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U · P · D · A · T · E

Union contracts provide buffer against pay erosion

Union bargaining power makes a big difference,” notes Margaret Crowley, a lab assistant at UC Riverside. “As an UPTE-represented employee in the tech (TX) unit at UC, I’m looking forward to a 3% cost-of-living increase this October, plus a step increase of 2% in the new year. And that builds on the regular raises UPTE negotiated over the last several years.”

As the cost of living continues to rise and UC workers find themselves increasingly squeezed by flat-lined or even declining income, UPTE-represented employees have been shielded from the worst effects by their contracts.

“UPTE-CWA has won guaranteed raises this year for all 12,000 employees we represent who are under union contracts,” notes UPTE’s president Jelger Kalmijn, who works as a staff research associate at UCSD. “We have also agreed to reinstate small pension contributions.”

UC employees who are part of UPTE’s researchers (RX) unit, technical (TX) unit, and health care professionals (HX) units got pay raises this year.

Unfortunately, administrative

professionals (APs), who have not yet elected UPTE as their collective bargaining representative, are receiving no increases.

“This situation sums up why we APs need a union – as soon as possible,” said Elizabeth Wilks, an accountant at UCSB, who is also UPTE’s systemwide treasurer. “With most of us taking on multiple duties without fair compensation, we need representation at the bargaining table to make sure our wages, benefits and pensions are protected.”

“Individually we have almost no power,” said Robert Wilson, a UCSF programmer/analyst. “As a union, we will have considerable power.”

Fighting UC’s two-tier pension proposals

At the same time, UC is proposing major changes to the pension plan, which will come to the bargaining table next year. The UC Retirement System (UCRS) has long been a glowing success, providing many generations of UC employees a dependable monthly retirement income.

UCRS has taken some hits over the last decade, including UC’s risky contracting out of its management and severe declines in the economy. Still, it remains funded at approximately 90%, a mark of health compared to many other plans.

“We will need to muster all available resources to protect the integrity and quality of our benefits,”

PAY RAISES IN UPTE’S UNITS

9,000 TECHS & RESEARCHERS (TX/RX)

7/1/11: 1% pension contribution by employee (UC also wants an additional 0.5% which we are currently bargaining)

10/1/11: 3% cost-of-living increase

1/1/12: 2% to 2.3% step increase

3,000 HEALTH CARE PROFESSIONALS (HX)

5/1/11: 1% cost-of-living retroactive to Dec. 2010

7/1/11: 2% step increase or 2% lump sum if at top of pay scale

7/1/11: 1.5% pension contribution by employee

14,000 ADMINISTRATIVE PROFESSIONALS (AP) No union contract yet!

7/1/11: 1.5% pension contribution by employee, unilaterally declared by UC. No raises.

How much would you lose under a two-tier pension?

Bargaining on changes to the pension plan itself for UPTE-represented employees is scheduled for next year. UC has said it wants a two-tier system. “UC’s proposals would dramatically affect when you’ll be able to retire, and how much you’ll get,” said Kalmijn.

The current pension plan allows retirement at age 50, with maximum benefits topping out if you work to

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Lisa Kermish, photo

A UC worker and the tin man from the Wizard of Oz protesting UC’s pension proposals.

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UC regents vote pay raises for execs, tuition increases for students

In mid-July, the governing boards of both the University of California and the California State University (CSU) hiked their executives’ pay while raising student tuition. In both cases, tuition costs will have doubled in the last 4 to 6 years.

The UC regents raised tuition by 9.6 percent (on top of an 8 percent increase previously approved) and gave the UCSF medical center chief nearly \$200,000 in pay increases, bringing his yearly “base” salary to \$935,000.

But wait, there’s more!

This same executive also got a “retention bonus” of \$1 million over four years. Other top UC administrators also got raises. Four of 18 UC regents opposed the tuition hike, including Lt. Gov.

Gavin Newsom, a regent because of his elective office. “Here we are putting once again a nail in the coffin of the middle class because that’s who gets hurt,” said Newsom.

