



CWA 9119
AFL-CIO

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

(510) 704-UPTE
info@upte-cwa.org
www.upte.org

U.P.D.A.T.E

Employees criticize UC's pension, wage proposals

UPTE-CWA welcomed employees to bargaining Town Halls this fall in coalition with two other UC unions to strategize about management's new attempts to undercut our pension plan.

Members turned out across the state at campuses and medical centers to discuss the proposals, which encourage new employees to ditch

the UC Retirement Plan "defined benefit" pension and enroll in a risky 401(k)-style plan instead.

"It's a raw deal for everyone but management," noted UPTE's president, Jelger Kalmijn.

In addition to pensions, fair wages are also a major issue at the bargaining table for research (RX), tech (TX) and health care professional (HX) employees.

"Undermarket pay is a big factor in high staff turnover," said Jamie McDole, UPTE's chief bargainer. Members in job titles that are severely below market rates have begun campaigns to pressure management to respond.

Outsourcing benefits?

Supposedly offering "pension choice," what UC's new proposal

does is save money for management because it shifts costs and risks to individual workers. UC has invited Fidelity Investments to advocate for the plan, from which it stands to benefit. Fidelity advertises such plans as "benefits outsourcing" to "help employers control costs" on its website.

There's a lot of confusion over retirement plans and confusing jargon like "defined benefit plan" and "defined contribution plan." Here's a simple way to think about it: defined benefit plans (DBPs) specify what comes *out* of the pension fund and is paid to you in retirement. Defined contribution plans (DCPs), by contrast, specify only what money goes *into* the plan – that is, your contributions.

DBPs provide a far more secure and predictable form of retirement income than defined contribution plans (which are also called 401(k) or 403(b) plans). What goes into a defined contribution plan is known, but what comes out is essentially a crapshoot.

Shifting the risks to you

DCPs shift all investment risk from the employer to the employee and cannot guarantee a level of retire-

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Terry Bunting, photo

Union members at a UCSD medical center Town Hall demand that UC stop undermining the pension plan and agree to fair wages.

UPTE LOCALS

Berkeley/UCOP

(510) 848-UPTE

Davis:

(530) 759-0803

Irvine:

(949) 223-5400

Los Angeles:

(310) 443-5484

Merced:

(510) 704-UPTE

Riverside:

(951) 781-7922

San Diego:

(858) 458-0862

San Francisco:

(415) 753-UPTE

Santa Barbara:

(805) 685-3661

Santa Cruz:

(831) 429-UPTE

LBNL:

(510) 704-UPTE

Livermore/SPSE:

(925) 449-4846

Los Alamos:

(505) 490-6054

Butte College:

(530) 400-6953

College of the Sequoias:

cos@upte-cwa.org

Mt. San Jacinto College:

(951) 276-0016

Union members convince California legislators to limit UC's ability to "off-shore" work

California has a new law aimed at preventing public educational institutions from transferring taxpayer-funded jobs to overseas corporations, after a coalition of unions representing workers at the University of California and the California State University convinced legislators and the governor to support it.

AB 848 is known as the "Stop Off-shoring Abuse" bill, due to the abusive off-shoring behavior of management at the University of California, San Francisco campus. The law covers UC, the California State University system, and the California community colleges.

Training your replacement

UCSF off-shored 97 information technology (IT) positions in July 2016 to a company called HCL, whose business model is to bring Indian workers to the US on H-1B visas, and engage in a "knowledge transfer" process where US workers are forced to sit next to their replacements and train them to do their own jobs.

The UCSF IT workers, who did

not have a union contract, lost their jobs after the "knowledge transfer" was complete in February 2017, but they kept up the fight to change the law for future employees.

There was concern that the program would be expanded to other locations in the ten-campus, five-medical center UC system.

UC's behavior was widely condemned by legislators and covered in *60 Minutes*, *Computer World*, *San Jose Mercury News*, *Los Angeles Times*, *India West*, and public radio station KQED.

"As I stated in my *60 Minutes* interview," said IT worker Kurt Ho, "our public tax dollars should be going toward building up the US middle class, not corporate interests elsewhere. Off-shoring jobs in the public sector is wrong," Ho added.

Getting legislators on board

UPTE activists and union supporters reached out to dozens of legislators, gaining the support of Senator Nancy Pelosi, US Representatives Zoe Lofgren,

Anna Eshoo, Mark DeSaulnier, and Barbara Lee (all California Democrats), and Senator Charles Grassley (R-Iowa), who called on UC to ditch the program. The passage of AB848, signed by the governor, seals the program's fate.

