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September 18, 1998

The Honorable George E. Brown, Jr.
House of Representatives
2300 Rayburn House Office Building
Washington, D.C. 20515

Dear Representative Brown:

I am writing in response to the August 4th letter from you and several of your congressional colleagues about issues raised by the University Professional and Technical Employees (UPTE-CWA) union during visits to Capitol Hill. I regret the delay in replying. I have asked my staff to look into the concerns you raise and can report the following about issues related to the University of California/UPTE-CWA negotiations for a first contract.

While UPTE-CWA identifies below-market wages as a primary concern, the issue of market-based rates is not one the union is currently pursuing at the bargaining table. When the union initially raised the issue of market-based salaries, the University shared its market survey and explained its interpretation of the survey results. The University believes that current wages are consistent with the market. A 1997 survey included the University's comparison institutions--those which conduct research similar in type and breadth to the research underway at UC--for information about pay practices for research employees. The issue of market rates was not pursued further by UPTE-CWA. I should note, however, that the Lawrence Berkeley National Laboratory (LBNL), which is managed by UC for the Department of Energy, is currently engaged in separate negotiations with UPTE-CWA on behalf of their research associates. In those negotiations, LBNL and the union are discussing wages that have a strong emphasis on market rates. Those negotiations are being conducted separately in an attempt to move forward on the Human Genome Project, a national priority funded by the Department of Energy.

Current wage negotiations are focused on the distribution of State funding. In response to the union's concerns, the University has committed to spend each campus' overall salary increase control figure for career employees in the bargaining unit during the 1997-98 period. At six campuses, that control figure represents a 4 percent increase; at three campuses, the figure is a 3.5 percent increase. This action is consistent with the union's demand that the campus' control figure be

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spent on employees in the unit. In addition, it reflects the same good faith that was demonstrated as bargaining began with UPTE-CWA in 1996-97 when the University passed through increases of approximately the same percentage as that provided to other employees, in the hopes of establishing a collegial bargaining relationship.

As you know, the University employs many research support professionals who are paid through contracts and grants awarded to UC personnel. The University follows federal guidelines on salary programs by setting wage policies and proposing wages during bargaining that apply to all employees equally, without regard to fund sources. Staff researchers paid with grant funds therefore receive the same increases negotiated for State-funded employees. Assuming that negotiated salary increases will continue to focus on campus control point distribution, UC will treat grant-funded employees the same as all other employees. As you may know, when bargaining is not yet concluded by the time a contract or grant is ending, our campuses assume the responsibility to pay wages owed to the research support professionals of the closed grants once a bargained agreement calls for a wage increase. In these cases, the campuses must--and do--find other funds to pay for the negotiated increases. The allegation that the University does not meet its obligations is troubling, as the assertion is the opposite of what actually occurs.

The UPTE-CWA claim that the University is experiencing an annual research worker turnover of 30 percent is difficult to verify for the following reasons: 1) there are approximately 3,800 employees in the bargaining group; 2) of those, approximately one-third are casual employees appointed to positions for less than one year or for less than 50 percent time; and 3) the short-term appointments change frequently for a variety of reasons (i.e., students return to their primary educational objectives, move to permanent employment, or reach the conclusion of a research project). The University does not believe the turnover is related to salaries.

The average salary for a full-time employee in the Research Specialist classification is approximately \$40,000. Permanent employees in this class, if they have met certain eligibility criteria, have received annual increases each year since 1994-95. By contrast, California State employees have not received annual raises during the same period. Further, the University is experiencing neither recruitment nor retention problems at any of its nine campuses, four teaching hospitals, or the Lawrence Berkeley National Laboratory--all of which employ staff researchers.

After nearly two years of negotiations with UPTE-CWA, the University is hopeful that a conclusion can soon be accomplished. Before UC can increase wages for members in this bargaining unit, however, agreement with UPTE-CWA is required, and the union may refuse to accept an offered salary adjustment. Before the end of

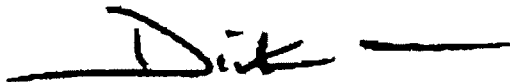
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the 1997-98 fiscal year, the University offered to pass through 1997-98 monies to the represented employees with "no strings attached," but UPTE-CWA rejected the University's offer. For now, the University and UPTE-CWA appear to be at an impasse. This will necessitate our getting in touch with the California Public Employment Relations Board, the agency that administers our collective bargaining law, to obtain the services of a mediator.

I appreciate knowing of your concerns and having your comments, and I hope this information is helpful to you. I hope too that you will agree the University is continuing to bargain in good faith with UPTE-CWA on all outstanding issues, including wages. Assistant Vice President Scott Sudduth of our Washington office is available to answer any further questions you might have about this issue. He can be reached by telephone at (202) 588-0066. The University's Director of Labor Relations, Gayle Cieszkiewicz, would also be pleased to answer your questions, and she can be reached by telephone at (510) 987-9907.

Sincerely,

A handwritten signature in black ink, appearing to read "Dick", followed by a horizontal line extending to the right.

Richard C. Atkinson
President

cc: Senior Vice President V. Wayne Kennedy
Vice President Bruce B. Darling
Assistant Vice President A. Scott Sudduth
Director Gayle Cieszkiewicz
Director Charles V. Shank