CSU’s board approved total compensation of about \$400,000 for the incoming president of San Diego State – about \$100,000 more than his predecessor earned – while at the same time hiking tuition 12%.

California governor Jerry Brown sent CSU’s president a letter objecting to the move: “The assumption is that you cannot find a qualified man or woman to lead the university unless paid twice that of the Chief Justice of the United States,” wrote Brown. “I reject this notion. At a time when the state is closing its courts, laying off public

school teachers and shutting senior centers, it is not right to be raising the salaries of leaders who -- of necessity -- must demand sacrifice from everyone else.”

Senator Leland Yee (D-San Francisco) called the moves by both university systems “appalling” and pledged to reintroduce legislation prohibiting pay raises for top administrators during bad budget years.

A similar bill won bipartisan support in the California legislature in 2009, only to be vetoed by then-governor Arnold Schwarzenegger. Two other legislators are working on similar bills.

Meanwhile, three proposed ballot initiatives have been filed



in California to end collective bargaining for public employees, and a California Senate Republican proposal would increase the amount public employees pay toward their pensions. Union members and their allies are gearing up to fight the measures.

Organizing for fairness

UPTE San Francisco activists join with other UC union members to support their colleagues in Wisconsin and elsewhere who are working to preserve the right to collective bargaining (see related stories on page 4).

Pension know-how

Congratulations to UPTE Berkeley member Paul Brooks, who came in first in UC's systemwide election for the UC Retirement System (UCRS) advisory board. Brooks has extensive experience working with pension issues, having served as an UPTE bargainer for several years.

The UCRS board receives information about management's plans and is advisory only. Still, it is an important venue in the fight to protect our pensions.

Earlier this summer, after UC unions collectively put pressure on the regents via Sacramento, management agreed to have UCLA lecturer Bob Samuels serve on the Investment Advisory Group, which effectively sets investment policy for the pension fund. Samuels is president of UC-AFT, the union that represents lecturers and librarians systemwide.

UC unions want accountability and transparency on the pension plan. Most of the investments UC makes are done by outsourced money managers. UC does not disclose who these people are or what fees they charge, but we suspect that UC spends too much of our pension fund on administrative fees. Stay tuned for more.

UPTE Berkeley member Paul Brooks will be reporting back from his perch on the UCRS advisory board.



Susanne Paracdis, photo

Bargaining over health care, pension costs

(continued from page 1)

age 60. It also provides for life-long health coverage.

UC's changes would raise the minimum retirement age to 55 and you'd have to work until 65 to get your maximum pension benefit. And these reduced benefits would cost more: you'll pay 7% of your salary for the plan.

Under "tier two," you would have a lower employee contribution, but the maximum age factor (the multiplier used to determine your pension) would go down from 2.5% to 1.5%. That means when you actually get your pension, you'd take a big cut. "Most low- to middle-income employees live month-to-month and would likely take the lower tier because they need the cash for current expenses," predicts Kalmijn.

Here's one example. Under the current pension plan, if your salary is \$50,000 a year at retirement, and you retire at age 60 with 20 years of service, your annual pension would be about \$25,000 (50% of your salary). Under UC's proposed "Tier Two" plan, that same employee would receive an annual pension of about \$18,000 (36% of salary).

Any two-tier plan is likely to cause division in the workplace because employees doing the same work will have different benefits. Short-term employees will seek to maximize pay increases while long term employees will want to protect their pensions.

"Moving any portion the UC workforce into an inferior pension plan will hurt the funding level of UCRS, a particularly bad option when the fund has already taken a hit by the economic downturn," notes UPTE's chief pension bargainer Wendi Felson.

UCRS actually made a profit of 12.7% last year, with the quarter ending March, 2011 seeing an increase in assets from \$39.15 billion to \$40.36 billion.

"UC's grim picture of the UCRS is based on July 2009 numbers," said Brooks. UC ad-

mits the data they used to determine the plan's liabilities didn't quite jibe with reality.