Almost none of the affected IT workers were union represented. They did not have the protection of a union contract.

"A contract would have made a difference," said UCSF IT worker Hank Nguyen, by giving enforceable protections

to employees.

Twelve years before, in 2004, UCSF off-shored its medical transcriptionist services to a company in Pakistan.

The owner of the company did not think she was paid fairly, and threatened to release all of the private medical data onto the open web, which would have been a HIPAA violation had she been in the US and subject to US law. Luckily, this event was resolved without incident.

UCB IT workers are #UPTEstrong. See more photos on UPTE's Facebook & Twitter feeds.



Organizing for fairness

Members turned out across the state this fall to send a message to UC management that they will act to protect quality jobs, research, health care and education. See #UPTEstrong photos of the actions on the union's Facebook and Twitter feeds.

You're invited! Come to UPTE's annual convention in January

Each year, elected delegates from each UPTE local meet to debate strategy and decide policy for the coming year.

This year's convention is set for **Saturday, January 13 to Monday, January 15, 2018** at the Hilton Scotts Valley near Santa Cruz.

The annual convention is the meeting of the highest body of UPTE.

Delegate elections are currently underway in all UPTE locals. If you want to attend as an official delegate from your campus local, please contact your local to find out about the election process. All members are invited to attend, whether or not they are a delegate, to help chart the union's course for the coming year.

Childcare is provided. See the convention call at <upte.org> for more information.

A group of UPTE members at UC Irvine, attending one of many union coalition Town Halls held on bargaining.



Systems Admins win UPTE representation

This fall, UPTE representation was expanded to another group of UC workers when the Public Employment Relations Board (PERB) ruled that it was appropriate to include Systems Administrators I, II and III in the existing tech (TX) bargaining unit.

Federal and state labor laws have long held that workers should be grouped into "bargaining units" for the purposes of union representation.

The state labor board, PERB, determines which positions should be in which UC bargaining units based on a variety of factors, including the nature of the work they perform and how they fit into the overall relationship between the union and the employer.

Welcome to the union!

Since 1994, when UC's technical employees first voted for UPTE to represent them, the computer tech job titles in that original TX bargaining unit have undergone tremendous changes as computers, job duties, and skills have evolved.

As UC created new job titles and responsibilities and shifted employees into them, UPTE has moved to add them to the tech bargaining unit when appropriate.

But it hasn't been an entirely innocent process. Historically, UC has created job titles and has used reclassifications to try to exclude swaths of employees from union representation and to erode bargaining unit size and, consequently, the union's power.

Among the changes UC made in recent years was to break up the old Programmer Analyst (PA) job titles into 22 new job titles and reclassify the PAs into them.

Last November, PERB agreed that 320 employees in the new Business Technology Support Analysts (B TSA) series should be included in the TX unit. UC also created the Systems Administrator I, II and III job titles, and in December 2016 UPTE petitioned PERB to add them to the TX unit as well.

UPTE representation has given BTSAs the ability to fight for pay commensurate with similar job titles, and a campaign by BTSAs is bringing pressure on management to fix inequities caused by UC's "merit" pay plan.

This time, UC objected on the grounds that the 325 new Systems Administrators were professional employees ineligible for union representation and that the tech unit was "inappropriate" for the job title. UC also had nearly 200 more employees in the pipeline with title changes. PERB rejected all of UC's contentions, after repeated appeals from the university.

In September PERB's ruling became final and Systems Admins joined the UPTE TX unit. The decision gives employees the power to bargain over pay inequities as well as to fight for better job security, pension benefits, and other quality of work issues.

Community college faculty win raise

UPTE-represented adjunct faculty at College of the Sequoias in Visalia racked up a significant win recently when they ratified a wage deal that gives all members raises and brings wages closer to market pay.

The 4 percent pay increase deal also includes more money for professional development and for paid office hours, which adjunct faculty previously had to hold on their own time.

The latest gain brings total pay increases at College of the Sequoias over the past two years to 10%. Membership levels there have nearly tripled, and the pay victory is a result of the growing membership and active leadership.

Meanwhile, Mt. San Jacinto College has offered its UPTE-represented adjunct faculty a pittance: a mere 1 percent raise this year and no guaranteed increases after that.

The wages adjunct faculty receive don't measure up for the level of education and commitment the faculty bring to the classroom. While adjunct faculty must have the same qualifications and teach the same classes as tenure-track faculty, their total compensation is about one third.

Mt. San Jacinto pay has failed to keep pace with adjoining college districts such as Riverside and Palomar, which pay better. MSJC faculty are demanding reasonable increases to bring them up to parity, and, as at College of the Sequoias, paid office hours.

