



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

UPTE members respond with membership campaign

University execs propose new, two-tier retirement system that would undermine UCRP

UC's execs are proposing yet another new pension tier with reduced retirement benefits, this time for employees hired on or after July 1, 2016. The change would cap countable pension income at \$117,020 and give employees

employees could take the 401(k)-style plan with them when they leave UC, after working only a year.

"This new proposal would have far-reaching negative impacts on all career employees," said Jamie McDole, UPTE's vice president, and a health care professional at UC Davis.

"Even more than the 2013 pension tier in which UC tried to raise the retirement age for new employees from age 60 to 65," added McDole, "this proposal would undercut the health of UCRP in the name of short-term savings."

A disastrous plan

An optional pension plan for new employees encourages turnover. A large number of new employees opting out would almost certainly shrink the currently robust UCRP fund, which now exceeds \$50 billion in assets.

"That could mean a big hit to UCRP," said Kalmijn. "A time may come when UC simply stops offering the pension to new employees. Loss of contributions, when combined with inevitable

financial downturns, would make the pension more expensive for UC to maintain at 100% guaranteed funding."

Research also shows that retirees who depend solely on individual 401(k)-style retirement accounts often do not have enough saved to support themselves (see www.pensionrights.org for details).

In UC's own summary, executives admit that setting up a separate 401(k)-style plan will actually cost more. The only savings come decades down the road by short-changing the retirement options of new hires.

In addition to UPTE-CWA and other UC unions, the Council of UC Faculty Associations strongly opposes the plan.

"The fact is that the Tier 3 pension proposal is being driven by a combination of error and inadequate time for consideration," the UCLA Faculty Association wrote on its website. "It is likely that the UC prez and probably the governor did not understand the mechanics of the 'cap' they pro-

posed to be imposed on the pension for new hires. A cap sounds like a simple lid that only has an impact when the pension formula produces a number that exceeds the cap. In fact, the specific cap mechanism they proposed is far more complicated and degrades the pensions of many who would not exceed the cap. (If you think they *did* understand the cap, you are left with the implication that they didn't care about the consequences. Take your choice)," according to the UCLA Faculty Association.

UC's Academic Senate has also passed a resolution against the proposals.

What's next?

President Napolitano will present her final recommendations to the UC Board of Regents for approval at their March meeting. You can read her full proposal at ucnet.universityofcalifornia.edu.

"Preserving our pension will require all of us to work together," said McDole. Stay tuned for updates and share information with your coworkers.



UPTE-represented staff sign statements on why they support the union.

the choice of opting out of UCRS completely, substituting a 401(k)-style plan.

"Once again, UC is riding the wave of political attacks on public employees to cut retirement compensation for all new employees," said Jelger Kalmijn, UPTE-CWA's president.

"The cap will significantly cut pensions for new faculty and many professionals at the medical centers, some of whom we represent, and set up a two-tier system with colleagues working side-by-side receiving vastly different benefits."

From "Committee of Two"

The proposed cap results from the May budget agreement negotiated behind closed doors between California governor Jerry Brown and UC president Janet Napolitano. It would affect more than 1,000 UPTE-CWA members, mainly in the union's health care professionals (HX) unit.

The second change – allowing new hires to opt out of the pension entirely – was not requested by the governor, but is an opportunistic addition by UC.

"UC estimates that 40% or more new hires will opt out of the pension plan, which would be devastating for those remaining," said Kalmijn. UC is touting the fact that

Anti-union Friedrichs lawsuit likely dead, at least for now

The anti-union lawsuit known as *Friedrichs vs. California Teachers Association*, which the labor movement has been fighting and which the last *Update* featured as its lead story, is widely viewed as one of the leading casualties of Supreme Court Justice Antonin Scalia's death on February 13.

The case was expected to be a narrow loss for labor, with a 5 to 4 vote by the court's conservative majority. It is backed by a wide range of right-wing groups, including some funded by the Koch Brothers.

A ruling for the anti-union plaintiffs would undermine well-established labor law across the nation, putting the future of public worker unions in jeopardy. Such a decision could overturn the "fair share" dues requirements in place for represented employees, forcing union members to support the costs of all bargaining and contract negotiations, even for non-members.

New balance on court

But Scalia's death likely leaves a 4 to 4 vote on the case among the remaining justices, which means that the last ruling on the case at the 9th District Court of Appeals stands, at least until a new justice is appointed.

That ruling supported the California Teachers Association and long-standing labor law, requiring non-members to pay a fair share fee for union representation in the public sector.