Preserving affordable benefits

Meanwhile, UPTE is currently bargaining with UC over health care benefits. "It's a lot like dealing with a recalcitrant mule that just refuses to cooperate," according to Felson.

UC has made repeated attempts to force the negotiations to "impasse." The Public Employment Relations Board (PERB) must first agree that further negotiations would be unproductive before moving the process to the impasse stage. At impasse, PERB supervises mediation and a "fact-finding" panel as a way of facilitating compromise.

UC has historically favored impasse as a way to circumvent bargaining and impose its own terms, and has frequently tried to move negotiations to impasse as quickly as possible. This year was no different.

In health care bargaining, UC was forced back to the table earlier this summer after PERB rejected UC's claim that it had bargained to impasse.

On June 22, UPTE presented a proposal that would enable the union to participate in UC's 2012 health plan negotiations with vendors and would also provide for a retiree health benefits trust fund. UC rejected both items and continued to withhold information UPTE had requested as part of bargaining.

The following day, June 23, PERB issued a complaint against UC, alleging numerous unfair labor practice charges by UC for bad faith bargaining. Charges include UC's plan to go to impasse before negotiations even started, failing to provide responses to requests for information, and failure to negotiate in good faith. A hearing on the unfair practice charges is scheduled for late August.

Then, on July 1, UC again asked PERB to move health care negotiations to impasse, and

this time, PERB agreed. There will be a mediation session on August 24.

Status quo on Health Net

UPTE has attempted to engage UC in substantive negotiations about its proposed increases in health benefit costs, and the union has also made proposals to secure retiree health benefits.

"You can probably guess UC's response," said UPTE's president Jelger Kalmijn. "Stalling again, including refusal to provide information to the union about health care plans, which triggered yet another complaint against UC from PERB."

One positive result of bargaining so far is that UPTE-represented workers on Health Net (not the Blue and Gold) have saved money because of UC's unwillingness to come to an agreement. Those employees remain under "status quo" protections.

On pensions, UPTE made a verbal, informal proposal and agreed with UC to continue bargaining on July 6. At the July 6 negotiations, UC again refused to provide the actuarial data needed to independently verify the status of the pension fund. "Until UC provides the necessary data, UPTE cannot evaluate UC's proposal or counter it," said Felson.

UPTE's reps made clear that further bargaining could be averted if workers received financial compensation to offset increased pension contributions. UC rejected this idea and did not offer any alternatives.

Only two weeks later, UC claimed impasse on the pension negotiations. UPTE believes that productive bargaining is still possible once we receive the information UC is legally required to provide, and that impasse is premature. At press time, UPTE's bargaining team was preparing a response to PERB.

To follow developments in bargaining as they occur, see the updates at www.upte.org.

Administrative professionals organize

What is “Operational Excellence” and how does it affect me?

UC’s “Operational Excellence” program (which has different names at different campuses) is a series of programs designed to consolidate services and reduce costs. For UC’s 14,000 administrative professionals (APs) who do not yet have collective bargaining rights, it has often meant new or changed job duties, work speed-up, or even layoff.

APs work in a wide variety of UC job titles, such as Analysts, Student Affairs Officers, Programmers, Buyers, Writers, Editors and other titles.

Where did the idea come from?

Faced with declining state revenues, UC Berkeley contracted with the Bain Company, Inc. to make recommendations about how to cut costs. (There is skepticism about how much will ultimately be saved, as Bain’s initial contract was for \$3 million, and the full contract amounts to \$11 million.)

Bain made a series of recommendations, mostly cutbacks and consolidations in the “target areas” of human resources, informational technology services, financial services and research administration.

Consequences: intended and otherwise

Typically job functions are removed from a department and reassigned to an existing or newly created “shared services” unit. Employees who previously performed those functions are laid off and “invited to apply” for a reduced number of job vacancies in the newly created unit.

The results include job losses, reduced services, increased workloads, and loss of specialization.

How can we avoid these negative consequences?

