UPTE CWA 9119 AFL-CIO

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UPTE, CWA leaders meet with new UC president, get her pledge on single tier pension, fair raises

On November 15, UPTE’s leaders met with new UC president Janet Napolitano to explore how to re-start bargaining for 15,000 health care professionals (HX), techs (TX) and researchers (RX) systemwide.

“Not only did Napolitano commit to having more money on the table for raises,” said UPTE President Felicita Kalmijn, “she attended the meeting. “She said the university was amenable to UPTE’s latest proposal to preserve a single-tiered pension, as long as cost issues could be worked out at the bargaining table.”

“The university also committed to putting more money on the table for compensation,” Kalmijn said.

“This is a very welcome turnaround,” added UPTE’s chief bargainer Wendi Felson, who also attended the meeting. “After two years of bad faith bargaining, UC is finally beginning to negotiate – no doubt because UPTE members have been expressing themselves in countless ways, from demonstrations and workplace actions, to letters and petitions.”

Also present at the mid-November meeting were Nathan Brostrom (EVP Business Operations), Dwaine Duckett (VP Human Resources), Jim Weitkamp (CWA District 9 director) and Larry Cohen (CWA president).

UC’s previous proposals to UPTE’s bargaining teams would have meant no net raise (and even a pay cut) for most HX, TX and RX unit members. Napolitano appears to be directing her Labor Relations staff to get back to the table and negotiate in good faith. A new bargaining session is scheduled for early December.

Employees deliver petition

Over 600 UPTE-represented employees signed a letter to President Napolitano last month urging her to reverse the dismantling of UC’s previous pension and retirement system and also keep all current employees on one tier for retiree health benefits.

“Our meeting with Napolitano was a great start, but it in no way guarantees we’ll get the fair raises and retirement security we’ve proposed,” said Felson.

“We need to keep up the activism, so that UC knows we care deeply about our working conditions and are prepared to back up that concern with workplace action,” Felson added.

Sequoias college faculty ratify favorable agreement

UPTE-represented faculty at the College of the Sequoias can stand a little stronger today after having ratified a contract that features substantial improvements in pay and working conditions, in the midst of an accreditation review that threatens to shut down the college.

The contract, negotiated by adjunct faculty at the community college based in Visalia, offers 2% raises this year, but the more noteworthy gains concern adequate compensation around peripheral teaching duties. Members taking on student learning outcome duties will receive raises of $1 per hour, while extra compensation for teaching large classes will kick in at 41 students instead of the current threshold of 45.

Historic “firsts”

For the first time ever, the contract will compensate associate faculty for mileage when they are required to teach classes on different campuses in the same day. The budget for office hours were doubled from $20,000 to a minimum of $40,000, meaning faculty will not have to choose between providing educational assistance for students and working for nothing. Finally, the contract guarantees that, when full-time faculty positions become available, at least three adjunct faculty who apply will receive interviews.

The contract agreement was significant because the college is currently on “show cause” status – probation, essentially – with the Accrediting Commission for Community and Junior Colleges, the same organization that has been threatening to pull the accreditation of the 85,000-student San Francisco City College.

The commission issued recommendations for the College of the Sequoias in 2006 and now says the college has not made sufficient progress toward meeting them. Its criticisms focused on “campus environment” issues, including inadequate tracking of student learning outcomes, governance, and communications. UPTE-represented adjunct faculty members will take on greater responsibilities for meeting these tracking demands in return for the negotiated raises. The contract was approved in September; terms are retroactive to July.

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State to expand pension options for private-sector workers

A bill to create a public retirement savings program for private-sector workers who do not have access to an employer-sponsored plan has passed both houses of the California Legislature and awaits the governor’s signature, according to the Economic Policy Institute.

Under Senate Bill 1234, employers who do not offer a retirement plan would be required to implement automatic paycheck deduction for employee contributions to a low-fee savings plan. Unless they opt out, workers would be automatically contribute 3%, which would be pooled and professionally managed by either a private firm or the California Public Employees’ Retirement System (CalPERS), working on a contractual basis. Learn more at <www.itybityurl.com/3s2u>.

UCSD UPTE members get the word out on Unity Day with UC’s 12,000 CNA-represented nurses.