Also on the bargaining table is language for better job security, stipends for committee work, and improvements in sick leave policy.

MSJC management has shown its disdain for fair pay. When students showed up at a bargaining session to observe, management's team tried to kick them out. When that failed, the management team stormed out of the room.

UPTE members are ramping up pressure. They have delivered a petition to the college's trustees and are planning a holiday action targeting the college president.

Counseling Psychologists fight pay inequity

Counseling psychologists (CPs) across the UC system are escalating their efforts to achieve pay equity with psychologists who perform the same work in UC hospitals.

Counseling psychologists are clustered around student service centers and provide mental health services in the form of individual and group therapy to students stressed about the cost of school, grades, and jobs. Their pay is up to 20 percent behind the pay of other psychologists in the UC system, and is significantly behind psychologists in educational services nationwide.

Turnover is a problem too. UCLA's Counseling and Psychological Services has lost an average of one therapist a month since 2016. High turnover disrupts therapist-patient relationships and undermines treatment.

Some students at UCLA have seen up to four different therapists during their treatment because their practitioners kept leaving.

CPs joined UPTE's HX unit earlier this year and began bargaining their contract in March.

UPTE activists will start handing out informational fliers to students at the student health centers to educate them about the impact the pay disparities are having on counseling services. They plan to steadily increase pressure on the university if there is insufficient movement at the bargaining table to fix the problems CPs face.



Juan Castillo, photo

Student services professionals organize across the system

Did you know that thousands of UC student services professionals are organizing with UPTE for fair pay, career development, job security, a secure retirement, and in support of public higher education?

There are about 4,000 student services professionals (SSPs) across the state, including Student Affairs Officers, Program Reps, Learning Skills Counselors and Library Professionals.

These employees face stagnating wages, threats to their jobs, retirement and retiree health care benefits. They want what union-represented workers at UC already have: a seat at the table to negotiate regular pay increases, benefits, reclassifications, and fair pensions.



Mindy Pines, photo

Shane Carter.

Union members reaching out to their colleagues

Shane Carter is among those who want a better deal. She works at UC Berkeley as a Public Education Specialist III and the Program Coordinator for the Office for Resources for International and Area Studies. Carter provides K-14 teachers with resources and opportunities to learn new content in world history and other international topics, via the six area studies centers on campus.

“My two-year work experience at UC Berkeley has been very positive,” said Carter. “In part, that is because my colleagues are wonderful people, but I also believe it is because the work of labor unions in the UC system has generated benefits for workers in the system.”

“I’d like to see those benefits extended to directly (and indirectly) affect more of the Cal working community, now and in the future,” Carter added.

To learn more, visit UPTE’s web page on the campaign at sspupte.org.

Student services professionals at UCLA demonstrating their support for UPTE-CWA.

Responding to workplace stress

Workplace stress has been getting increasing attention over the past few decades as the nature, speed, and pressures of work change and lead to greater economic insecurity globally.

We are not immune. Union members have expressed frustration as we feel our work is being reorganized, piled on, speeded up, or outsourced.

Stress physiology 101

UPTE’s international union, Communications Workers of America (CWA), has commissioned academic research on workplace stress, and says in a fact sheet on *The Physiology of Job Stress* that “when the cause of the stress can be identified, is of short duration, and can be responded to by a specific set of actions that eliminate the cause” – such as redesigning a computer workstation – the stress reaction is healthy.

“However,” the fact sheet states, “when the source of the stress is not identifiable, becomes excessive, repeated, prolonged, or continuous, it becomes ‘distress’ and creates unhealthy physiological and psychological reactions.”

Day in and day out

CWA and others have found that daily stressors at work that “have a negative effect on a worker’s physical or emotional

well-being . . . are associated with two job characteristics: job control and demand.”

Job control stressors include “lack of control over work, lack of recognition for work done, job insecurity, harassment, racism, inadequate pay, and lack of promotion opportunities.” Job demand stressors include “contracting out work, fragmentation, poor ventilation and heating, speed-ups, conflicting job demands, physical danger, poor computer workstation design, lack of training.”

Is it you or the workplace?

Employers often take two different approaches to job stress depending on whether they view worker characteristics or working conditions as the primary cause.

Nonetheless, a report by the National Institute for Occupational Safety and Health National Institute (NIOSH) on stress at work says “scientific evidence suggests that certain working conditions are stressful to most people.”

Two examples are “excessive workload demands and conflicting expectations,” which argue “for a greater emphasis on working conditions as the key source of job stress, and for job redesign as a primary prevention strategy.”

