



CWA 9119
AFL-CIO

University Professional
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Communications Workers of
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U · P · D · A · T · E

Rule of 50 falls: UC's unions pave the way for better conditions for administrative professionals

UC's "Rule of 50" – which brought half of non-union-represented employees under a dramatically inferior retiree health program – has fallen. UC created the rule as part of its pension plan changes for 2013.

UPTE-CWA and other unions negotiated an end to the rule in their 2013 contract talks. But unrepresented employees, such as administrative

professionals (APs), were still facing its implementation. Facing outrage from those employees and knowing it had lost on the issue with several unions, the Office of the President finally threw in the towel and announced in late May that it would repeal the Rule of 50 for everyone.

UC's 15,000 administrative professionals (APs) work in a wide range of jobs, from programmers

and administrative specialists, to student academic advisors, library professionals and counselors.

This means that those employees who were previously moved to the new 2013 eligibility rules because they were not vested in UCRP on June 30, 2013, or because their age plus years of service was less than 50 at that time, will no longer be subject to the eligibility rules for retiree health benefits that went into effect on July 1, 2013.

Thanks to the hundreds of employees who signed petitions and wrote letters objecting to this change. And a huge shout-out to the unions – including UPTE's health care professionals, techs and researchers – who held the line in negotiations to preserve these benefits. UCOP would not have repealed the rule without the unions' fightback.

AP now petition for wages

APs organizing with UPTE-CWA have also been signing petitions to UC president Janet Napolitano urging a fair pay increase. While UC gave "overall" increase of 3% this year, that will be reduced by half due to additional required pension contributions.

"We were willing to do our part when UC's budget was cut, but

Proposition 30 has restored some of the funds, California revenues are increasing, and UC's future appears brighter," the petition from APs reads.

"Unionized employees have negotiated raises that guarantee steady, reasonable pay increases for the next few years," it continues. "We deserve the same. We urge you to increase funding for pay increases for professional staff at UC. We work hard in support of the University's missions and deserve to be compensated fairly."

Napolitano announced in spring that APs would receive an average increase of 3% for 2014-15, but any pay raise will be reduced at least by half (1.5%) for an additional pension contribution, to take effect July 1, 2014, the same date as the increase.

For 7 of the last 13 years, workers without a union received 0% pay increases. Over the last 8 years, UCOP allocated a cumulative target figure of 9% for increases, and then took 3% for pension contributions and 4-7% for one year's furloughs. What does that add up to? *Zilch!*

Unionized employees have done much better, negotiating healthy pay increases for the next 3 years. If you are an AP and haven't yet signed the petition, check out www.apsforupte.org/petition.



Administrative professionals and health care professionals from UPTE, along with members of the Newspaper Guild from CWA, gather to discuss organizing strategies.

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Los Alamos:

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Los Angeles:

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Merced:

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Riverside:

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San Diego:

(858) 458-0862

San Francisco:

(415) 753-UPTE

Santa Barbara:

(805) 685-3661

Santa Cruz:

(831) 429-UPTE

HX, TX and RX workers get raises after contract win

All the initial raises from the historic UPTE-CWA researcher, technical employee, and health care professional (RX/TX/HX) contract settlements at the University of California have now been implemented.

Three years after the UC regents voted to force pension reform on all employees, 15,000 UPTE-represented employees in these units are now covered by contracts preserving all essential elements of the retirement plan and retiree health benefits, as well as gaining fair wage increases.

The next round of raises will occur in October 2014 for technical employees (TX) and researchers (RX), and in January 2015 for health care professionals (HX). Details at www.upte.org.

While many employers have frozen pensions and replaced them with risky 401k plans, UPTE-represented workers resisted UC's efforts to turn our pensions into an inferior two-tier plan that would have dramatically reduced benefits.

The argument that pensions are unsustainable is a myth. "In

fact, a pension plan such as UC's (also known as a 'defined benefit plan') has *twice* as good a return on investment as a 401k," notes UPTE's president, Jelger Kalmijn. "The 'underfunding crisis' employers refer to isn't based in reality, but in their desire to shift retirement costs to employees," says Kalmijn.

In particular, UC took a contribution "holiday" from the UC Retirement Plan (UCRP) for 20 years. If UC had continued to make the contributions recommended by its own actuaries, employees would never have had the struggle they experienced over the last few years.

How did we win?

Working together as three UPTE-CWA bargaining units and also with the California Nurses Association (representing UC nurses) and AFSCME (representing patient care tech and service workers) gave us leverage. Together, these unions represent 50,000 UC employees.

