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University Professional
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U.P.D.A.T.E

Workers fight UCSF's plan to move IT overseas

Hank Nguyen got two letters on the same day from UC last summer. One, from his employer, UCSF, was a layoff notice from his job as an information technology (IT) employee. The other, from his daughter's new school, UCSC, was a \$35,000 bill as she plans her course of study in the same IT field.

Nguyen is one of 97 UCSF workers who received layoff notices after the campus signed a \$50 million contract with multinational firm HCL, headquartered in India.

"I'm uncertain what to tell my daughter," said Nguyen, who has worked as a systems administrator at UCSF since 2012. "UC is training these students on one hand, and outsourcing their future jobs with the other. We're sending the wrong message to our future generations."

Expansion to other campuses?

Nguyen and other UPTE activists have been mobilizing against the move, building public support for the IT employees. The workers are being forced – as a condition of their severance – to train their own replacements, who will then help move operation overseas.

There is concern that the program will be expanded to other locations in the ten-campus, five-medical center system.

Under the HCL contract, UC will replace 17 percent of the campus' IT employees with workers brought to the US under the H-1B visa program. That has drawn

sharp criticism from legislators, including Senator Nancy Pelosi, US Representatives Zoe Lofgren, Anna Eshoo, Mark DeSaulnier, and Barbara Lee (all California Democrats), and Senator Charles Grassley (R-Iowa), who have called on UC president Janet Napolitano to ditch the program.

"It is clear that the University is seeking to replace American workers with lower-cost foreign workers abroad and potentially also in the United States," wrote Senator Grassley, who chairs the Senate Judiciary Committee, which oversees immigration. He told Napolitano that the H-1B visa program was "never intended to facilitate the replacement" of workers.

"When Napolitano was head of DHS – the Department of Homeland Security – she said, 'Our top obligation is to American workers, to make sure American workers have jobs.' We're asking her to fulfill that promise now," said Keith Pavlik, a UCSF employee who spoke before the UC regents this fall.

So far, Napolitano has responded only that the contract with HCL is a "pilot program."

At a recent forum in Wash-

ington, DC, where Napolitano was appearing, UPTE-CWA activists passed out leaflets pointing to possible violations of the H-1B visa program.

"We're not going to participate in a race to the bottom, where working people are fighting each other across the world to see who can be exploited the most," Jelger Kalmijn, UPTE's systemwide president, told the regents.

"I urge you to take leadership and stop this outrageous outsourcing," added Kalmijn, pointing out that it would save little and cost the university politically and financially.

Privacy, conflict of interest concerns

Nguyen notes that the move is likely to leave UCSF with inferior service and might endanger medical data: "What about the protection of the health data which have been protected by us, the US workforce, who have to go through HIPPA and other sensitive data training almost annually?"

Conflict of interest questions have also been raised because two high-level UC officials sit on the board of HCL – UCSD chancel-

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UCSF IT worker Hank Nguyen with his daughter Audrey, an IT student at UCSC.

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In major victory, UCSD Theatre workers save 21 jobs

In early November, UCSD's Department of Theatre and Dance laid off its entire 21-person staff, a team it shared with an off-campus performance group, the La Jolla Playhouse.

Management of both theater companies had collaborated in a plan to "restructure" and separate the staff who worked joint shifts. Employees were asked to apply for new positions that paid 25 to 45 percent less than before.

The news was received with alarm from workers and community theatre-goers. UPTE member Will Widick, a lead artisan and department prop shop worker with 14 years of service, got together with his coworkers to plan a response.

Network of protest develops

They organized public support with a Facebook page and an online petition that gathered over 1,000 signatures, and did public outreach by leafletting donor events

and UCSD performances.

Organizers targeted UCSD chancellor Pradeep Khosla and Arts and Humanities dean Christina Della Coletta, who received a flood of protest.

To management, "we are just employees who simply screw flats together, sew seams, hang lights and speakers or put tables and chairs on a stage," Widick wrote on the Facebook page, "but to all of the great student professionals who have passed through this great program and the amazing faculty supporters, we are skilled professionals, artisans,

mentors, teachers and now friends and colleagues."

Organizing paid off

Widick told public radio station KPBS that UC's restructuring of the department was a "reflection of their changing attitudes and their commitment to the arts."

"In many ways we feel that as artists and as artisans that not only is our work not appreciated but that artists don't feel safe in

this new university environment," added Widick.

By early January, the organizing paid off big time. UCSD's chancellor gave the order to immediately rehire all the staff at their original pay.