How union representation helps

Union members who get to negotiate contracts are in a better position than other workers to fight occupational stress – which would be a particularly good topic for locals to take up as UPTE negotiates new contracts.

CWA notes a number of “specific strategies that have been used to fight occupational stress.” They include negotiating contract clauses such as more flexible attendance policies to reduce the impact of job stress on workers, and legislative and political action, like UPTE’s sponsorship of AB 848, a successful Assembly bill to “stop offshoring abuse” at the University of California and California State University (see story on page 1).

The union can also educate members about stress by conducting walkaround inspections, surveys on stress, educating members about job stress and job design, reviewing health, absenteeism, and injury records, and brainstorming ways to reduce stress with members.

Want to get involved with these tasks to help remedy the stressful situation where you work? Contact your UPTE local. – *Joan Lichtenman, health and safety activist and trainer*

Aaron Rosenfield, photo



Town hall participants organize to save UC pension

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ment income – indeed, some people have lost much of their retirement investments in market downturns. Decades of experience have shown that DCPs underperform compared to DBPs.

UC retirement income is a form of deferred compensation. The University of California Retirement Plan (UCRP) is a defined benefit plan based on a calculation of an employee’s years of UC service, age at retirement, and highest average 36 consecutive months of pay. Eligible UC employees are automatically enrolled in UCRP.

UC management is trying to shift employees from UCRP to a defined contribution plan by offering those hired after June 30, 2016, the option of enrolling in a 401(k)-style plan.

Some employees may be tempted, thinking that by doing things themselves they will be able to build a bigger retirement fund. This

rarely happens, and as employees leave UCRP, it becomes less viable for everyone over time.

Here’s what UPTE is fighting for:

- **A single tier pension plan (DBP)** for all UC staff and faculty. This provides the strongest form of guaranteed post-employment income while leveraging group investment power and minimizing employee risk.
- **Equitable treatment** of staff and faculty regarding access and contributions to post-employment pension and other benefits.
- **Shared governance** of our pension plan. Our pension plan should receive meaningful input from those who are affected by its policies and investment strategies.
- **Increases in employee pension contributions** must be offset by pay increases.
- **A socially responsible investment strategy** that includes divestment of funds from the tobacco and firearms industries,

Energy Transfer Partners, Citibank, Wells Fargo Bank and other Dakota Access Pipeline funders, and other industries that harm public health or are counter to the interests of workers.

• **Establishment of a trust** to guarantee retiree health benefits by fully funding them. To learn more, please visit cupte.org.

Stressed out? Check out these resources

CWA Health & Safety Fact Sheets on Job Stress

<https://www.cwa-union.org/national-issues/health-and-safety/health-and-safety-fact-sheets/occupational-stress-and-workplace>

Stress At Work (NIOSH)

<http://www.cdc.gov/niosh/jobstres.html>

Stress at the Workplace (World Health Organization)

http://www.who.int/occupational_health/topics/stressatwp/en/

Execs' misconduct gives UC another black eye

It was the news that a state audit of the UC Office of the President's (UCOP) budget from 2012 to 2016 revealed a hidden fund of \$175 million that first grabbed headlines in the press.

The audit, released in April, found that UCOP could not explain how it had spent the money nor how it had even collected it. \$32 million, it said, could have been spent on students, at a time when the regents were raising tuition.

The audit also charged UCOP with presenting incomplete and misleading budgets to the regents, and with paying UCOP staff significantly more than comparable state employees. The report led to severe criticism by lawmakers and strained relations between UC and the Legislature.

Messing with the numbers

But it was the finding that UC had interfered with the state auditor's survey that has taken on a life of its own. UC president Janet Napolitano's office directed administrators to disclose to her their answers in the confidential survey, and then bent those answers in ways to make the university look more favorable.

The tampering caused the auditor's office to throw out the survey responses and led to a series of subpoenas and hearings before the Legislature.

In May, Napolitano was subjected to an exhausting grilling by angry legislators. In June, UC disclosed that it was hiring its own investigators to look into the tampering allegations – at a cost of \$210,000.

In October, California governor Jerry Brown signed a law that imposes penalties on anyone who obstructs a state audit “with intent to deceive or defraud.” In early November, two UCOP executives who authored emails to campuses directing them to reveal and alter their answers resigned.

A week later, UC's investigators con-

firmed the allegations and that Napolitano had given misleading testimony in May. In mid-November, the regents took disciplinary action against her, admonishing the president for her office's interference in the audit and ordering an apology.