UPTE's health care members (HX) played a key part of the bargaining strategy, as their contract

expired a year earlier, forcing them to go two years without any raises. If HX employees had accepted UC's offer of a wage increase, along with two-tier pension and retiree health benefits, UPTE would never have won them for any of our other units. In special recognition for the resolve of HX members, UPTE-CWA delivered a special appreciation mug to every member (see photo below).

A combination of tactics including email campaigns, petitions, pickets and a threatened strike – all helped build pressure on UC. When the new UC president, Janet Napolitano, came into office, UPTE ramped

up a media campaign.

Union representatives met with Napolitano and gave her a choice: labor peace and greater cooperation to re-build UC after all the damage left behind by her predecessor, former UC president Mark Yudof, or her tenure at UC would be marked by unrest. "Napolitano opted to do the right thing and work with us to preserve benefits and offer fair wage increases," said UPTE's president, Jelger Kalmijn.

Next year, UPTE hopes to bargain to preserve the retiree health benefits for new hires, Kalmijn added.



Organizing for fairness

Participants in UPTE's ninth annual arbitration seminar included (front row, left to right): Bruce Jones (retired administrative professional, UCSD), Evelyn Evans (president, IUE-CWA local 81381) and Michelle Alaimo (also IUE-CWA local 81381).



Learning arbitration

UPTE members from seven University of California campuses joined CWA members and facilitators from around the country for UPTE's ninth annual arbitration class. (Photos above and below on this page.)

The highlight of the class was a mock arbitration featuring professional arbitrator Luella Nelson. Participants said they were energized and ready to fight for their members and defend their contracts.

Anabelle Garay and Lucy Flores from the California Federation of Interpreters (part of the Newspaper Guild, CWA) at UPTE's annual arbitration workshop.



Working at UC is more dangerous than you might think

Are UC workers in denial about workplace hazards? If so, here's a wake-up call.

In 2011, four UC workers died at or as a result of work, two in 2012, and one (so far) in 2014. UPTE's Systemwide Health and Safety Committee didn't know about any but the 2014 death. Did any of you? (In April this year, Damon Frick, an AFSCME 3299 custodian, died on the job at Berkeley.) That's seven workers too many.

Our committee is beginning to analyze three years of data on work-related injuries and illnesses at UC – all UC facilities, including national labs from 2011 through 2013 – and members wonder what the university does with the information besides report the statistics to the federal Occupational Safety and Health Administration (OSHA).

Research into causes needed

At what points do campus or system-wide officials look at the cases and overall numbers and assess how staff were injured or sickened,

and how to prevent the incidents? Do they?

If so, how do they address the issues? Do they involve supervisors and workers at all in assessing hazards or by requiring and providing training? And who is responsible?

The statistics are based on injuries and illnesses that employees or supervisors report – which are likely to represent only two-thirds of the actual number of lost-time injuries according to California research on Workers' Compensation. (One reason is that many workers prefer to avoid the Workers' Comp. system if at all possible.)

In addition, illness statistics are inaccurate because there is often a long time between the time workers are exposed to hazardous substances and the time they become ill – which also complicates the ability to tie their illnesses to work.

Injuries on the upswing

Over the three years, the total number of reported injuries increased, with a spike in 2012: 3,453 in 2011; 3,721 in 2012; and 3,568 in 2013. In contrast, the number of reported illnesses decreased over the three years: 557 in 2011; 489 in 2012; and 459 in 2013.

The total number of cases with days away from work diminished between 2011 and 2013 – except for a spike in 2012 – but the number of cases that required job transfer or restrictions has increased. Except for fewer days of missed work in 2012, the total number of days away from work and the total number of days with job transfer or restrictions have increased (see table below).

INJURIES AND ILLNESSES AT UC

	2011	2012	2013
Cases w/days away from work	1,061	1,073	1,025
Cases w/job transfer/restriction	1,316	1,339	1,383
Number of days away from work	43,270	39,772	44,423
Number of days w/job transfer/restriction	71,477	71,692	80,720

The summary statistics are identified as injuries, skin disorders, respiratory conditions, poisonings, hearing loss, and all other illnesses. Campus-by-campus analysis and analysis by injuries will take some time, and will include sending UC requests for information and involving members in developing solutions.