UPTE letter to Napolitano draws hundreds of spot-on responses

Workers speak up

Others complained about taking the hit for UC’s mismanagement. “Normally I am quiet on these matters,” wrote a UC Merced field operations manager at an environmental observatory. “However, I do not feel that it is appropriate to put the blame and hardship on employees, for mistakes made by the UC. We work hard, often sacrificing our personal lives. The pension system is not in trouble because of employees,” he added, but because of UC mismanagement.

Several signers were angry over UC’s expanding and privileged executive class. Wrote one clinical lab scientist at UCSD, “I attended our town hall meeting last week and heard how front line personnel are being cut and executive-level positions are being added. People who make $50k plus with annual raises and bonuses are doing great. The people who take care of our patients can’t even get scraps. I was so angered by our CEO’s presentation that I came back and signed a strike card. The first time in my life.”

Throughout the comments ran a common theme: welcome to the university and hope that President Napolitano would treat workers and their unions with more respect than her predecessors. As one lab tech at UCSC put it succinctly, “Please stand up for us. We work hard for you, so please work hard for us.”

We couldn’t say it any better.

JANET NAPOLITANO: preserve UC’s excellence!

“I want to be a leader who wants the University of California to be a welcoming place.” Janet Napolitano, quoted on California Report, 9/30/13

That’s what UC’s new president said on the first day of her job. Will she carry out this promise? You can help her decide.

CHOICE 1: THE DOWNWARD SPIRAL

- Continue dismantling our great public university. As begun by former Presidents Yudof, with rising tuition, larger classes, reduced pay and benefits, and an increasingly divided UC community.
- Upset students, faculty, and staff. And still lose to UC.

CHOICE 2: A WORLD-CLASS FUTURE

- Cooperate with employees and students for continued excellence in UC’s research, teaching, and public service missions.
- Be respected and be genuine dialog with employees, students, and alumni organizations.
- No second-class workers at a first-class university.

Visit QualityUC.org and share your choice with President Napolitano.

Ask her to support the university’s future by protecting single-tier retirement and keeping the best and brightest at UC.
UC’s 2014 benefits changes negatively affect many employees

Among the biggest victims of UC’s 2014 benefits changes are those who have already retired. UC has increased their monthly premiums by more than 35%. In addition, the abandonment of Health Net (not Blue and Gold) will disrupt the provider network many of us have relied on for years.

The 2014 benefits plan features a new, self-insured plan called UC Care, with an emphasis on UC health care providers. And this is a good thing: encouraging UC employees to utilize our own services helps our membership. UC’s shift to improve primary care will increase our patient population and diversity.

While this plan may offer long-term benefits to UC’s members, the immediate effect of forcing those still on Health Net (not B&G) to UC Care may mean they will either lose their providers, or suffer a dramatic increase in out-of-pocket costs for care. If your provider is not part of UC Care, you must use the PPO, which gives you flexibility to pick your own doctors but comes with a heavier share of all the costs.

For retirees, UC has disconnected them from the cost structure of current employees several years ago and has steadily increased their monthly premiums. This year a typical Health Net (B&G) coverage for a UC retiree went from about $110/month to $170/month. UC wants to continue shifting the cost until retirees are paying 30% of the premium.

“That’s why the union is continuing the fight to protect retiree health benefits at the bargaining table,” said chief bargaining Wendi Felson. “Our retirement benefits are a key part of our compensation.”

UpTE contract ensures fairness for UC employee

A recent arbitration over the firing of one safety technician at UC Davis drove home the importance of the just cause principle for discipline and termination. “Just cause” is a fundamental feature of any union contract and guarantees that actions taken against employees must be sound, reasonable, and based on solid evidence.

In this case, a safety technician tested positive for marijuana use. University policy forbids the use of drugs for safety technicians in safety-sensitive positions, as she was. Based on this and on its interpretation of federal guidelines, the university fired the tech.

Evidence lacking, arbitrator rules for union

Open-and-shut case, you’d think. But as UPTE’s union steward, Edgardo Vasquez pointed out, nothing in the federal guidelines required her dismissal, and the university still had the obligation to correct the situation through reasonable and progressive discipline.

The arbitrator agreed, finding that the university’s interpretation of the federal guidelines was not only overbroad, but that UC exaggerated the scope of the employee’s safety-sensitive work duties so that it would have no option but to fire her. In addition, UC provided no evidence that the tech had worked while under the influence of marijuana, only that she had used it in the recent past.