“I regret deeply that I did not show better judgment,” Napolitano said. “I made this decision. I made a serious error in judgment. I apologize.”

On another front, a *Mercury News* audit in October of UC campus contracts found “that at least some workers continue to make far less than minimum wage.” The *California Aggie*, a student newspaper at UC Davis, corroborated the *Mercury News*' assessment that the university is “doing a poor job of monitoring compliance.”

UC unions demand transparency on retiree benefits

Following UC's announcement earlier this fall that it was forming an advisory committee on retiree benefits, the UC Union Coalition (of which UPTE-CWA is a part) has written to UC's president, Janet Napolitano, demanding “participation and transparency” in the process.

Specifically, the coalition asked that representatives of the union coalition be placed on the committee; that meetings of the committee be fully open and observers be invited to attend; and that all documents, resources and deliberations before the committee be publicly available.

As of *Update* press time, UC had not responded to the union coalition's letter.

UC expected to cut retiree benefits

Union representation on UC's task force is vital given stealth plans by UC to shift even more health care costs to retirees' shoulders.

A plan introduced at a July 2017 regents' meeting to increase retiree health costs was withdrawn after outcry from the

David Bacon, photo



A demonstration in support of DACA at UC Berkeley earlier this year.

Union members back DACA, offer assistance

About 4,000 UC students are undocumented, the university says, a substantial number of whom are Deferred Action for Childhood Arrivals (DACA) beneficiaries. The university also has teachers, researchers, and health care providers who are DACA recipients.

DACA recipients have found themselves in an agonizing legal limbo since Donald Trump cancelled the program in early September. In response, UC filed suit against the Trump administration for violating the constitutional rights of the university and its students.

UPTE strongly supports DACA and has pledged assistance to any of members who have received DACA or who are undocumented. Contact your UPTE local if you need help.

UC Union Coalition and Academic Senate, but it is widely expected to be reintroduced.

In 2013, retirees took a hit when UC revamped its formula for benefits premiums of those with less than 20 years' service.

The UC Union Coalition represents 75,000 UC employees and includes UPTE, AFSCME, the Teamsters, CNA, AFT, and the Council of UC Faculty Associations.

GOP tax plan a giveaway to the wealthy

Nearly every independent analysis of the GOP's tax bill has found that the benefits will go to the top 1 percent and that working class and poor families making under \$75,000 will see their taxes skyrocket.

The tax proposals give breaks on corporate taxes, estate taxes, and use of private jets. They also eliminates deductions for medical costs and for state and local taxes, as well as the individual mandate for health care – a provision that the Congressional Budget Office says will lead to 13 million people losing their health care benefits.

The GOP's cuts would eliminate tax breaks for student loans, for the Hope Scholarship and the Lifetime Learning tax credits for educational expenses, would impose taxes on college endowments, and would end deductions for teachers who buy school supplies out of their own pockets. It would treat fee waivers graduate students receive as taxable income.

At UC, graduate student employees and researchers receive waivers for tuition as well as health and student services fees. The GOP plan would count all of these as “income,” which will increase federal income taxes graduate students pay by up to \$2,000 per year.

UC teaching assistants earn, on aver-

age, only \$21,000 per year. A UC Irvine estimate puts the increase in tax burden for grad students at 202 percent on average.

“What this is about is fulfilling Republican promises made to wealthy campaign contributors,” Senator Bernie Sanders (D-Vermont) said in a statement. “There is a reason why the billionaire class provides hundreds of millions of dollars in campaign contributions to Republicans. And now is payback time.”

ACTION ALERT: Use this toll free number to register your opposition to the GOP tax plan: **888-894-6720**, or go to www.senate.gov/senators/contact and email your representatives today.

How to get a union scholarship

As students are starting to look to college in 2018, two scholarships are available for union members and their families.

CWA's Joe Beirne scholarship, honoring the union's founding president, offers sixteen scholarships of \$4,000 each for 2018-19. Current CWA members and their families are eligible. The deadline to apply is April 30, 2018 and details are at www.cwa-union.org/pages/beirne.

Children of two UPTE members have received this scholarship in previous years.

A second program from UnionPlus has awarded \$4.2 million to students of more than 2,800 working families since 1991. In 2107, 106 union members and family members received total scholarships of \$150,000, ranging from \$500 to \$4,000.

Current and retired members of UPTE-CWA and their families are eligible for scholarships. Applications are due by January 31, 2018, and details are at www.unionplus.org/benefits/money/union-plus-scholarships.

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

PO Box 4443
Berkeley, CA 94704

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www.upte.org