“Involve front-line service-providers in the discussions – not just high-level managers,” advises Susan Orlofsky, an editor at UCSD who has talked with many employees affected by the changes. “This isn’t just about reasonable workloads or job security, it is about high-quality services to students, faculty, researchers and the public. Our fight to preserve these services is a cornerstone of UC’s mission,” said Orlofsky.

Right now, UC can implement any changes without consulting administrative professionals, since they don’t yet have the protections of a union contract.

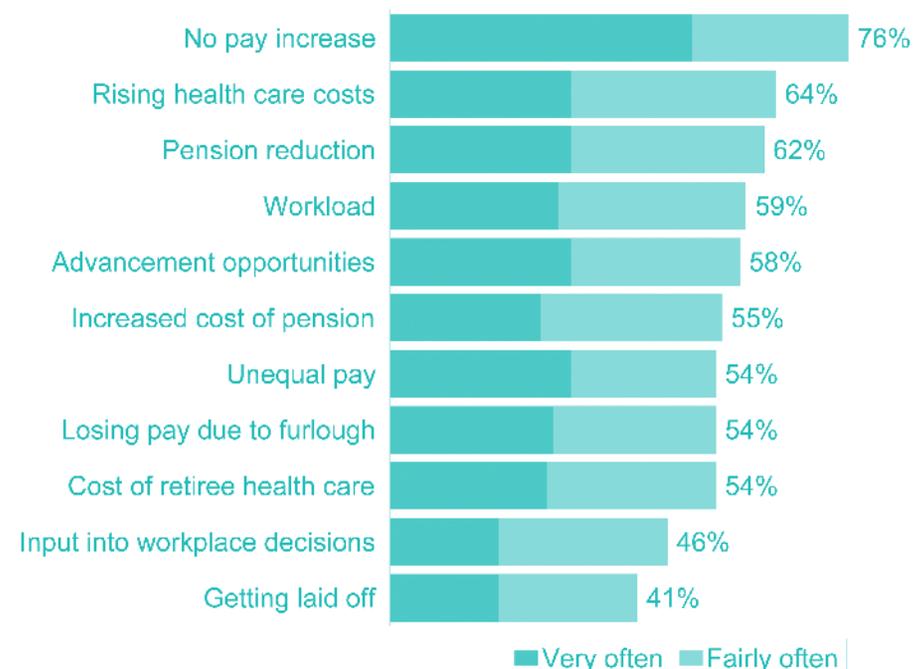
Best remedy: union representation ASAP!

“We need a seat at the bargaining table just like nearly every other group of UC employees already has,” adds Jessea Greenman, a student affairs officer at UC Berkeley who has been asking her co-workers to sign commitment cards for the union.

A recent survey of administrative professionals by UPTE shows high levels of concern about a variety of workplace issues (see chart below). Compensation, benefits and workload issues topped the list.

Take the first step toward change by visiting www.upte.org/99/AP-card.html to learn more about organizing a union for UC’s 14,000 administrative professionals, and to give your signature in support UPTE-CWA representation.

Which workplace issues worry UC administrative professionals?



Health & safety

UPTE contract trumps OSHA

Most Americans assume that all workers have some basic rights at work, whether they are in unions or not. An employment lawyer recently posted some examples of these assumed rights: we can’t be “wrongfully terminated,” we have the right to see our personnel file, or to demand a lunch break, or to complain if we’re working in a hostile environment. In fact, anyone who has any of these rights has them only because of a union contract.

Because of the Occupational Safety and Health Act of 1970, most Americans probably also assume we have the right to return home in the same state of health we were in when we went to work.

However, safety and health protections do not apply to everyone. The Occupational Safety and Health Administration (OSHA) protects almost all workers in the private sector who are not regulated by another federal agency.

Public-sector workers not covered

Public-sector workers – employees of state and local governments – are not covered unless they work in one of the 21 states (like California) that have their own state OSHA program, or unless they live in Connecticut or New York, which passed legislation to provide OSHA coverage to public-sector workers. (State programs must be “at least as effective” in protecting workers as federal OSHA.)

