



CWA 9119
AFL-CIO

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

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U · P · D · A · T · E

Regents to consider cuts to retirement benefits

At their September 14-16 meeting, the UC regents may move to make unprecedented cuts to the UC Retirement System (UCRS).

“Our hard-earned pension benefits are at risk now more than ever,” said Jelger Kalmijn, UPTE’s president, who works as a staff research associate at UCSD. “These benefits are an essential part of our compensation, and for many, they are the reason we stay at UC.”

The regents will consider recommendations from their appointed “Post-Employment Benefits Task Force,” which could include:

- ◆ Raising the minimum retirement age from 50 to 55.
- ◆ Reducing the “age factor” of 2.5% at age 60 to between 1.5 and 3% at age 65.
- ◆ Reducing the maximum

benefit from 100% to 80%-100%.
◆ Reducing the automatic cost of living adjustments (now between 2% and 6% per year) for retirees.

◆ Raising the minimum eligibility age for health care benefits from 50 to 55-60.

◆ Raising the years of service required for retiree health care benefits eligibility from 10-20 years (50% to 100% paid) to 10-30 years (0% to 100% paid).

◆ Raising the health care premium rates for retirees above what active employees pay.

◆ Offering a new “defined contribution plan” in lieu of the current UCRS “defined benefit plan” to medical center (and possibly other) employees.

While each of these proposals represents a decrease in both access to and the level of benefits, the

creation of a defined contribution plan is perhaps the most disturbing.

UC’s task force describes this as a possible “choice” for new hires, but it has chilling implications for all UC employees.

Undermining our pensions

“When UC begins offering different tiers of benefits, we all suffer,” said Kalmijn. “Not only do our co-workers get worse benefits than we do, but fewer participants in the defined benefit plan means that there is less principal to invest and greater risk to share among fewer plan participants.”

Right now, the UCRS “defined benefit plan” is about 95% funded, which means it is quite healthy. “Encouraging participants to leave the fund would be a move in the wrong direction,” added Kalmijn.

Studies have repeatedly shown that “defined contribution plans” (such as 401k and 403b plans) have much lower yields than defined benefit plans. And the employee assumes all the risk for a defined contribution plan.

These changes have many hidden negative effects that are more fully explained on UPTE’s benefits page at www.upte.org/benefits.

As the *Update* goes to press, we don’t yet know what the regents will recommend, but stay tuned for email bulletins and check UPTE’s website or Facebook page for news.

DEFINED BENEFIT PLAN (such as UCRS)

- + Lifetime income based on years of service, salary and age
- + Guaranteed benefits, lower risks
- + Paid out of a pool of invested assets
- + Better investment returns, professional management with lower costs

DEFINED CONTRIBUTION PLAN (such as a 401k)

- Employees bear all the risk for investment losses
- Can’t guarantee your benefits or deliver the same level of benefits with the same level of funding
- Can’t pay disability pensions or cost of living adjustments
- Has higher administrative costs for both employer and employee

For more, see www.upte.org/benefits/PensionPrimer.pdf

In addition to protecting the plan, UPTE and other UC unions are advocating for more accountability in how the pension fund is managed. A survey by the National Association of State Retirement Plan Administrators shows that of 88 public pension plans, the vast majority had much stronger employee representation than does UC.

“UC is out of sync with the ‘best practices’ of other institutions around the nation,” said Kalmijn. “Democratic reforms are urgently needed, in terms of both employee inclusiveness and transparency.”



Administrative professionals met in Berkeley earlier this year to discuss next steps in their campaign for UPTE representation.

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Pension funding a sticking point in HX bargaining

UPTE’s health care professionals (HX) bargaining team is very close to settling a contract. The only sticking point is that UC is determined to single out the HX unit for additional pension contributions while taking away its right to bargain alongside other UC unions over pensions.

“UC has no financial incentive for holding up our contract,” said Wendi Felson, UPTE’s chief negotiator for the HX unit and a retired UCSF clinical lab technologist. “This is about controlling our ability to bargain with our union brothers and sisters at UC.”

What’s at stake

Financially, there is nothing at stake for UC. UPTE’s bargaining team has agreed to take .5% off a proposed wage increase in exchange for UC dropping its demand for an additional .5% from employees paychecks to the UCRS

pension fund.

“What is at issue here is our right to bargain, and possibly strike, over pensions and health care benefits,” said Sonia Palacio, a UCI clinical social worker and a member of the bargaining team. “If HX or any other unit is forced to bargain alone over pension contributions, we’ll all lose.”