Let us know if you want to work on analysis or solutions. – Joan Lichterman, UPTE's Health & Safety Director

Wall Street's "interest rate" is costing the University of California

In 2012, researchers at UC Berkeley released a report (<http://www.berkeley.edu/publications/swapping>) showing that the university is losing money by swapping, costing the university millions of dollars.

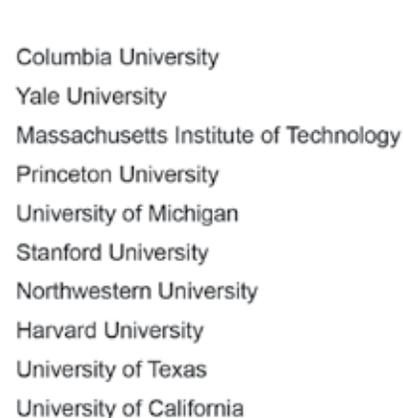
The *Orange County Register* confirmed that Wall Street bankers, are costing UC \$6 million up to \$136 million over the next several decades.

Already, one financial contract at UC Davis is costing the university \$10 million in termination fees to several banks.

According to a just-published report by the University of California's Center for Retirement Security (<http://www.crs.berkeley.edu>), the University of California's endowment has the worst investment returns of any of the top 100 funds in the country over the past decade. The university has lost money (see graph below).

The Legislative Analyst's Office recommends that the state fund UC and CSU that would, among other things, allow the state to share cost increases and review capital projects.

Endowment performance



Among the 10 U.S. universities with the richest endowments, the University of California was worst over the past decade, annualized return of -2.1% in the 2013 fiscal year.

Sources: Data provided by the universities. UC data reflects combined UC separate campus endowments.

New UC Care health plan disappoints

When UC axed Anthem Blue Cross last year and replaced it with the new “UC Care” plan, *Remaking the University*, an online blog hosted by two UC Santa Barbara faculty members, reported that employees were concerned about lower benefits, higher copays and – at some campuses -- great difficulty finding providers.

Revisiting the issue, that same blog is now reporting widespread dissatisfaction with the new plan, and is encouraging employees to share their experiences here: utotherescue.blogspot.com/p/your-uc-story.html.

Many signed up for the more expensive UC Care plan in order to have a choice of providers on its PPO (preferred provider or-

ganization) panel, and to use out-of-network provisions for specialists, or for services such as acupuncture, chiropractic or integrative and holistic health.

Out-of-network coverage hit

But according to some, the new UC Care plan falls far short of UC’s previous PPO plan, Anthem Blue Cross.

“Blue Shield reimbursements for out-of-network care have been pathetic – much worse than Anthem Blue Cross,” writes one employee on *Remaking’s* blog, adding that UC should return to the previous plan.

Another writes, “when it comes to acupuncture and chiropractic... Blue Shield basically pays nothing. Out of a \$110 bill, only \$40 is ‘accepted,’ which means that the rest doesn’t even count toward our annual ‘out of pocket maximum’...”

Blog host Chris Newfield, a literature professor at UCSB, commented, “The UCOP claim that Blue Shield = Blue Cross wasn’t convincing last year, and now the demonstration in coming in, piece by piece.”

UPTE’s health care benefits committee is keeping an eye on the changes to the plans offer to employees. If you have feedback on your experiences with UC’s health care plans, please contact them c/o info@upte-cwa.org.

Donate to make change in Sacramento

Many of our working conditions are determined in Sacramento and Washington, DC.

“Union members’ lobbying efforts have been essential in laying the groundwork for fair pay and working conditions, and supporting our bargaining teams when they negotiate with the university,” notes Rodney Orr, UPTE’s legislative coordinator.

By joining together as a political movement, we can stop the attacks on public employees. Through your voluntary contribution to the Committee on Political Education (COPE), UPTE’s political action fund, you’ll have a voice in how UC spends the billions it receives from the state, and what policies it enacts.

Here are some of the changes your donations have helped bring about.

- UPTE collaborated closely with Governor Jerry Brown and legislators to protect education funding by working to pass Proposition 30, and defeat Proposition 32, a corporate attempt to silence workers and unions.

- UPTE is collaborating with legislators to introduce shared governance of the UC retirement plan, including putting employee representatives on the Board of Regents.

- With the support of COPE funds and the efforts of many union members, we helped elect California Assemblymember Bill Quirk (D-District 20), an UPTE member at the Livermore National Lab.

COPE donations are separate from union dues. To make a donation of any amount, contact your UPTE local for a UC payroll form to have your contribution automatically deducted from your UC paycheck each month.

