

The UC Worker

ISSUE #2 — SUMMER 2015



News from the University of California's Largest Employee Union — AFSCME Local 3299

Public Sector Unions on Trial & How We Fight Back

By: Kathryn Lybarger, President of AFSCME Local 3299, Lead Gardener, UC Berkeley

A few months ago, at the California Labor Federation's Annual Legislative Conference, I was asked to give a speech on what being in a union meant to me.

The answer that jumped immediately to mind was, "Thanksgiving."



From the time I finished school until I started my first union job at San Francisco State University, I never had paid holidays. A union changed all that. And now, because generations of union members before me pooled their voices and their resources to win the respect that every worker deserves, I get to spend Thanksgiving with my family.

I didn't know it at the time, but growing up as the daughter of two unionized public employees, this principle enabled my parents to do the same—as well as to buy a home, to provide for their kids (including sending us to college), and to have the secure retirement that they enjoy to this day.

Sadly, all of those gains—the things I took for granted as a child and have come to cherish as an adult, wife and mother now are under attack. **In fact, they are very much at risk for all of us.**

Here's why.

Last month, the United State Supreme Court agreed to hear the case of *Fredrichs vs. CTA*. At stake is a forty year old legal precedent that allows states to require public workers represented by unions to share in the cost of the union's work—

work that includes negotiating and enforcing contracts, and organizing to win at the workplace.

The central organizing principle of the labor movement has long been that workplace power comes from collective participation. We pool our resources and our energy to win a better future.

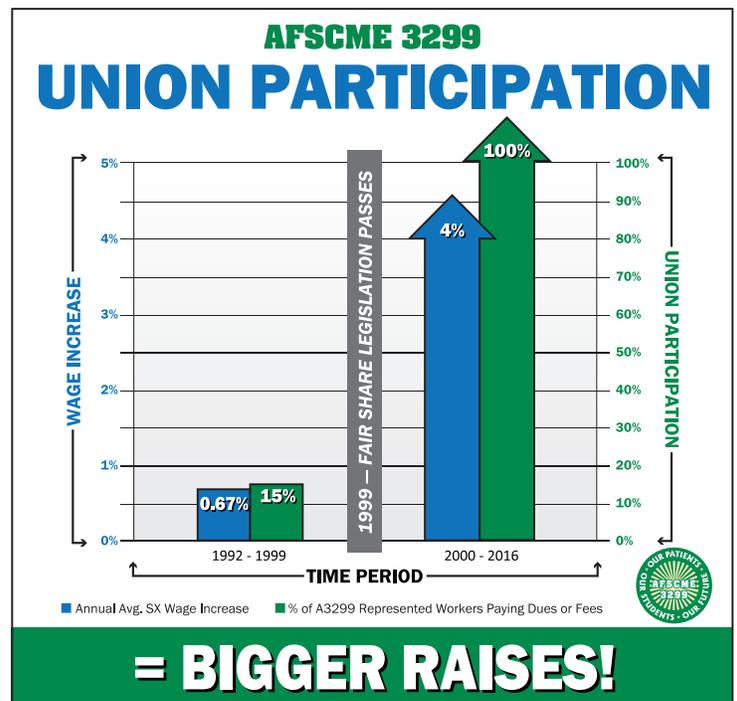
Existing law *requires* that everyone represented by public sector unions pay their "fair share" to win that better future. In a few months, the Supreme Court could make it a *choice*.

The last time it was a choice in California, AFSCME Local 3299 Represented UC service workers averaged raises of less than 1% per year. Now, we average raises of 4% a year.

Make no mistake. If the court strikes down "fair share," UC and other bosses will use it to try and divide us, weaken us and take back what we've won.

Only those unions who stand together—with represented workers recommitting to dues-paying membership and active involvement in their union—will survive.

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The Union Difference

By: Michael Avant, Vice President, AFSCME Local 3299, Patient Escort, UC San Diego Medical Center



Whether you are a Custodian or a Respiratory Therapist, you earned your job at UC because you are extremely good at your craft and equally devoted to serving the public. And every day, the members of AFSCME Local 3299 are what make the University of California a world class public institution.