UPTE’s HX bargaining team is committed to preserving the quality of employees’ retirement. UC is proposing dramatic plans to cut pension entitlements and force workers to pay an increased portion of retiree health care premiums.

“All those years we worked for below market wages in exchange for a good pension and retiree health care benefits may be gone if UC bureaucrats have their way,” said Felson.

Eighty-nine percent of HX members have voted in favor of a strike, if it becomes necessary to settle the contract. Executive bonuses at the UC medical centers

averaging more than \$80,000 and more than \$430 million in profit compared to the cut in total compensation demanded from HX members were significant factors.

HX activists at UC Irvine turn out to support their bargaining team.



Organizing for fairness

UPTE members and staff at Davis support a demonstration by UC nurses systemwide (see story below). The nurses are represented by the California Nurses Association, which is concerned about understaffing and its effect on patient safety.



Susanne Paracis, photo

Defending public education

Student, worker, and faculty groups at Berkeley have been meeting regularly to continue the struggle to save public education.

A statewide coordinating committee has set **October 7** as another “day of action for public education.” In the last year, such actions have drawn tens of thousands of students, staff and concerned community members.

Stay tuned to UPTE’s webpage at www.upte.org for details.

A poster advertising a joint student-staff-faculty day of action earlier this year, by Nick Bygon.



Full-speed ahead for admin professionals

UC employees without the protection of a union have taken the brunt of UC’s cutbacks – including no protections against pay cuts, layoffs, and benefits cost hikes.

“While our UC colleagues represented by UPTE received fair wage increases of up to 14.5% in their new contract, management had free rein to cut our wages without us having any voice in the matter,” notes Emily Montan, an administrative analyst at UCOP.

Montan is part of a statewide organizing committee discussing the next steps in UPTE-CWA’s campaign to represent 14,000 administrative professionals.

Safeguarding our benefits

“Most of us make less here at UC than we would in private sector jobs,” said Montan, “and our benefits are an important part of our compensation. We deserve the same level of protection as over 60,000 other UC employees who have union contracts. The only way to get that protection is with a union contract.”

Administrative professionals from around the state met in Berkeley this spring to continue discussions about wages, working conditions and the union’s campaign to gain representational rights for this large group of UC workers.

UC spends millions on anti-union law firm

UC has acknowledged paying an anti-union law firm more than \$3.5 million dollars.

Littler Mendelson, a San Francisco-based firm, has long been known within the labor movement as a union-busting law firm. According to a report produced by Cornell University examining anti-union campaigns, Littler Mendelson was involved in five campaigns nationwide between 1999 and 2003. In more recent years, Littler Mendelson represented UC in legal actions

retaliating against UC unions for leafleting at medical centers, prohibiting nurses from striking, and fighting an UPTE bargaining unit modification for case managers.

UC unions filed public records requests in 2008, 2009, and 2010 demanding to know how much UC was paying the anti-union firm. UC repeatedly refused to disclose the amounts, leading state senator Leland Yee (D-San Francisco) to send a letter to UC president Mark Yudof in September 2009 demanding immediate compliance with the California Public Records Act.

UC finally acknowledged that it paid Littler Mendelson a total of \$3.5 million, at \$500 per hour.

The California Labor Federation passed a resolution condemning UC’s employment of Littler Mendelson, noting that the university should not be devoting millions of dollars to fighting unions at a time of budget cutbacks, fee increases, and layoffs and furloughs.

UC unions and the California Labor Federation are asking the public to write to Mark Yudof and the Board of Regents to demand that UC stop spending public money on union-busters. A sample letter is available on the Cal Fed’s action page at <http://tiny.cc/s9gii>.

170 case managers added to HX unit

Recently, the UC hospitals attempted to move work done by UPTE-represented social workers (who are part of the HX, or health care professionals, unit) to a new job title outside of the union called “case managers.”

There are about 170 case managers systemwide at UC. Some have social work experience, while others have backgrounds as registered nurses.

“This is a technique that employers often use to try to undercut employee pay and benefits,” said Chris Radke-Schmidt, a UCSF clinical social worker.

UPTE challenged this is illegal method to undermine the union with charges before the state’s Public Employment Relations

Board (PERB), which has jurisdiction over labor relations issues at the university. UC lost its case on the first go-round, and appealed the decision to the full PERB board, which it also lost.