Every dollar you give is put to work building political power for you, your family and your future.

UPTE Academy: got training?



DID YOU KNOW that UPTE offers members basic to advanced training to prepare them to bargain, arbitrate, lobby, organize and more? It’s called the **UPTE Academy**, and you can peruse the course listings at www.upte.org/academy. Here’s a sampling:

- ❖ **Know Your Rights** (1 hour). This basic introduction to your contract covers how to research workplace rules and solve problems. The class is often held over a lunch break or immediately after work.
- ❖ **Steward Training** (3 to 5 hours). Learn how to help your coworkers with workplace problems. Identify possible contract violations. Upon completion, stewards will be able to participate in grievance meetings with the support of a mentor.
- ❖ **Organizing Institute** (1/2 day to 2 ½ days). An organizing boot camp that breaks down the how-to of union organizing. This training will make you a confident union advocate in your workplace.
- ❖ **Bargaining Training** (1 to 3 days). Learn all aspects of bargaining, from UPTE’s democratic process of deciding on priorities and electing member negotiators, to writing and presenting proposals.
- ❖ **Mobilizing Training** (1 to 2 days). Successful contract negotiations depend on member mobilization to pressure management’s real decision-makers.
- ❖ **Reclassification** (1 hour). Learn how to submit your own reclassification request. Changes in your job assignment and level of independence at work play a key role. The union provides sample job descriptions to help you rewrite yours.
- ❖ **Wage Workshop** (1 hour). This short class outlines ways you can increase your pay. Learn about equity increases, incentive awards, reclassification, and more ways you can get a raise.
- ❖ **Electoral** (1 to 2 hours). Talk to co-workers and neighbors about the issues that matter to us and the broader labor movement. We can exert the power of our members who live in every legislative district in the state.
- ❖ **Health and Safety Training** (1 to 4 hours). Learn about your rights and UC’s responsibilities under OSHA. Review the contract articles which apply to health and safety, the resources we have as union members to make our workplace safer.

UPTE-CWA’s Summer Retreat – register today!

WHERE DO YOU FIT in a stronger, better-organized, more educated union? Come spend a weekend with other UPTE-CWA activists finding out.

Where? Santa Cruz.

When? Saturday, August 9, 1-5pm to Sunday, August 10, 9-3pm

Topics include: Stewarding • What’s next in bargaining? • Organizing administrative professionals • Coalition-building • Legislative & political campaigns • Developing new union leaders. All expenses covered by UPTE. Sign up with your local leadership to reserve your attendance.

Rate swaps” costing California millions

released a report publicsociology.berkeley.edu that so-called “interest rate swaps” were

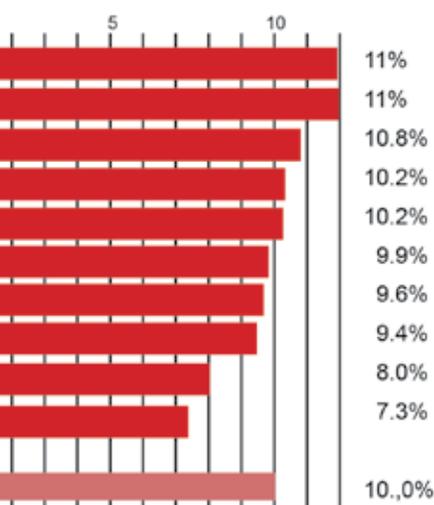
in the spring that these swaps, pushed by the state, could cost the system tens of millions of dollars.

The deal was canceled, requiring UC to pay \$9 million.

The Center for Investigative Reporting’s \$11.2 billion endowment has produced a report that colleges with the largest endowment in three years, the endowment actually

has made changes in the state’s methods of doing other things, require students and the state to fund projects as part of the budgetary process.

Endowment performance at U.S. universities



With the largest endowments, UC’s financial performance returns show. The UC system rose to second

performance of University of California general endowment pool plus

Source: Center for Investigative Reporting cironline.org

UC's graduate student workers win contract

In an historic victory, graduate students represented by the United Auto Workers Local 2865 at UC systemwide reached a contract agreement with UC in early June that for the first time addresses class sizes and expands the civil rights of student employees. The agreement also grants significant pay increases over its four-year lifetime.

"It's a good agreement," UCSC UAW activist Josh Brahinsky told the *Los Angeles Times*. "It's something we are pretty happy about."