The plaintiffs fast-tracked the case through the federal court system, urging lower courts to rule against them so they could file for an appeal, in an attempt to get a ruling while the Supreme Court still held a conservative majority.

President Barack Obama has said he will nominate a justice to replace Scalia before his term ends in January 2017. Republicans in the Senate have pledged to block the nomination.

CWA members demonstrating for workers' rights in Washington DC.



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Organizing for fairness

A recent meeting of UPTE's Berkeley local, where everything from organizing to stewarding to current political issues was discussed. Every UPTE local meets regularly and all are welcome.

Labor legislation, endorsements on the horizon

Be part of winning new laws for workers in 2016 by joining the California Labor Federation, the Building Trades and CWA District 9 at the annual Joint Legislative Conference in Sacramento on March 13-16.

Briefings beforehand will give you the tools to build our union, organize new members, and continue to win the strongest labor protections in the country. Learn about the issues that affect all UPTE members. Hear from lawmakers and worker advocates about new strategies to win for workers. Educate legislators about our union's key fights.

Also, the California Labor Federation will meet Wednesday, April 6 in Los Angeles to discuss endorsements for the June primary election. CWA District 9, of which UPTE is a part, has endorsed Kamala Harris in her Senate campaign to replace Barbara Boxer, who is retiring. Harris is a Democrat who served as San Francisco's district attorney from 2004 to 2011, before winning election as the state's attorney general.

UPTE members take a break from their convention in San Diego last month to attend a community demonstration for EI Super grocery workers.



Rally against layoffs at UC Berkeley

In mid-February, UPTE members at UC Berkeley rallied in coalition with other union members to oppose layoffs at the newly formed Campus Shared Services (CSS), and more may be on the way. UCB's chancellor has announced a restructuring plan, saying the campus has a "structural deficit." Below, we reprint an op-ed co-authored by Dan Russell (who works at CSS), Jean Day (UPTE Berkeley president) and Lyn Hejiken (UCB English professor) originally published in the Daily Californian.

In late January, 28 staff members at Berkeley's Campus Shared Services (or CSS), who received layoff notices will be working their last day at the university — just a little over a year after CSS went "live" for the entire Berkeley campus. Further layoffs may be planned. Supporters of the laid-off employees, led by UPTE-CWA (representing professional and technical workers) and Teamsters 1010 (representing clerical workers), delivered petitions to UCB chancellor Nicholas Dirks demanding that the layoffs be halted and that the university investigate alternative solutions to the problems that have plagued Shared Services from the beginning.

CSS is a program initiated in 2011 with the stated aim of increasing administrative efficiency and savings across UC Berkeley by centralizing administrative services that used to differ across departments, such as information technology, human resources, finance, and research administration. We believe that the root of the problems with CSS is that it was developed by highly paid outside consultants and imposed by the campus administration as a reaction to what has become a permanent budget crisis for the university in the wake of reduced state funding. But why do UC workers, students and faculty (or any Californians for that matter) have to do with less — to withstand budget cuts, layoffs and reduced services — when the university's top-earners are enjoying a greater share of the wealth we create here at the university than ever before?

One of the primary reasons is that decision makers at the university — and across the U.S. economy — are in the process of deskilling and dividing their own most valuable asset, core

staff, through cost-saving technologies and techniques of dubious benefit to end users.

While in the private sector the benefits of this kind of cost-cutting are shared openly and directly by highly paid managers and shareholders, in the public sector the relationship is more subtle but essentially the same; the benefits of "streamlining," "efficiencies" and the like ultimately accrue to the very same tier of upper-level managers, who are rewarded for perceived cost-savings at the expense of quality of service.

Execs justify their own salaries

So while university administration — from President Janet Napolitano down to UC Berkeley CSS Chief Operating Officer Peggy Huston — may raise meek protests at

having their own budgets cut by the state, their ability to implement austerity in the workplace still allows them to justify their comfortable salaries and ensures their places in the UC system.

The same cannot be said for the first 28 CSS staff members (employees in IT, HR and financial and research administration) whose positions have been eliminated — nor for those whose livelihoods may be on the chopping block later this year. It is unclear whether these employees have actually been made "redundant" by the new efficiencies — indeed, complaints about the service and questions about the "efficiencies" provided by CSS are widespread — or whether the downsizing of the unit is an attempt to force workers to do the same jobs with fewer resources in order to realize the much ballyhooed promised cost-savings of CSS. Associate Vice

Chancellor John Wilton, whose office has been responsible for the implementation of CSS and who might be able to answer this question, has announced his intention to step down this February.