After a protracted hearing in which UC spent hundreds of thousands of dollars on external legal counsel, PERB ruled that all of the case managers appropriately belong in UPTE-CWA’s health care professionals bargaining (HX) unit.

“UC spent more legal fees to appeal what was already a strong and unequivocal decision, and lost again,” said Radke-Schmidt.

“In this time of shortage, it’s a mystery why is UC wasting taxpayer dollars on frivolous legal appeals to undercut the union,” added Radke-Schmidt.

Case managers now join over 2500 health care colleagues in UPTE, such as clinical laboratory scientists, physician assistants, pharmacists, and clinical social workers at UC systemwide.

Nurses picket for better patient care

Nurses at the University of California walked informational picket lines in mid-June to protest violations of the state law requiring minimum staffing levels to protect patient safety. UPTE-CWA’s health care professionals joined the rallies at all UC’s medical centers and student health clinics.

Some 12,000 registered nurses held a one-day strike over the same issue, in the largest nurses’ strike in US history.

California law requires strict nurse-to-patient ratios of at least one nurse for every five patients. In critical areas such as intensive care, that ratio rises to one nurse for every two patients.

UC’s nurses are represented by the California Nurses Association’s National Nurses United campaign. CNA’s Beth Kean said UC has a history of understaffing that’s gotten worse in light of recent budget cuts. “The motive for understaffing is profit,” she told the *Sacramento Bee*. “The top people get bonuses if they come in under budget.”

Learn your health and safety rights – and use them!

Save the dates—October 30 and 31—to come to Oakland for a health and safety training tailored for UPTE members. Training will be led by Sharon Simon, director of the National Labor College’s Labor Safety & Health Training Project and an internationally known labor educator.

This is not a sit-still, struggle-to-stay-awake training. As Simon describes it, “the teaching method is known as ‘popular education.’ It is participatory and is based on participants’ real life experiences and skills. It involves getting participants actively involved in considering common problems and finding solutions rather than listening to an ‘expert’ teacher.”

And, Simon stresses, popular education “involves interaction between what happens in the classroom and what happens outside the classroom. Learning and action go hand in hand.” We expect to put this training to work.

Some of the training topics

- How do we identify safety and health hazards? (Exercises include body mapping and mapping our workplaces for hazards.)
- What’s making people injured, ill or stressed?
- How to protect workers from safety and health hazards?
- Know your legal safety and health rights—and use them!
- Effective safety and health committees.
- Where do we go from here? Strategic planning for improving health and safety.

UPTE’s health and safety committee has several goals for the training: to lay the groundwork for enforcing our contracts; help kick off UPTE’s new health and safety stewards network; help develop a safety culture within UC so we have safer workplaces; and provide an effective organizing tool for members, including administrative professionals who are working without a contract.

The systemwide executive board aims “to have at least one person and preferably more from each campus present at the training,” says UPTE president Jelger Kalmijn. Your local will cover expenses. Please contact the systemwide office to confirm your attendance: 510-704-8783, or send email to <sparadis@upte-cwa.org>. —Joan Lichterman, UPTE-CWA’s health & safety director, is an editor at UCB.

UC post-docs win union contract, raises

After two years of contentious bargaining, UC finally agreed on August 1 to a union contract with UC’s post-doctoral researchers.

The 6,000 post-doc researchers at UC are represented by the Postdoctoral Researchers Organize, an affiliate of the United Auto Workers (UAW) union.

Post-docs are researchers who continue working for UC after receiving their doctoral degree. They conduct research on cancer, stem cells, climate change, alternative fuels and many other cutting-edge fields in science and engineering. UC post-docs represent some 10 percent of all such researchers in the US.

The contract includes wage increases for all post-docs at UC, as well as limits on health benefits cost increases and other contractual protections. Post-docs making less than \$47,000 per year will receive pay increases of at least 3% per year from 2010-2015. Post-docs making more than \$47,000 per year will receive a pay increase of 1.5% in 2010 and 2% per year in 2011 through 2015.

Congressional hearings held

PRO-UAW was elected as the union in November 2008 and began bargaining for post-docs in February 2009. Despite more than 56 all-day negotiating sessions, UC refused to agree to a contract that included reasonable wage increases modeled on federal guidelines.

The impasse led to hearings this spring by US congressional representatives, who expressed frustration at UC’s failure to be forthcoming about the negotiations.

When Rep. George Miller (D-Martinez) questioned UC officials on whether they had determined wage costs, the officials declined to offer any specifics. “That information has now been requested by the UAW, it has been requested by the Congress, and we haven’t seen it in a year,” Miller retorted. “That raises some serious credibility problems.”