Noting that the tech was a 10-year employee with a good work record, who had already passed five previous random drug tests, the arbitrator reversed the termination and instead imposed a one-month suspension, with a five-year no-drugs “last chance” probation.

“No one is perfect,” said Vasquez of the case. “We’ve all made mistakes. What we should expect, however, is that our work situation be evaluated fairly and fully, and that any action taken be reasonable, not arbitrary, and founded on real evidence.”

The university failed that test here, but it was the safety tech’s good fortune to be represented by a union that stands up for fairness – and wins.

Doug Brown, ¡Presente!

Earlier this fall, UPTE-CWA and the labor movement lost a leading light and a force for change. Doug Brown, machinist, musician, and political activist died in Berkeley on September 6, 2013. He was 73 years old.

Doug was one of the founders of UPTE in 1990, and he served as president of Local 1 for many years. He was also on the first UPTE bargaining team, and served as a shop steward representing dozens of employees in grievances and arbitrations.

As UPTE vice president Lisa Kermish recalled, “Doug was a rare activist – a keen, quiet observer who spoke not because he loved his own voice, but because he had something that needed to be said. He also had an extraordinary compassion that led him naturally to stewarding – a belief that he needed to do something to help advocate for the worker who had so much stacked against him/her. He was a peacemaker who worked to bring opposite factions together without compromising his own strongly-held opinions.”

A troublemaker, in the best sense of the word

A machinist by trade, he got his start at machine shops in San Francisco and Berkeley before settling into the molecular biology department at UC Berkeley. Wherever he worked, Doug kept his political consciousness in the forefront. Early in his career, he helped negotiate a union contract in which Doug worked accepted a work order from the apartheid government in South Africa for a device the company had developed. Doug and his co-workers confronted management and insisted they reject the order. The group of workers, including Doug, was fired.

Doug’s political activism spanned many decades and movements. In the early 60s, he and his wife Gail worked with East Bay Friends of the Student Nonviolent Coordinating Committee (SNCC) to raise funds and supplies for civil rights workers in the South. In the early 1970s he worked with disabled students at Cal in the formative days of the disability rights movement. Doug served on Berkeley city commissions during the 1980s, and during that decade both he and Gail worked with solidarity groups providing technical aid to Nicaragua’s Sandinista government in its struggle to rebuild the country.

In 1985, Doug traveled to Nicaragua and worked in a machine shop in the north repairing agricultural machinery.

Doug was also a talented and engaging musician, playing guitar and bass. Doug was a member of the Couchmen – a touring folk group – right out of high school. For many years his Sunday mornings would be spent dressed in a tuxedo while playing with old time jazz musicians in a group known as the Mellotones. Doug’s family included Gail, his wife of 53 years; Gene and Louise, his housemates and fellow activists of 40 years; together, they raised four daughters and six grandchildren. Doug is also survived by three sisters, and many cousins, nieces and nephews, and friends.

As another UPTE co-founder, Libby Sayre, reflected, “Doug was a lifelong, dedicated union activist, and his contributions to the labor movement and to our union are enduring. He fought tirelessly to make the world a better place for working people in the US, in Central America, and the world. His life is testimony to the ability of one person to make positive change happen. He was my friend and inspiration for 25 years.”

A video about Doug’s life and work can be viewed on UPTE’s YouTube channel linked at www.upte.org. It’s no exaggeration to say that UPTE is what it is today in part because of Doug’s tireless efforts. He will be missed by many, but others will carry his work forward. As Doug would say, Adelante!

Doug helped lead UPTE’s first campaign to win representation for UC technical workers. Here he is (bottom row, third from the left) circa 1994 when the union delivered 1500 union supporters’ signatures to the Public Employee Relations Board.

Doug Brown, machinist, musician, political activist, labor activist, and一下。
In the news

Equality for all in the workplace, finally

After a nearly four-decade journey, the Employment Non-Discrimination Act (ENDA) has finally made it out of the Senate with bipartisan support and creates what no other law currently does: express protections for lesbian, gay, bisexual, and transgender (LGBT) people in the workplace.

Many in the union movement have worked to enshrine these protections in our contracts, so that workers do not have to hide who they are out of fear of losing their jobs and livelihoods. But not everyone has the protection of a strong union contract. Every year, discrimination occurs in many forms, as American workers aren’t hired, are fired, do not receive job promotions, or deal with verbal and physical abuse from co-workers and supervisors simply because of their sexual orientation or gender identity.