But at UC, there is a difference between getting a job and building a career—between just getting by and building a better life for your family. There is a difference between serving the boss, and serving the students, patients and colleagues who rely on us every day. And there is indeed a difference between silence in the face of injustice, and the power that comes from organized solidarity and a voice on the job.

It's *the union difference*.

From its earliest days—much of which was chronicled in the last edition of the UC Worker—the investment of time and dues that members have made in this union have produced results.

We've seen those results in our paychecks, our benefits, our pensions, our success in organizing new workers, historic victories on women's rights and civil rights, and our ability to stand up for one another and hold management accountable for unjust practices without fear of reprisals.

But it's hard to really know just how much we benefit from our union membership without seeing how we stack up against other workers.

So check it out for yourself. And remember, it only works if we all continue to stand together and do our part.



From The Treasurer: Understanding Where Your Money Goes

By: Tim Thrush, RDMS, Secretary-Treasurer, AFSCME Local 3299, Principal Diagnostic Sonographer, UCSF Medical Center

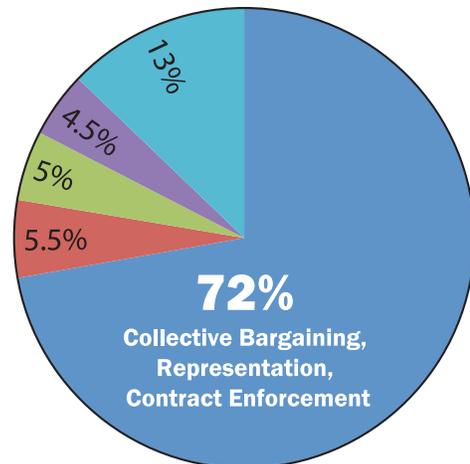


Members and Fee Payers represented by AFSCME Local 3299 support the collective bargaining, contract enforcement, workplace representation, and ongoing organizing efforts of their union through members dues and "fair share" fees.

And while our annual "Hudson Notice" breaks out how that money is spent, we also wanted to provide you with a graphical breakdown in this quarter's edition of *The UC Worker*. The chart to the right illustrates how each dollar is allocated to build power for the more than 22,000 UC workers we represent.

If you ever have any question about your dues or any other financial matters related to Local 3299, please contact us at finance@afscme3299.org, or 1-888-856-3299.

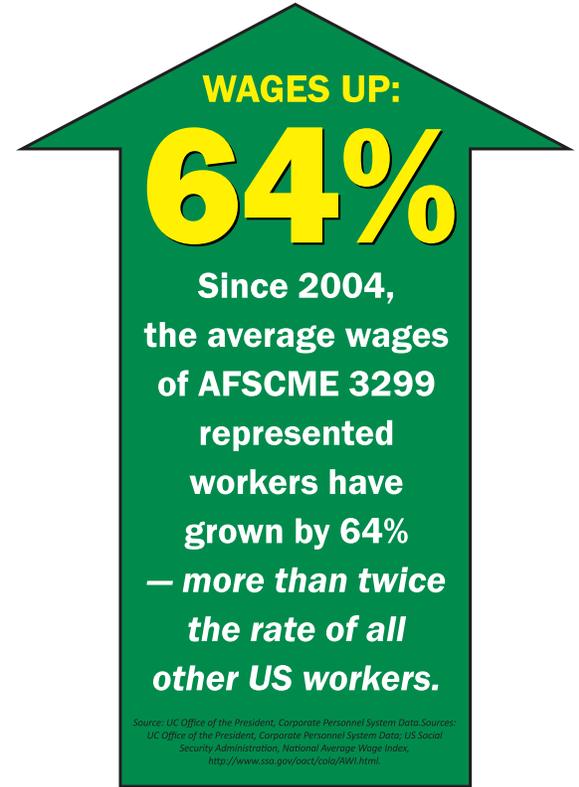
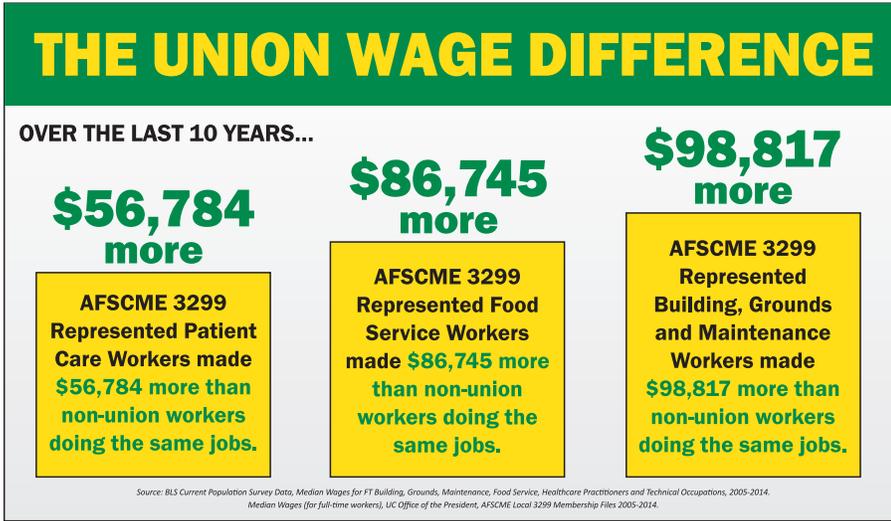
AFSCME Local 3299 Where Your Money Goes