Post-docs voted by a margin of 96% to approve the agreement on August 12. “We are very proud of this contract,” said Xiaoping Cao, a UCLA cancer researcher who served on the PRO/UAW team. “Not only will post-doc compensation at UC be among the best in the US, but post-docs will also have unprecedented rights and protections while carrying out the important work that makes UC the top academic research institution in the world.”

Health care professional activists from across the state meet in Los Angeles.



\$1.7 million in equity funding for researcher and tech job titles

UPTE-CWA’s researchers and techs (RX/TX units) ratified a contract this spring that include raises of up to 14.5%, a \$1.7 million pool of money for equity increases, as well as a “signing bonus” of \$1,000 per employee, pro-rated by percent of appointment time.

“That bonus was due on July 1, but UC unilaterally and illegally delayed this lump sum payment to the August 1 check,” said UPTE’s chief TX/RX negotiator, Kevin Rooney. “Now, UC is using the delayed pay-

out date to deny the payment to those who left after July 1.”

Union members are protesting the action, says Rooney.

Meanwhile, the contract also included 0.5% of across-the-board money – to total at least \$1.7 million – to be utilized to address pay inequities. UPTE’s “equity committee” met recently to draft a proposal for how the funding should be fairly distributed.

If you have questions, please contact your local.



Three of the eight UPTE delegates to the CWA convention this summer. From left to right, Carolan Buckmaster (San Diego), Cliff Fried (Los Angeles) and Kevin Rooney (San Francisco).

CWA convention delegates meet in DC

Eight delegates from UPTE-CWA Local 9119 joined with thousands of others from Communications Workers of America locals at the union’s national convention in Washington, DC in late July.

The discussions this year were somber and challenging, as CWA members dealt with the fallout of the economic crisis, particularly as it affected members in the phone and newspaper industries, who comprise a large segment of the union’s membership.

In order to deal with declining membership, delegates voted to:

- ◆ Decrease the frequency of national

conventions from annual to biannual, starting after the 2012 convention.

- ◆ Redirect the tasks of staff away from low-level representation and toward organizing new employees into CWA.

- ◆ Create a single Telecommunications and Technology sector in the union.

- ◆ Change the terms of office of national officers from 3 years to 4 in order to synchronize with the new biannual conventions.

- ◆ Create a voting position on the national executive board for the director of CWA’s Canadian region.

Delegates also supported the following resolutions.

- ◆ Supporting public employee pensions authored by the Public, Healthcare and Education Workers sector. This resolution was submitted by and introduced on the floor by UPTE-CWA.

- ◆ Supporting “One Nation” (a coalition of labor, civil rights, environmental and other progressive organizations) that is planning an October 2 march on Washington, DC.

One Nation also allows CWA to partner with the Sierra Club and the National Resources Defense Council to advocate for union jobs in a green economy.

- ◆ Calling for the reform of US Senate procedures and rules to eliminate the filibuster and the use of “holds” to deny the appointment of qualified individuals.

- ◆ Calling for an end to the wars and occupations in Iraq and Afghanistan and the withdrawal of all US military forces from these two countries. The resolution calls for redirecting funds for these wars to urgently needed public and private sector job creation.

UC's upper crust enjoys pay boosts, perks

The San Francisco Chronicle reported earlier this summer that the number of highly-paid senior officials at UC – those earning more than \$214,000 in total compensation – rose more than 6 percent in 2009. Ten employees earned more than \$1 million.

Annual compensation reports released by the university also show that in 2009 UC spent nearly \$500,000 on car allowances, giving 55 executives \$8,916 per year. 98 executives received other perks, including housing allowances, of \$107,550 to \$1.3 million. UC President Mark Yudof earned \$577,651 in 2009.

The university also paid nearly \$4 million in bonuses and incentives to 79 coaches, doctors and finance experts, down from \$6 million to 112 employees in 2008. Employees earning more than \$10,000 in overtime climbed 79 percent, to 2,733 from 1,531 employees. Total overtime payments amounted to \$125 million, most of which was paid at the medical centers.

The report follows a year in which the UC regents approved a 32% tuition increase and workers received pay cuts, furloughs and layoffs. UC defended the figures by saying that top administrators also took pay cuts and are working harder. They also said bonuses and incentives came out of non-state funds.