TAs, readers and tutors represented by the UAW have been without a contract since September 2013 and without a pay increase since fall 2012. While pay was important, key issues were control over class sizes and non-discrimination protections for graduate students. UC refused to negotiate over class sizes, claiming that HEERA, the law governing labor relations at UC, did not require them to negotiate – although there is nothing in the law that prohibits them from doing so.

Member mobilization and unfair labor practice charges filed by UAW built enough pressure on UC that by May they agreed to two labor/management meetings per year to discuss class sizes, plus providing information on student/TA ratios.

Substantial wage increases

On wages, employees will receive 5%, 4%, 4%, and 3% increases for each year of the four-year agreement.

These gains came only after determined organizing by the union, which led to a strike in April and a threat of another longer strike on the eve of finals.

The union won guarantees for opportunities for undocumented graduate students who did not qualify for certain academic and professional programs. In a side letter, UC agreed to mandatory "instructional opportunities" committees to equalize educational opportunities through courses and funding.

Following complaints from gay and transgender graduate students about harass-



Members of UPTe-CWA's executive board in Santa Barbara.

In wake of Santa Barbara shootings, UPTe passes motion calling on UC to divest from gun profiteers

At UPTe's June executive board meeting, held shortly after the horrific shootings of UC Santa Barbara students, union representatives took action.

First, the board passed a motion calling on the UC regents to divest from companies that profit from gun violence as well as the National Rifle Association (NRA). The motion encouraged UC to "examine whether the system's \$88 billion endowment contributes to more senseless destruction by being invested in companies that profit from gun violence, obstruct common-sense gun legislation, and fund the NRA. University endowments led the way in divesting from apartheid South Africa and should do so again in divesting from the gun industry."

Then, each UPTe executive board member sent three postcards of the UCSB campus to their senators and congresspeople with the words "Not One More" written on them.

The "Not One More" campaign started after Richard Martinez, the father of 20-year-old Christopher Ross Michaels-Martinez, who was killed in the Santa Barbara shootings in late May, asked supporters to send postcards to politicians with those words. Shortly afterward, Everytown for Gun Safety everytown.org launched a campaign with that idea, and over half a million people have participated.

ment in single-gender bathrooms, the UAW won an agreement to provide all-gender restrooms and to establish labor/management meetings to oversee access issues for transgender students to bathrooms. The UAW believes this agreement is unprecedented.

The union also won access to lactation stations for its members, and it increased the child care subsidy to \$900 per quarter. UC agreed to six weeks of paid parental leave for birth parents and four weeks for non-birth-parents. More at www.uaw2865.org.

California judge deals blow to teachers, students

A Superior Court judge in California has struck down teacher tenure, layoff, seniority and other employment-related provisions as unconstitutional, opening the door to retaliation against educators and a move to privatize public education. The decision won't go into effect while it is being appealed.

Vergara v. State of California was brought by corporate special interests who want to blame teachers, not inequitable funding or other factors that do affect children's ability to learn.

The lawsuit is being challenged by the American Federation of Teachers (AFT) and an affiliate of the National Education Association (NEA); both are CWA partners in the Democracy Initiative.

NEA said the lawsuit is an "attempt by millionaires and corporate special interests to undermine the teaching profession and push their own ideological agenda on public schools and students while working to privatize public education."

The American Federation of Teachers noted that the court, while focusing on teachers, "did not spend one second discussing funding inequities, school segregation, high poverty or any other out-of-school or in-school factors that are proven to affect student achievement and our children."

UPTe represents adjunct faculty at three California community colleges. While adjunct faculty don't have tenure or job security at this time, this ruling, if upheld, would limit bargaining for job security and other hiring and employment provisions, said Jelger Kalmijn, UPTe's president.

"This is a terrible decision because it undermines academic independence and supports a right-wing and corporate political agenda that wants to replace teachers with computer programs and standardized data," he added. – *CWA News*

Unions sue to stop NJ governor's pension fund grab

UPTe's national union, the Communications Workers of America, and other unions filed suit in June against New Jersey Governor Chris Christie over his refusal to make promised payments to the pension systems covering state workers.

The suit seeks to stop Christie, a Republican, from diverting \$900 million from the 2014 budget's pension appropriation and prevent his plans to slash the legally required \$2.24 billion payment for fiscal year 2015 to less than \$700 million. Christie wants to redirect required payments from the pension system to balance the state's budget.

Three years ago, Christie and state legislators pushed through massive cuts to public workers' pension benefits. – *CWA News*

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