Pro-worker reforms welcome

UC workers have an undeniable interest in *real* increased efficiencies when they benefit stakeholders. Those of us who make the university run are more than happy to streamline processes and learn from each other's ingenuity — while continuing to deliver quality service — especially if such efforts improve the lives of students, faculty and staff. We have neither the ability nor the interest in doing so as long as our workplaces are run by administrators in the interest of those already at the top of the pay scale, when "efficiency" is merely code for layoffs and speed-ups.

So while we demand that the layoffs be halted, that the campus and CSS budgets be made transparent and that solutions beyond layoffs be pursued, we also urge the UC system to take the voices of frontline CSS employees and the users of shared services into account. In the absence of acknowledgment of the skills of employees and of the users of CSS, the current layoffs can only be interpreted as part of the broader attack on public education that is central to the attempt to recreate a low-wage, profit-to-the-few economy in the US.

UC faculty, staff and students have a vested interest in standing together with workers at CSS for a university that serves all our interests — and those of the vast majority of Californians — not simply those of the few who stand to profit from a leaner, less effective and frankly demoralized group of campus workers.

UCSD delegates at UPTE's convention: Lynn Sikora, Susan Orlofsky, Gerald Henderson and Will Widick.



Lisa Kernish, photo

Paul Sosbee, photo

Electronic voting coming to UPTE

UPTE-CWA will transition soon to electronic balloting and voting for system-wide officers and for CWA convention delegates.

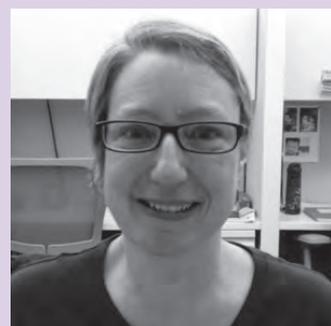
It is very important that UPTE have your preferred email address for electronic voting, so please verify with the systemwide office if you have any questions. Or, if you want to opt out of electronic balloting and voting, you must request to receive a paper ballot by contacting the systemwide office (510-704-8783 / info@upte-cwa.org).



Elizabeth Wilks receiving gifts in recognition of her years as UPTE treasurer as she prepared to move from Central California to the cooler climate of Washington, DC.



Darlene Haines



Elisa Cleveland



Judy de los Santos

Want to run?

UPTE's systemwide treasurer, Elizabeth Wilks, a UCSB administrative professional who served for over a decade, has left to take a position at the national CWA office.

"I really felt that my skill set as well as my dedication to the labor movement would be useful at the national union," said Wilks, who is now the administrative director for Sara Steffens, CWA's secretary treasurer. "At UPTE, I learned how to make money stretch and go further than I ever thought I could."

Wilks added that as an administrative professional at UC, and not covered by a contract, she never felt any different as a union member. "Words cannot describe how empowering that was for me," she said. "UPTE's support, allowing me to take on such an important job as treasurer, shows that our union's heart and soul is with growing the labor movement."

Look for a postcard in the mail announcing the nomination period for the treasurer position. If there are two or more nominees, UPTE will hold a special election to fill the remainder of the term (through January 2018).

New trustee elected

Judy de los Santos (UCSD) was elected during the UPTE convention to serve as our newest trustee. An alternate trustee, Darlene Haines (College of the Sequoias), was also elected. Trustees oversee and audit the union's finances.

Thank you to our outgoing trustee, Elisa Cleveland (UCSF), for serving for the past four years.

UC's retirement plan changes would affect entire community

A coalition of unions, faculty and students are organizing to re-fund and re-claim public higher education. Celeste Langan, a UCB English professor, is among those active in this fight, and this month published an essay making the case that the UC retirement plan (UCRP) affects not just employees, but the entire community.

She writes, in part: "What's all the fuss over pensions about? Why should you bother reading about retirement benefits, especially when the proposed changes don't affect current faculty and staff?"

Langan says it matters because UCOP's proposed changes will "accelerate the privatization of the University of California. In effect, UCOP wants to make the remuneration of faculty and staff more and more dependent on the monoculture of 'the market'."

Langan describes why UCRP – a "defined benefit" plan – is such a good deal: "The difference between 'defined benefits' and 'defined contributions' is fairly simple,

although the names are confusing. The employer makes 'contributions' in both cases (contributions are deferred compensation, where the employee foregoes a higher current salary for future retirement security). In 'defined benefits' (DB) plans, the employer invests these contributions, and the risk is lessened by scale; 'defined contributions' go directly to the employee to invest privately in IRAs. In DC plans, if you don't invest wisely, or if the market crashes, your retirement savings are wiped out (as happened to many with DC plans in 2008). The UCRP, by contrast, uses the DB model....Long recognized as the university's 'competitive advantage' in hiring and retaining a dedicated faculty and staff, the UCRP encourages long-term employment because the percentage of pensionable salary is multiplied by years of service."