Public-sector workers in 27 states have no OSHA protection. In 2009, this meant 8.2 million state and local employees lacked OSHA coverage.

Wisconsin’s denial of collective bargaining rights for public-sector workers has eliminated these workers’ right to bargain for protections that could save their lives, let alone protect their wages and benefits. These employees include police officers, fire fighters, emergency medical technicians, nurses and nursing aides, professionals who staff in-patient mental health facilities, public works technicians, and others who are exposed regularly to hazards that can result in death or life-long disabilities.

UPTE contract trumps OSHA and Cal/OSHA

The life-saving potential of a union contract was brought home recently when UPTE’s safety stewards began advising a member at UCSD, who had complained about lack of training to work safely in some of the places he was required to service.

Although OSHA and Cal/OSHA affirm our right to a safe workplace, and Cal/OSHA requires employers to identify and evaluate workplace hazards through an effective Injury and Illness Prevention Program, our member also complained that his department denied responsibility for the working conditions at these sites.

It turns out that because most of the unsafe workplaces he complained about were outside the country – and therefore

beyond US and California jurisdictions – his only protection was UPTE’s latest contract. In it, for the first time, the university agreed to new safety and health language that states unequivocally: “The University of California is committed to providing all employees a safe work environment.”

UPTE’s RX/TX contract is dedicated to the memory of Sheri Sangji, who died in January 2009, 18 days after being burned in a preventable fire in a UCLA biochemistry lab.

The UCSD worker was able to pressure his department to provide some of the training required to protect his and his coworkers’ health at these sites. They can use the contract to continue pressing for safety changes. Unless Wisconsin voters overturn the recent law denying collective bargaining rights, the state’s public employees will have no such protection. – *Joan Lichterman, UPTE’s systemwide Health & Safety Director*



An example of the wide variety of health and safety challenges UC workers face: Peruvian cave with monitoring equipment being serviced by UC San Diego technicians.

UPTE Summer School fires up activists

More than 50 UPTE-CWA activists attended UPTE’s annual Summer School for activists, held this year the last weekend of June at UC Berkeley’s Clark Kerr campus.

Workshops addressed topics such as pensions, benefits and ways to build an activist union, as well as particular skills, such as using social media for organizing. Experienced activists had a chance to talk about strategy, while new ones got up to speed on UPTE’s campaigns.

The keynote address was given by Sylvia Allegretto, author of a paper published by UC Berkeley’s Institute for Research on Labor and Employment, “The Truth About Public Employees in California: They are Neither Overpaid nor Overcompensated.” Allegretto demonstrated that – contrary to some of what appears in the press – public employee compensation is not overblown, and that the major crisis in the economy is decent jobs.

Wisconsin recalls, Ohio ballot measure set for November

The tireless efforts of Wisconsin union members and their allies paid off this month, as voters overwhelmingly rejected the Republican attempt to recall Democratic state Senator Dave Hansen.

Hansen's victory and other Democratic wins have the potential to put the brakes on the anti-worker, anti-union agenda of Gov. Scott Walker and the state's Republican lawmakers.

Hansen is one of the "Wisconsin 14," a group of Democratic senators who left the state for a month in February to try to stop Republicans from ramming through a bill stripping collective bargaining rights from public workers. Hundreds of thousands of workers and their supporters demonstrated in the state's capitol, Madison.

Meanwhile, the Ohio petition drive to let voters decide the fate of the state's new anti-union law gathered over 900,000 valid signatures — more than three times the number required. That means voters will choose in November whether to overturn Senate Bill 5, the law the passed earlier this year stripping collective bargaining rights from public workers. Polls show that a majority of Ohioans oppose the union-busting law.

T-Mobile fights its workers

The two largest labor organizations in the world are standing together to denounce T-Mobile USA's practice of forcing managers to threaten and intimidate employees in the US seeking the opportunity to vote on joining the Communications Workers of America.