Lesson: organizing works. If you are threatened with layoffs or "restructuring" in your department, talk to your coworkers and contact UPTE immediately.



At right, one of the graphics Theatre workers used to get their message across to the public after management announced layoffs.

Organizing for fairness

Physical and occupational therapists meet at the UCD medical center to strategize about their bargaining demands.



Need a college scholarship?

Don't miss the April deadline to apply for CWA's Joe Beirne Foundation scholarships for the 2016-2017 school year.

Fifteen winners are selected by lottery to receive partial college scholarships of up to \$3,000 each, as well as second-year scholarships of the same amount.

UPTE-CWA members and their partners/spouses, children and grandchildren, including those of retired or deceased members, are eligible for the awards.

Details are at www.cwa-union.org/pages/beirne.

UPTE Irvine member Enrique Trinidad at a union coalition demonstration this fall.



Contract gains: one down, one to go

Two groups of UC employees who merged into UPTE-represented bargaining units recently have passed milestones in their effort to secure fair wages and improved working conditions.

PTs and OTs wrap it up

Physical Therapists and Occupational Therapists (PTs/OTs) joined UPTE's health care professionals (HX) bargaining unit in late 2014 and began bargaining in early 2015. Those negotiations were concluded just before the Thanksgiving break, and the new contract language was ratified by workers in December.

One cause of the delay was UC's backward policy regarding paid time off (PTO), which required employees to use vacation leave for up to 24 hours of the first episode of illness. This put pressure on employees to come to work sick or send their sick children to school rather than stay at home with them. It was a sore point with many PTs and OTs, and it led to several demonstrations and other actions that finally compelled UC to back down.

The new contract allows PTs and OTs at most campuses to choose between continuing PTO or having separate sick leave and vacation leave accruals that allow use of sick leave from day one.

Other gains in the new contract language includes across-the-board wage increases plus placing all workers on a step structure that accounts for experience, and also transitions them into the UPTE-negotiated pension plan, allowing employees to retire with benefits 5 years earlier than UC's plan, maxing out at age 60. In addition, PTs and OTs would be protected by all provisions of the existing HX contract.

BTSAs move ahead

Business Technology Support Analysts (BTSAs) joined UPTE's technical (TX) unit in fall 2016 and began negotiations with UC to bring them into the existing TX contract.

Counseling psychologists choose union remedy

Counseling Psychologists across the system are the latest group of professionals to seek more control over their wages and working conditions through union representation and collective bargaining.

About 170 psychologists, many of whom are clustered around the student service centers, have seen themselves falling significantly behind the pay scale for psychologists who are already represented by UPTE, even while the two groups often work side by side. They have also complained about also serious staffing shortages that often lead to a lack of services for students with mental illness or depression.

Growing the union by covering new job titles

Bargaining units are simply groups of job titles that have broadly allied duties or functions within an organization. Counseling Psychologists were not part of the units that originally elected UPTE to represent them, but over the years – as titles, occupations, skills and responsibilities, and campuses have evolved – it has become clear that they should be. A unit correction process added them to UPTE's health care professionals (HX) unit which means they will now be able to bargain collectively over their wages and working conditions.

In addition, the psychologists were originally considered classified and exempted from being in the union, but it had become apparent they do not qualify as exempt and can be represented.

"I have met with many counseling psychologists at different campuses, north and south," reported Jamie McDole, UPTE's vice president, "and they are excited and energized to finally have an ability through the union to improve their lagging pay and work situations."

For her part, McDole said she was "excited to be able to work with them on bringing wages up to market and improving services for our students."

A key goal is to improve the BTSAs salary structure. UPTE already represents other Technology Support Analyst job titles. As a result, their pay scale is more than 20% higher across the board at most campuses and includes steps. Negotiations will address this disparity, as well as on-call, shift, and weekend differentials at campuses where BTSAs work outside of regular office hours.

Other goals include moving BTSAs into UPTE's modified retirement structure so that they will be eligible for retirement beginning at age 50 and reach the maximum retirement benefit multiplier at age 60.

An issue of immediate concern is UC's contracting out of IT jobs overseas (see story on page 1). UC's agreement with HCL is systemwide, and notes from recent meetings of UC IT management committees show that other campuses are "looking at UCSF experience before other folks dip in. Wait for

a year before jumping in with HCL."

UPTE has been fighting the outsourcing. Having contract protections puts the union in a better place to negotiate new positions for displaced workers – a critical power that would have made outsourcing less appealing for management in the first place.