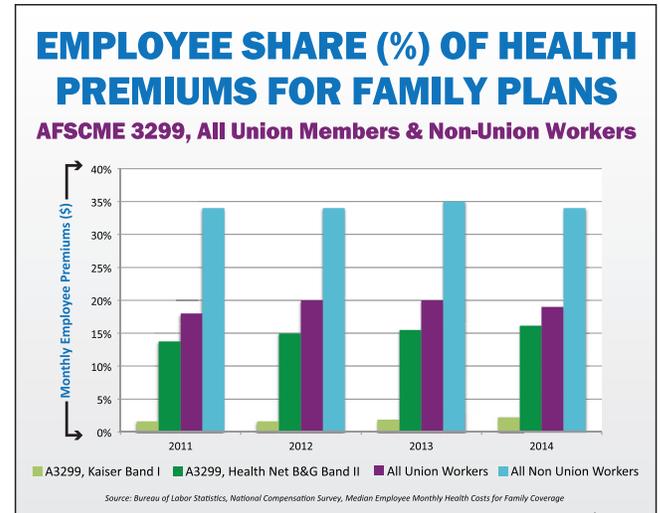
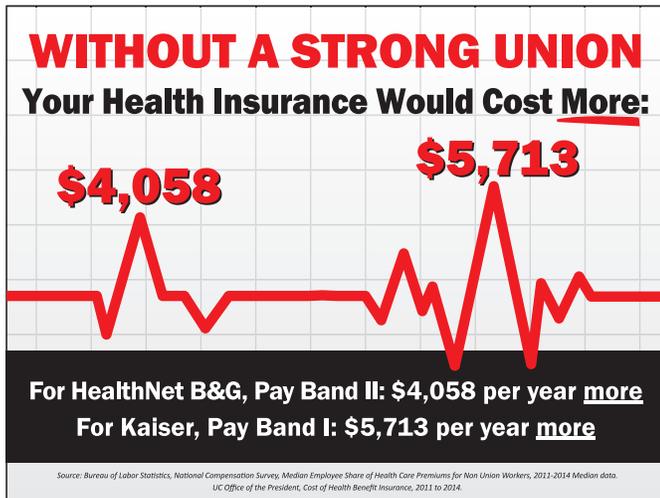
■ Collective Bargaining, Representation, Contract Enforcement ■ Politics/Lobbying
■ Legal (PERB Filings, Arbitrations) ■ New Organizing ■ Union Administration

The AFSCME Local 3299 Difference:

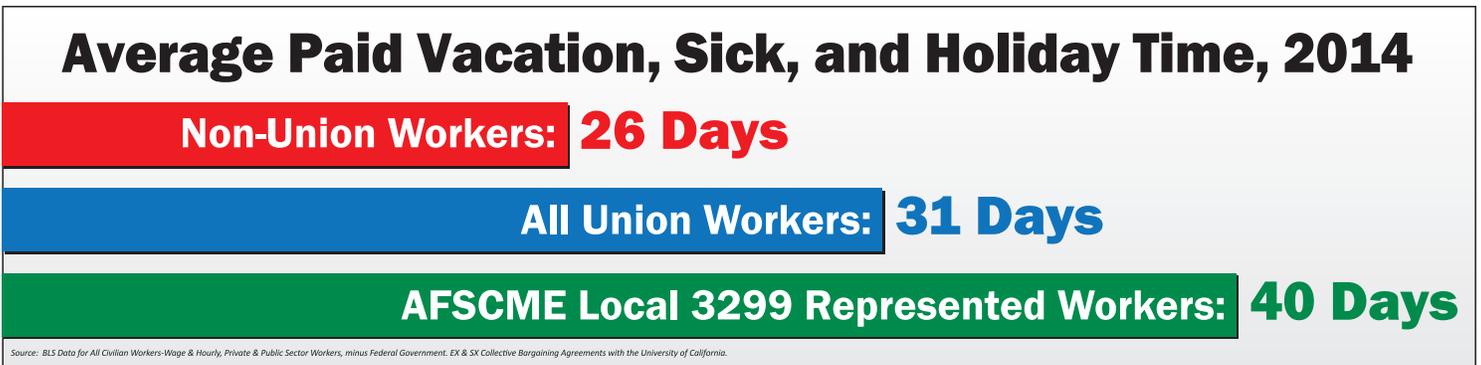
...On Wages:



...On Affordable Healthcare:



...On Paid Time Off:



Public Sector Unions on Trial & How We Fight Back...

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It is no coincidence that the unions with the highest rates of dues paying, active members win the best contracts and enjoy the most success in winning fights at the workplace.

AFSCME Local 3299 is a case in point.

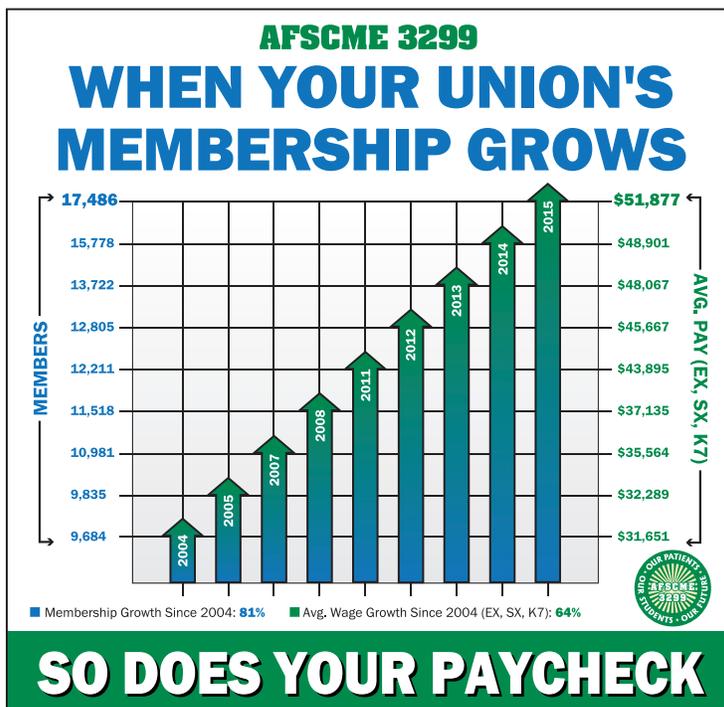
As our dues paying membership has grown by 81% over the last ten years, the wages of the EX, SX, and K7 bargaining unit workers we represent have grown by an average of 64% (see chart—>).

Additionally, we've organized a member leadership program that has become a model for other AFSCME Locals across America. And in doing so, we've been able to win and enforce: secure benefits and pensions, historic new staffing protections that include limits on contracting out our jobs, per-diem conversion rights, and much more.

So while we cannot control what the Supreme Court does, we can control whether we remain a strong union that is able to protect and build upon what we've won.

Here's how:

If you are not yet a full member of our union or unsure of your membership status, call us at 1800-856-3299 and become a full member today. If you are already a member, talk to your MAT



Leader or campus organizer about signing the recommitment pledge that we will be launching across the state this month.

