. KPFA had sufficient funds to cover its payroll, but Pacifica pools the payroll money of its five stations, and did not warn KPFA's workers that whoever deposited their checks last would face a bounced check due to financial problems at sister station WBAI.

Stewards from Communications Workers of America Local 9415, which represents KPFA's union workers, wrote Pacifica's managers reminding them that bouncing paychecks is a crime: "We have advised the workers who draw pay at KPFA to report Pacifica to the California Division of Labor Standards Enforcement should any of their paychecks bounce,"



Production line workers at one of Apple's Chinese suppliers, FoxConn.

Labor activists pressure Apple on workers' rights

In mid-February, customers and labor activists delivered petitions with over 250,000 signatures calling for Apple to improve conditions for the Chinese workers who manufacture its iPhones, iPads and other products.

The two efforts, by SumofUs.org and Change.org come as information has emerged showing appalling conditions in Apple's supply plants in China. Workers put in "12-plus hour days, 6 days a week, without overtime," according to Sum of Us. "Many are routinely exposed to toxic chemicals and forced repetitive motions that wear away their joints until they can no longer function. Workers have collapsed dead on the assembly line after marathon, sixty hour shifts, and suicide is a common problem."

The groups have launched a campaign to pressure Apple to overhaul the way its suppliers treat workers in time for the launch of the iPhone 5. Apple is the most valuable company in the world, with profits last quarter of over 44%.

Company executives' initial response has been to join an independent labor rights organization to investigate and publish a report. Apple's critics welcome the move, but say much more needs to be done.

Meanwhile, employees in Apple's stores in the US have begun organizing their own union, the Apple Retail Employees Union. Consumers who back the workers have formed the Facebook support group Apple Customers for Labor Rights.

wrote Antonio Ortiz, Sasha Lilley, and Philip Maldari. "This will trigger automatic financial penalties for Pacifica, and may result in criminal charges against [those] Pacifica employees responsible."

Anti-union consultants hired

The check bouncing comes after a year in which Pacifica hired \$400 an hour anti-union consultants to fight its \$20 an hour unionized staff, and illegally dipped into the 403(b) retirement accounts of its workers. After CWA reported Pacifica to the Dept. of Labor on the pension issue, the network promised it would not happen again and that it would repay the monies with interest. But CWA says Pacifica continues to withhold contributions, calling it "wage theft."

Listeners are outraged about the network's behavior, led by Pacifica treasurer Tracy Rosenberg. They have collected sufficient signatures to trigger a recall vote, but Pacifica is dragging its feet in mailing ballots to KPFA's 20,000 dues-paying listeners. Learn more at www.SaveKPFA.org or www.KPFAWorker.org.

Support workers, get wireless discount

UPTE-CWA members can talk for less through the AFL-CIO's Union Plus discount plan. With the Union Plus AT&T Wireless discount, union members save 15% off the regular monthly rate for indi-

vidual and family wireless cell phone plans – that can translate into \$110 per year on an average plan.

Not only will you be saving — you'll be supporting union workers and their families. Some 40,000 AT&T Mobility employees are represented by UPTE's national affiliate, the Communications Workers of America (CWA).

Workers at Verizon Wireless have been engaged in a protracted struggle for many years to win union recognition, against concerted employer hostility. Sprint is anti-union, while CREDO Mobile, which uses Sprint, is completely non-union. AT&T is the only wireless company that is completely unionized and recognizes the right of its employees to bargain collectively.

Want details? Check out www.getunionwireless.com.

Workers' Memorial Day is April 28

Every April 28, people in hundreds of communities and at worksites around the world recognize workers who have been killed or injured on the job during International Workers' Memorial Day.

To paraphrase American labor and community organizer Mother Jones, it's a day to "mourn for the dead and fight like hell for the living." As the date gets closer, check for events in your area at workersmemorial.aflcio.org/workersmemorial.

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Berkeley, CA 94704

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