



UNIVERSITY  
PROFESSIONAL  
AND TECHNICAL  
EMPLOYEES

CWA LOCAL 9119  
AFL-CIO

■  
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May 4, 2009

John Cammidge  
Associate Vice-President for Human Resources  
University of California  
1111 Franklin St. 5<sup>th</sup> floor  
Oakland, CA 94607

RE: Retaliation against UPTE-CWA LBNL bargainer Victor Dorsett

Dear Mr. Cammidge,

On her departure from the University of California Judy Boyette spoke highly of you as her replacement. It is unfortunate that my first occasion to have communication with you arises from an extremely negative situation at the Lawrence Berkeley National Lab, namely the intent to dismiss our TX/RX bargainer Victor Dorsett.

In short, UPTE-CWA emphatically believes that the intent to dismiss Victor Dorsett has no merit and is in fact retaliation for union activity and racially motivated. We fully understand the severity of these claims and do not make them lightly.

LBNL has postponed a final decision until this Friday, May 8, 2009. We presented evidence and argument to LBNL management at a Skelley hearing that was held in response to the notice of intent to dismiss that was issued on April 7, 2009.

Our response in short is:

- (1) Victor Dorsett has been forced to adhere to time management procedures that are retaliatory for his bargaining time that no other employee in his work group must follow. In addition, the strict time keeping that has been forced on him is illegal given his FLSA exempt status.
- (2) The specific violations of the illegal time management policy are absurd, including not calling in early enough when sick for a third day and not emailing into work when at a work-related offsite event also attended by his supervisor.
- (3) Victor Dorsett has been accused of contaminating samples and disrupting the work process without proof. UPTE-CWA has presented evidence and will provide witnesses that show there is no evidence that the contaminations were the result of anything done by Victor Dorsett.

The notice of intent to dismiss for Victor Dorsett is only the latest and most egregious example of the harassment of our bargainers. In fact, every single one of our bargainers has had work place complications as a result of their activity as a bargainer. Many have been forced to quit their activity as a bargainer. How can you expect a bargaining team to meaningfully participate in the process, let alone settle a contract, if they live in daily fear of retaliation every time they return to their workplace?

John Cammidge

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When this unchecked extreme anti-union animus is placed in the context of UC's failure to bargain for more than 13 months, we can only conclude that the bargaining process at UC is more dysfunctional and broken than ever, leaving us no other option that to pursue work place actions such as our announce strike this week of our Berkeley Local to force UC to respect the law.

We demand that UC halt all retaliation of UPTe-CWA bargainers beginning with the immediate rescission of the notice of intent to dismiss issued to Victor Dorsett.

UPTe-CWA and Victor Dorsett will seek all available legal remedies through the grievance process, unfair labor practice charges, EEOC complaints and personal lawsuits to remedy this wrong. We will not rest until Victor Dorsett is back on the job. We will prevail. Why would you and other UC managers want to waste precious and scarce resources on defending such a heinous and egregious example of union-busting when you will assuredly lose? Who will be held to account for that decision?

At this time we are truly at an all time low in our ability to have meaningful interaction with the University of California. I am available for discussion of these matters at any time and welcome your involvement to help put us on a path that leads to improved labor/management relations. I can be reached by phone at 619-370-3753 or by email at [president@upte-cwa.org](mailto:president@upte-cwa.org)

With grave concern,



Jelger Kalmijn  
President UPTe-CWA

Cc: Victor Dorsett, UPTe-CWA TX/RX LBNL negotiator  
Kevin Rooney, UPTe-CWA TX/RX chief negotiator  
Shelley Nielsen, UC Interim Senior Director Employee Relations