"Winning representation for BTSAs is an important step toward reversing UC's attempt to chip away at our union's strength by moving previously-represented work into newly-created, unrepresented job titles," said Dan Russell, a BTSAs at UC Berkeley.

"It gives us protection against the unprecedented outsourcing of IT staff that has started at UCSF, additional pension benefits, and an opportunity to address both equity and market pay issues," said Russell, adding that "strength in numbers is more important than ever with challenges that working people are going to face under a Trump administration."

Why we fight for a strong pension plan

It's been no secret for years that 401(k) plans (or in UC's case, 403(b)) are markedly inferior to traditional employer pension plans.

Traditional plans are managed by experienced administrators who use their knowledge to maximize investment returns, while the pooled investments of pension funds are better able to weather the fluctuations of the market and thus protect the incomes of retirees.

By contrast, 401(k)s shift the entire burden of investing onto the shoulders of workers, forcing individuals to become investment experts if they are to have any hope of an adequate retirement income. Most have neither the time nor the training to succeed.

Moreover, workers have seen their hard-earned savings wiped out by downturns in the economy or drained away by broker fees and hidden transaction charges. 401(k)s also depend on workers being able to set aside portions of every paycheck, something that is increasingly harder to do as pay lags and more workers are forced to live paycheck to paycheck.

Striking to save retirement

For this reason, unions like UPTE have historically fought for pension plans and have resisted attempts by employers to eliminate them in favor of 401(k)s. UPTE's workers, in coalition with other union-represented staff at UC, have fought to retain our pension benefits as UC has introduced cheaper (for the employer) two-tier plans.

The historic strike by UPTE's health care professionals in 2014 was a key element in preserving decent pension benefits for UC technical and professional workers.

Public sector workers like those at UC have more pension protections, in general, than private sector workers, in part because they are more highly unionized. Nationally, as union representation has declined in recent decades in the private sector, pension coverage has sunk to just 13%, from 38% in 1979.

In some cases, employers have simply

dumped their pension obligations on the federal government. At UC, Janet Napolitano and the regents have been trying to squeeze more employees out of the pension plan and onto a 403(b), a move that UPTE and other campus unions are still contesting.

Studies have shown that more than half of workers in their 50s, and almost 60% of those in their 40s, have trouble planning for retirement. Other studies have found that two-thirds of baby boomers plan to work after retirement age – their substitute for an adequate retirement plan – but that 46% are forced to retire earlier than planned.

The result of the shift to 401(k)s is a looming retirement crisis for the country, as workers are finding themselves less able to pay for retirement just at the same time their life expectancies have increased.

Inventors of 401(k)s regret what they created

In early January, the *Wall Street Journal* published a story in which those who first devised 401(k)s in the early 1980s now lament what they created. They envisioned 401(k)s as part of a “three-legged stool” of retirement security and never intended them to replace pensions, but failed to account for the corrupting effects of corporate power and profit as employers looked for ways to cut costs.

“We weren't social visionaries,” said Herbert Whitehouse, an HR executive with Johnson & Johnson and one of the early proponents.

Whitehouse now admits that the very program he championed has not created enough for him to live on. The WSJ reporter asked Whitehouse whether he would have been better off with a traditional pension. “[H]e said he would be in a much more, you know, comfortable spot,” said Timothy Martin. “And the basic difference being he wouldn't be exposed to market risk, the economy tanking and stocks falling. He'd get a set payout for life from his company. And that's something that the 401(k) did away with. You could potentially gain more, but you could also potentially lose more.”

As several of UPTE's bargaining units get ready to bargain new contract provisions this year, pension proposals will continue to be key to what's at stake.

Lynn Sikora, Omar Martin Del Campo, Shanna Vela, Jimmy Leo-Castillo, Sandy Moreno meet to talk organizing.



Another right-wing effort to undermine unions in the pipeline

Anti-union forces are already getting ready to bring a new case before the Supreme Court that is designed to undermine the financial basis of unions and the power of organized working people.

In 2016, the Supreme Court heard *Friedrichs v. California Teachers Association*, which challenged the right of unions to collect “fair share” fees. Once a union is elected as the representative by a majority of workers, the union is legally required to bargain on behalf of all employees whether the employees are members of the union or not.

But if union revenues came only from dues-paying members, this legal mandate would create a highly unequal situation in which non-dues paying employees would enjoy the same union-negotiated wage increases, health and safety intervention, grievance representation, and other benefits, but without contributing a cent toward making them possible.