ENDA is an important step in recognizing that employment decisions should be made on the basis of an individual’s ability to perform a job. People who work hard and perform well should not be discriminated against because of their sexual orientation or gender identity.

The bill has the overwhelming support of the American people, businesses and faith communities. It’s time to remind our lawmakers of that fact, as the bill moves to the House, where Speaker John Boehner has vowed to kill this critical legislation.

New California laws support workers

The 2013 legislative session delivered many new laws providing significant gains to California workers, boosting our state’s economy and bolstering the middle class.

With the federal minimum wage stuck at $7.25, Gov. Brown signed AB 10, taking California’s minimum wage to $10 per hour by January 2016, a 25 percent wage increase for low-wage workers in the state.

While immigration reform is stalled in Washington DC, Gov. Brown signed a slew of bills to protect immigrants.

California’s unions worked in partnership with the immigrant rights community to not only push for federal reform, but also push stronger state law protections for immigrant workers and their families. Labor pushed for the rights of excluded workers to have basic protections.

California opened a state-wide health-care exchange, offering access to affordable health care to people across the state.

Key legislation passed

Here are some of the bills enacted to protect workers and promote jobs:

* AB 10 (Alejo/Steinberg): Increased the minimum wage to $10/hour by January 2016.
* AB 60 (Alejo): Expanded drivers’ licenses to all Californians, with key protections for immigrant drivers.
* AB 241 (Ammiano): Granted daily and weekly overtime protection to domestic workers who have been excluded from most labor laws.
* AB 263 (Hernandez)/AB 524 (Mullin)/SB 666 (Steinberg): Enacted the strongest protections for immigrant workers in the country to stop retaliation when workers speak out about unfair wages or working conditions.
* AB 537 (Bonta): Improved process for public sector bargaining to resolve disputes more effectively.
* SB 400 (Jackson): Helped domestic violence survivors keep their jobs and promoted a safer workplace by asking employers to identify and minimize the risk of workplace violence.
* SB 770 (Jackson): Expanded paid family leave to include time providing care for parents-in-law, siblings, grandparents and grandchildren.

“Together these new laws make California a better place to live and work, and strengthen our economy as they rebuild California’s middle class,” said Art Pulaski, executive secretary-treasurer of the California Federation of Labor.

Registered nurses represented by the California Nurses Association (CNA) joined with UPTE’s pharmacists, social workers and other professional employees for an informational picket at all five UC medical centers on November 1, to protest UC’s threat to implement take-away proposals against thousands of long-serving employees.

This fall, UPTE’s researchers and techs voted by more than 92 percent to give the union strike authorization, after months of bargaining to beat back UC’s proposals that included severe cuts to pay and benefits. CNA represented nurses voted by 95 percent to authorize a sympathy strike in support of UPTE or another UC union, should one of those unions be forced out on strike.

As this Update goes to press, CNA just reached a tentative agreement with UC that includes preserving a single-tier pension and 4% annual pay increases (see story on page 1). UPTE bargainers are scheduled to meet with UC in early December.

Highly profitable medical centers

UC is seeking the cuts despite reporting $524.4 million in profits in operating income from the five medical centers just in the fiscal year ending last June 2012, according to its audited financial reports. Despite four years of projected increases in state funding, profits at the medical centers, and healthy income from federal grants, UC continues to push for large pay cuts, a decrease in pension benefits by five years, and retire health benefits by 15 years.

“UC researchers, techs and nurses move forward in unity

UC researchers, techs and nurses move forward in unity

For the three Department of Energy labs run by the University of California to researchers on federal National Institute of Health Grants, the federal shutdown caused great consternation and uncertainty.

The Livermore and Los Alamos labs were on the verge of near complete shutdown and furlough the eve that Congress finally passed a continuing resolution re-opening the government. If the shutdown had gone into the next week, UPTE’s members would have gone without pay and no promise of reimbursement because they do not work directly for the federal government.

UPTE’s skilled trades members at Livermore won creative work schedules that would have kept most of them working at a reduced level in order to not lose benefits, but the financial hardship would have been extreme for many still reeling from the housing crisis in the area.

UPTE’s legislative activists will pressure laboratory management and policy makers to make contingency plans for future possible shutdowns as early as January. The gridlock created by legislators willing to stop all government business for the sake of undermining the Affordable Care Act should not mean UPTE’s members go without pay.