Read the entire essay at <www.upte.org/UCRPprivatization.html>, where the author has generously given us permission to reprint it.

Lab updates: in memory of Sheri Sangji

UPTE's 26th annual convention over the Martin Luther King, Jr. memorial weekend opened on January 16, the day of another important memorial for UPTE members: the 7th anniversary of the death of Sheri Sangji, a 23-year-old UCLA staff research associate who was severely burned in a preventable lab fire in 2008, during her 11th week on the job.

Although UCLA and Sangji's boss, Professor Patrick Harran, tried to cast her as an experienced chemist and blame her for her death, the Los Angeles County District Attorney ultimately filed four felony charges against UCLA and the professor after an extensive criminal investigation by Cal/OSHA. The UC regents agreed to a settlement in 2012, which included numerous safety changes, lab inspections at all UC campuses, and a scholarship in Sangji's name.

UPTE was also able to negotiate stronger health and safety language in its contracts. For the first time, UC committed itself "to providing all employees a safe work environment," and agreed that "No employee shall be retaliated against for identifying and/or expressing concern about any safety-related issue."

In addition, "Prior to working with hazardous materials or in a hazardous environment" – not a month or more later – "employees are to receive information and training" applicable to their jobs. An employee who thinks a task is "abnormally dangerous or hazardous" has a right to stop work until the supervisor follows protocols to determine if work may proceed.

UC is clearly responsible for providing protective safety equipment and work clothing. And UPTE representatives can get paid release time for health and safety-related matters.

Sangji reforms lead to stricter UC lab inspections

Because of reporting requirements in the Sangji settlement, when an explosion occurred at a UC Berkeley Department of Chemistry research lab in March 2015, the campus Environment, Health and Safety (EH&S) director contacted Cal/OSHA on the same day. Even though the person involved

required Chemical Hygiene Plan or standard operating procedures (SOPs) when working with hazardous chemicals. It was unclear what operations fell under a prohibition against working alone, "which operations fell under the rule, where additional personnel had to be located, and what the additional personnel had to do."

Perhaps more importantly, the inspector criticized the training the student received, which is now standard for lab training throughout the UC system. Reading "a large binder of SOPs over one or two days, was not effective training by itself. The training was not interactive. Personnel had to read voluminous SOPs, regardless of whether the SOPs pertained to the person's work."

The inspection did not result in a violation or a Cal/OSHA citation, but it did result in



Rita Kern, photo

A commemoration at UCLA of the 7th anniversary of Sheri Sangji's death.

an "Information Memorandum" to direct UC Berkeley's attention to "conditions which can be potentially hazardous to the safety and health of employees in the future." The memorandum

also noted that if the university does not correct the conditions, a future citation for the same violations could be classified as "willful" because of the information contained in the memorandum.

UPTE's Systemwide Health and Safety Committee is working

AAAS honor for Harran reversed

In November, UCLA Professor Patrick Harran was selected as one of 347 researchers to be honored as a fellow of the American Association for the Advancement of Science, the world's largest scientific society. Harran was the faculty member charged with four felony counts after lab worker Sheri Sangji was severely burned in a preventable lab fire in his UCLA lab in 2008.

Swift reaction from chemical safety experts, other chemists, and mobilization by Sheri Sangji's family, UPTE-CWA, and occupational safety and health professionals, led the AAAS to reconsider and reverse the selection. The AAAS had maintained that "an initial review of Dr. Harran's nomination materials had not included all relevant information," including a five-year deferred prosecution agreement that Harran agreed to in June 2014 in settling criminal charges for violating state labor standards.

was an unpaid graduate student, Cal/OSHA began an inspection the next day.

The inspector found that the work was not being done in accordance with the

to ensure that the recommended training will be applied throughout the UC system, not just at UC Berkeley. – *Joan Lichterman, UPTE's health and safety director*

UPTE's Butte college local scores a victory

The Part-Time Faculty Association (PFA-UPTE), which represents associate faculty at Butte College, reported a win for recently retired faculty who choose to come back to work.

The district insisted that recent retirees had to wait a mandatory minimum of 180 days before coming back to teach. This conflicted with the policies of STRS, the State Teachers' Retirement System, which covers Butte faculty and which does not have a mandatory minimum.