UPTE is a part of CWA, which has

over 700,000 members across the US, from private sector workers in communications and journalism, to public-sector employees like those of us at UC.

The International Trade Union Confederation (ITUC), UNI Global Union, the German-based Vereinte Dienstleistungsgewerkschaft union and CWA together filed a complaint in Germany — home of T-Mobile's parent corporation Deutsche Telekom — charging T-Mobile USA with systematically harassing employees in two states under the guidance of highly-paid anti-union lawyers.

T-Mobile technicians based in Connecticut, Long Island and Upstate New York seeking to vote on unionization have had their jobs and benefits threatened, been verbally assaulted by managers and been forced to sit through anti-union lectures on company time. Managers have also tried to force highly-paid T-Mobile engineers into proposed bargaining units in an attempt to dilute the vote of lower-paid workers.

"Today we are calling out the double standard between the way T-Mobile USA workers are treated here in America as compared to their Deutsche Telekom counterparts in Germany," said CWA's president Larry Cohen. "We're disappointed that T-Mobile is not living up to Deutsche Telekom's high standards, and we will continue to stand with T-Mobile USA workers who are organizing for real bargaining rights."

According to the complaint, managers have told workers they themselves could be fired if there is a positive vote for union representation, as well as saying anyone not wanting to be in a union would be fired if there were a positive vote for representation.

US law clearly states union representation is the choice of the individual worker. For more, see updates at CWA's website, www.cwa-union.org.



UPTE-CWA members were among the thousands of delegates at the Communications Workers of America international convention, held in Las Vegas from July 11-13.

Worker rights legislation advances in Sacramento

In a year that has seen an unprecedented attack on public-sector collective bargaining across the country, UPTE has been working hard in support of legislation that protects the ability of workers to organize here in California.

Senate Bill 857, authored by Senator Ted Lieu (D-Torrance), would protect public employees from after-the-fact claims of damages by employers. Specifically, it would prohibit an employer from filing injunctions with the Public Employee Relations Board (PERB) after notice is given of a strike, and then claiming exorbitant damages for a strike that never took place.

Making sure UC follows the rules

The legislation stems from an attempted strike at UC in 2005 by the California Nurses Association over UC's failure to bargain to provide safe staffing and adequate patient care in the UC medical centers. UC won an injunction from PERB against the strike, and even though there was no strike and both sides agreed to a contract later that year, UC sued CNA, claiming \$9 million in damages.

CNA fought the claim, but Schwarzenegger appointees on PERB upheld UC. The ruling effectively undermined workers' right to strike by giving public employers the ability to invent excessive damage claims, even when no strike actually takes place. The legislation would overturn PERB's 2010 ruling.

The legislation is also supported by CNA and AFSCME. It is currently pending before the Senate Appropriations Committee and is due to be heard in mid-August.

Protecting the right to organize

Senate Bill 931, introduced by Senator Juan Vargas (D-San Diego), would prohibit public-sector employers from using public funds to undermine or restrict guaranteed worker rights concerning their employment with public agencies.

UC, for example, in recent years has employed Littler Mendelson, a notorious union-busting law firm, to provide coaching and legal assistance to make it as difficult as possible for unions to operate. Littler Mendelson advised UC in the 2005 CNA strike and devised the strategy to throttle the union by suing for invented damages.

With Littler Mendelson's help, UC has also been forcing UPTE leaders to abandon leaves of absence for union business, making effective representation of members more difficult. UC has also been using anti-union law firms such as Littler Mendelson to exploit loopholes in the labor law that governs UC in order to hamstring the ability of unions to operate at the university.

"The issue is real worker rights," said UPTE's legislative coordinator Rodney Orr. "Workers may have rights on paper to form unions, but if they are intimidated, harassed, or threatened, and if the employer makes it extremely difficult for the union to operate, then workers' rights are a fiction. Public agencies should not use public funds to stifle workers' legal right to organize."

"UPTE strongly supports SB 931 and we encourage your support as well so that we can ensure that public funds are used for public benefit and service, not union busting and silencing employees," added Orr.

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