Fair share provisions allow unions to charge non-members an amount equal to their share of the costs of their own representation. This right was established almost 40 years ago in another Supreme Court case. Non-members are not forced to join the union, pay dues, nor contribute any money toward political activity or any union activity that doesn't directly represent them.

In 2015, seeing their opportunity to use a union-hostile Supreme Court to attack labor unions, well-funded anti-union backers concocted a tenuous legal theory and then deliberately rammed it through lower courts in order to get it onto the Supreme Court's docket as quickly as possible. They very nearly succeeded, as every indication of the conservative court was that it was going to rule 5-4 against labor. But in February 2016 and before the court had issued a decision, Justice Antonin Scalia abruptly died, and with him the possibility of a *Friedrichs* win.

Expect a full-scale assault on labor rights

With Donald Trump pledging to name a hardline conservative to the court, the deep-pocket right-wing interests are sharpening their knives once again. Another case out of Illinois, *Janus v. AFSCME*, is virtually identical to *Friedrichs*, and like *Friedrichs* it is deliberately being fast-tracked through the lower courts to get it to the Supreme Court. Legal scholars point out that this strategy denies unions the right to present evidence in lower courts of the importance and value of agency fees. Court procedures prevent them from presenting this evidence once a case reaches the Supreme Court.

This may be only the beginning of a full-scale assault on labor under the Trump administration. Union activists across the country anticipate that a Republican-controlled Congress will try to pass various prohibitions of payroll deduction for dues or political contributions by union members in the private sector – targeting a major ally of the Democratic Party as well as unions themselves.

How do working people fight back? “Our best defense will be offense,” warned UPTE president Jelger Kalmijn. “First of all, locally, we must fight for union membership and contract demands that justify membership. More broadly, we must build coalitions with advocates for free higher education, equal opportunity, anti-discrimination, environmental protection, and other movements that will come under fire by the Trump administration.”

“We know the fight isn't over,” said the California Labor Federation's Art Pulaski on the demise of *Friedrichs*. “Unions will continue the important work of organizing and mobilizing to beat back these attacks while aggressively pursuing real, lasting gains for workers that open up a path to the American Dream for everyone.”

UCSF workers fight contracting out

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lor Pradeep Khosla and S. Shankar Sastry, UCB's Engineering dean.

CBS' 60 Minutes to broadcast story

The workers are organizing by speaking with the media, their coworkers, and their elected representatives.

Media coverage has included *Computer World*, the *San Jose Mercury News*, the *Los Angeles Times*, *India West*, public radio station KQED, and elsewhere. CBS' *60 Minutes* has interviewed the workers and is expected to broadcast their story in January.

Ten of the workers have also filed a complaint alleging discrimination based on age with the California Department of Fair

Employment and Housing.

Most of the affected IT workers are administrative professionals (APs) who do not have the protection of a union contract. “A union contract would make a difference,” said Nguyen, giving enforceable protections to employees.

How can you help? Sign the online petition calling on UC to reverse course at apsforupte.org/petition, and stay tuned for more news.

You can also share this article with your colleagues, especially those who do not yet have a union contract. Ask them to sign an UPTE authorization card at apsforupte.org. Let's protect good jobs across the UC system now!

UC tuition freeze is thawing

UC is proposing its first tuition increase in six years, claiming that enrollment growth and plummeting state support have left campuses unable to pay for faculty, courses, facilities and financial aid.

Tuition and fees would increase 2.5% or about \$336 during the 2017-2018 school year, according to a report in the Los Angeles Times. The UC regents are scheduled to consider the measure at their late January meeting, and if enacted, the increase would bring in \$88 million.

Student groups, such as the UC Student Association, oppose the plan, and in November, briefly shut down the regents meeting over the issue. They note that even if UC covers some of the new costs with financial aid for those who need it, students face additional hardships paying for rising rents and living expenses in high cost areas such as the Bay Area, Los Angeles and San Diego.

UC says some of the funding will go toward paying for more tenure-track faculty, a response to criticism that the student-faculty ratio has ballooned on some campuses as enrollment in the system has expanded over the last decade.

A similar proposal to raise tuition and fees in 2014 was met with student walkouts at multiple UC campuses. There is evidence that some students are under heavy financial pressure: a recent Cal State University study showed that 8 to 12% of its 460,000 students were homeless.

New York unveils free college tuition plan

Hundreds of thousands of low- and middle-income New Yorkers may be eligible for free college tuition, under a plan announced in early January by the state's governor Andrew M. Cuomo along with Senator Bernie Sanders (D-Vermont).