Critics pointed out that pay cuts are absorbed far more easily by highly-paid executives than they are by low-paid workers. "I think it's really gross to see these executives getting these perks when the lowest-paid workers have to take the hit, and don't have the luxury of those perks,

like car allowances," said Julian Posadas, a food service worker at UCSD and vice president of the American Federation of State, County and Municipal Employees.

UCB consultant rakes in the bucks

The consultancy UC Berkeley hired to make cost-cutting recommendations may earn more than double its initial payment, according to a July 11 report in the *San Francisco Chronicle*.

Bain & Company -- whose former personnel include former Massachusetts Republican governor Mitt Romney and California GOP gubernatorial candidate Meg Whitman -- received \$3 million to advise UC Berkeley management's so-called "Operational Excellence" initiative, and has recommended wide consolidations of purchasing functions, reducing personnel, eliminating child care services, and centralizing IT services.

But here's the stunner: the article revealed that Bain & Co. will receive an additional \$2.7 million to help implement the reforms, plus \$1.8 million in incentive pay if the recommendations on purchasing produce at least \$7.2 million in savings.

So the bottom line is: Bain stands to gain a total of \$7.5 million, or \$300,000 more than the current cuts will save taxpayers. (Berkeley's executives, of course, claim more savings will be realized down the line.)

Meanwhile, as part of the initiative, UC Berkeley is creating a new Human Resources Center with 15 FTEs, including 12 new hires. The administration says "it is still too soon to determine whether the transition will result in layoffs" of about 50 existing HR employees.

Susanne Paradis, photo



Honoring one of UPTE's founders

Above, some of the UPTE members who attended a memorial service this summer for UPTE's founding president Pete Goodman (pictured at center), who died on May 1 at the age of 89. The service, held in San Pedro, California, where Pete had also served as a union leader with the Longshore and Machinists unions, honored his decades of work for the labor, civil rights and social justice movements.

Safety reforms pending

Until a few months ago, labor and occupational health advocates were pressing Congress to pass HR 2067 — Protecting America's Workers Act, or PAWA — a comprehensive bill to update health and safety laws for the first time in 40 years.

Suddenly, on July 1, Rep. George Miller introduced a new bill — the Miner Safety and Health Act of 2010. This bill, HR 5663, includes most but not all of PAWA's protections — probably based on the Democrats' sense that Congress was unlikely to pass comprehensive OSHA reform but may be able to make some changes. The Upper Big Branch Mine disaster was the first of a number of workplace explosions that claimed 52 lives this year.

Just before summer recess, the House passed the Offshore Oil and Gas Worker Whistleblower Protection Act of 2010 by a large margin, including Republican crossover votes. However, the Mine Safety/OSHA reform bill didn't get to the House floor.

Between now and when Congress returns on September 14, we need to contact our representatives to press for their support of HR 5663. You can track the legislation at www.protectingworkers.org/node/19. —Joan Lichterman

Critics target Meg Whitman's failure to vote

This year marks the 90th anniversary of the enactment of the 19th amendment, which secured the right of women to vote after decades of struggle.

On August 26, the California Nurses Association joins a broad coalition of women's, labor, and community groups to celebrate that momentous victory, honor those who fought for it, and renew commitments

to democratic goals yet to be achieved.

CNA will also contrast the legacy of struggle and sacrifices by suffrage activists with the failure of gubernatorial candidate Meg Whitman to vote for more than 30 years. Meg Whitman has been running explicitly anti-union attack ads promising to "take on the unions," including public sector unions. Among her proposals are cutting staffing at UC, raising retirement ages, weakening California's overtime rules, and doubling employee contributions to retirement plans, while also cutting corporate and upper-income taxes.

The 80,000-member CNA has aggressively targeted the billionaire Whitman for her hostility toward unions and working people. Whitman, in turn, has demanded the union's membership list to undercut the union's leadership.

Organizers of the celebration are inviting participants to dress in period costume and bring their families for a recreation of a suffrage march. The event will be Thursday, August 26, from 4 pm to 6 pm on the west steps of the Capitol in Sacramento.

Kaiser workers to consider new union

A date has been set for the largest private sector union election in 60 years.

Beginning September 13, 45,000 Kaiser Permanente workers will vote on whether to replace their current union, the Service Employees International Union, with the National Union of Healthcare Workers (NUHW).

The NUHW was formed by former SEIU members after a series of purges and a hostile takeover of their local by SEIU last year. The NUHW has already won union elections at several other health care workplaces across California.

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