PFA president Stacey Burks pressed the issue with district administrators and confirmed separately with both STRS's president and vice president that there was no prohibition against a teacher returning to work immediately, but the district dug in its heels. It took Burks' threatening the district with an unfair labor practice charge for it to finally concede that PFA was correct.

The victory is tempered by a new effort by the district to discontinue the seniority of retirees, even though language in the contract – negotiated years ago – allows them to retain their seniority. Burks reported that PFA is now pursuing that issue as well.

UC lecturers win 6% raises

UC-AFT, representing librarians and lecturers at the University of California systemwide, has won a 6 percent raise over the next six months in its current round of bargaining with UC.

According to the tentative agreement, the *Daily Bruin* reports, lecturers will receive a 3.2 percent salary increase in May and an additional 3 percent in July. A 2.5 percent increase will follow in July 2017 and July 2018. Lecturers not covered by UCRP will receive an additional payment in July 2017 equivalent to 5 percent of their 2015-16 base salary.

Non-wage contract gains include improvements on the issues of performance reviews and their impact on lecturers' appointments.

The contract expired in June 2015 but was extended to October during negotiations. UC-AFT refused to extend it again in December to put pressure on UC to bargain in good faith. Union members were scheduled to vote on the tentative agreement at the end of February.

CSU faculty organize April strikes

Twenty-six thousand lecturers, librarians and professors at the California State University (CSU) system are planning to strike in April over negotiations that have stalled over the issue of wages.

The California Faculty Association (CFA) has been bargaining with the CSU administration since 2014 over wages and has been pushing for an increase that would make up for years of substandard pay.

Low wages, few raises

More than half of CSU faculty make less than \$38,000 in gross pay and overall average about \$46,000. They saw no pay increases from 2008 to 2013. In 2013 they received a 1.34% increase, and a 1.6% increase the following year. Union members say they have not been able to keep up with the cost of living.

The union has been arguing for a 5% pay increase, a figure it says CSU could easily afford. CSU has proposed a 2% increase, which was rejected by the union. In October, members authorized a strike, which has now been scheduled for April 13-15 and April 18-19.

CFA members have been wearing red t-shirts in an effort to cause management to "see red" as part of its "Fight for Five" campaign.

Bargaining is currently in mediation pending the release of a neutral fact-finder's report. If a strike goes forward, it would be the first ever held systemwide.



Labor phone bankers do outreach for Bernie Sanders' campaign.

Labor activists work to bring Bernie Sanders' message to voters

As the 2016 primary races begin in earnest, voters are listening to debates, discussing the issues and making their minds up about the candidates who can best address their issues.

UPTE-CWA was among the first unions to endorse Senator Bernie Sanders (D-Vermont) for president. Its executive board voted late last summer to encourage members to support Sanders, saying in a resolution that "Bernie has the chance to inspire millions of Americans with policy proposals that put the interests of the labor movement front and center. His campaign will draw attention to what unions and collective bargaining have accomplished for workers and energize our movement."

National union endorses Sanders after member poll

The 700,000-member Communications Workers of America, UPTE's national union, endorsed Sanders a few months later. The decision followed a 3-month democratic process, that included hundreds of worksite meetings and an online vote by tens of thousands of CWA members on which candidate to endorse.

Citing the need for a candidate who will break with politics-as-usual and fight for America's working people, CWA president Chris Shelton said members "made a clear choice and a bold stand in endorsing Bernie Sanders for president."

"Our politics and economy have favored Wall Street, the wealthy and powerful for too long," he added. "CWA members, like voters across America, are saying we can no longer afford business as usual. Bernie has called for a political revolution – and that is just what Americans need today."

CWA's 700,000 members represent a cross-section of America's workers, working in industries spanning telecommunications, airlines, media and broadcast journalism, health care, public service, and manufacturing.

The top issues motivating the endorsement of Senator Sanders – taking on the big banks and Wall Street, providing our children with debt-free higher education, getting big money out of politics, rebuilding the labor movement, stopping job-killing trade deals, affordable health care, and retirement security – reflect the priorities cited by UPTE and CWA members and working Americans nationwide ahead of the 2016 election.

Get active!

UPTE members travelled to Reno and Las Vegas in February to work for the Sanders campaign in Nevada, widely considered a swing state with a primary on February 20. CWA members are involved in many communities across the nation, and have played a significant role in driving turnout in past elections.

In 2012, tens of thousands of CWA member volunteers worked on national and state campaigns and for critical ballot initiatives. CWA had ground operations in 38 states, and CWA member-activists played a major role in Florida, Colorado, Virginia, Missouri, New Mexico, Arizona, Pennsylvania, and Ohio.

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