The issue captured the imagination of younger voters during the presidential race, and a similar plan was included in the



March on Washington this January 21

People will be flooding into Washington, DC, on January 21, to join the Women's March on Washington, a mega-rally and march, the day after the presidential inauguration.

Organizers expect that some 200,000 participants – women, men, and lots of young adults and children – will attend the peaceful protest on the National Mall.

“We want to ensure that this country knows women are not happy,” co-founder Tamika Mallory said in a press statement. “And when we get angry, change happens. We make things happen.”

Buses have been chartered from North

Carolina, southern Virginia, New Jersey and New York, and many more people are making their way to Washington on their own.

CWA (UPTE's national union) is one among dozens of sponsors of the action that encourages women and their supporters to stand together for “the protection of our rights, our safety and our vibrant and diverse communities.”

Protests also take place in California, New Mexico

Companion marches in cities and towns across the US have also been planned on January 21 for those who can't make it to Washington, DC.

Most UPTE members live in California or New Mexico. At *Update* press time, locations are still being added, but so far, marches in these California cities are planned: Albany, Chico, Encino, Eureka, Kings Beach, Los Angeles, Napa, Oakland, Pasadena, Riverside, Sacramento, San Diego, San Francisco, San Jose, San Luis Obispo, San Marcos, Santa Ana, Santa Cruz, Santa Rosa, Seaside, Sonoma, Truckee, Ventura, Vista and Walnut Creek. In New Mexico, organizers in Albuquerque, Las Cruces and Santa Fe have planned events.

For details on hundreds of other locations, check out the “Sister Marches” page at www.womensmarch.com/sisters.

Democratic platform. Under New York's plan, students accepted to a state-run college, university or community college would be eligible if they or their family earn \$125,000 or less a year.

Sanders, who made free college tuition a major focus of his presidential primary campaign, told the *New York Times* that the plan would be “revolutionary.”

“That is a message that is going to provide hope and optimism for working-class families all across the state,” Sanders said.

The proposal, if it goes forward with legislative approval, will be the most

extensive so far. Tennessee and Oregon already have programs to cover the costs of community college. Under New York's plan, the state would supplement existing state and federal grant programs to cover the costs for eligible students.

Cuomo hopes to roll out the plan this fall, fully instituting it by 2019. New York students already benefit from one of the lowest tuition rates in the nation. Full-time in-state tuition at four-year State University of New York schools is \$6,470; at two-year community colleges, the cost is \$4,350. UC's current in-state tuition rate is over twice that, at \$13,500.

Wall Street goes to Washington

It would be hilarious if the consequences weren't so serious. Far from “draining the swamp,” Donald Trump has nominated as cabinet secretaries super-wealthy Wall Street executives who are hostile to the missions of the very departments they are supposed to oversee. Consider:

Labor secretary – Fast food magnate Andrew Puzder, who opposes a minimum wage increase as well as Labor Department overtime rules, claiming that what workers “lose in overtime pay they gain in stature and sense of accomplishment.”

Treasury secretary – Goldman Sachs executive Steve Mnuchin, who made millions from foreclosing on tens of thousands of working and middle-class families in the 2008 financial collapse. He has already proclaimed that cutting corporate taxes will be his number one priority as Treasury Secretary.

Health and Human Services secretary – Rep. Tom Price, who has received hundreds of thousands of dollars from drug and insurance companies and who has a radical plan to destroy Medicare and force seniors to rely on private insurance.

Transportation secretary – Elaine Chao, who made \$1.2 million while overseeing Wells Fargo as the bank faced record fines for creating millions of fraudulent bank accounts.

Commerce secretary – Wilbur Ross, a billionaire known as the “King of Bankruptcy,” who supports gigantic corporate tax cuts.

Secretary of State – Exxon Mobil CEO and billionaire Rex Tillerson.

Education secretary – Billionaire Betsy DeVos, who has demonstrated a hostility to public education and has led the charge to turn over Michigan's schools to for-profit corporations.

What you can do

Trump's nominees threaten to do incalculable damage to needed government programs and to the millions of Americans they serve.

“These cabinet picks show that the needs and wish list of corporations, the wealthy, and Wall Street will be front and center yet again, unless we fight back,” said Chris Shelton, CWA's president.

If you think you can't do anything to affect national politics, think again. Phone calls to members of Congress work, and CWA (UPTE's national union) is asking members nationwide to call their senators at 888-701-5344 and demand that they reject these nominees. Learn more at blockthecorporatecabinet.org.

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