Above all else, please remember that **you are the union**. All that we have won for each other and the students and patients we serve begins with that premise.

No matter what the Supreme Court does, by continuing to stand together, we will emerge stronger than ever and build an even brighter future for ourselves, our families, and our communities.

Member Leaders To Gather For Annual Mat Conference

When it comes to building power at the workplace, AFSCME Local 3299's MAT (Member Action Team) program is the tip of the spear. In fact, it has become a national model for other AFSCME Locals across the country.

All told, there are currently more than 500 AFSCME Local 3299 MAT Leaders across the state. Supported by MAT Captains and Campus Organizers, each MAT Leader is trained to serve as the lead contact in their department for most workplace representation issues—including educating co-workers on their rights, filing grievances, negotiating resolutions with

management, organizing workplace actions, and engaging their colleagues in the broader work of the union.

“As frontline employees, we have a responsibility to protect ourselves and our patients from situations that can undermine our workplace rights and the quality public services we provide,” said Brian Fan, MAT Leader and NICU Respiratory Therapist at UCLA Santa Monica Hospital (SMH). “By becoming a MAT Leader, I’ve learned how to use the power of our union to do just that.”



New UCLA SMH
MAT Leader
Brian Fan

To provide the best possible support to our members at work, AFSCME Local 3299's goal is to recruit and train a MAT Leader in every department, at every facility, around the state.

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Out of the Shadows, UC Subcontractors Finding their Voice

By: Ruben Santos, VP of Service Unit (SX), AFSCME Local 3299



Since 2009, even as the number of UC students has grown by 9,000 and dozens of new facilities have come online, **the number of career UC Service workers has actually decreased.**

Here's why.

UC is increasingly contracting out career jobs to private firms and leaving behind a trail of non-union subcontractors living in poverty. To be sure, this is a practice designed to weaken the bargaining power of AFSCME Local 3299. And worse, it is one that disproportionately exploits communities of color.

Nationally, so called “temporary” workers are growing at nine times the rate of career employees. But there is nothing temporary about their use at UC. Some are inherited when UC acquires facilities from other building owners. Still others are brought in under the guise of “relief” work when facilities expand or career workers retire—and are then retained for years at rock bottom wages instead of being offered the stability of career employment. *Many are assigned permanent workstations and UC Supervisors, but are paid as much as 53% less than career workers doing the same jobs.*

Beyond poverty, these workers face other hardships: a 50% higher risk of workplace injury, constant fears of losing their job for calling in sick or refusing hazardous assignments without training, wage theft, and even harassment. And because they are employed by private contractors—not UC—the institution gets to turn a blind eye.

Make no mistake—UC knows full well how bad things are for its growing army of “temporary” subcontracted workers. In fact, much of the existing research about the challenges these types of workers face has been produced by UC's own Labor Center at Berkeley.

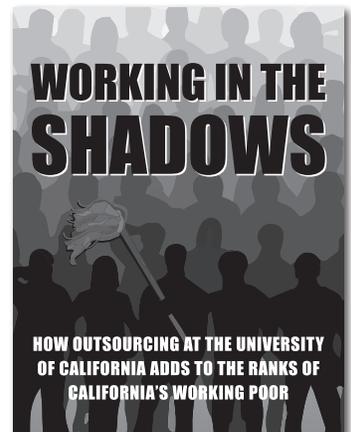
Jin Chen worked as a custodian for UCSF subcontractor IMPEC Group for three years—for as little as \$10.74/hour with few benefits before UCSF abruptly switched to a new custodial contractor and Jin lost his job. He now struggles to keep his family afloat on odd jobs and public assistance, even as his daughter attends UC Davis.



Jin Chen tells his story—and that of thousands of UC Contract workers around the state—to the UC Board of Regents.

Back in May, Jin told his story—and that of thousands of UC contract workers around the state—to the UC Board of Regents. He asked UC to not only support equal pay for equal work for UC subcontracted service and patient care technical workers, but to also provide them what they desire most—the chance to build a career at UC, and a better life for their families as a member of AFSCME Local 3299.

Most of us have worked alongside a UC contract worker at some point. Whether in custodial, grounds, parking, security, food service, transportation, sterile processing, licensed vocational nursing or the operating room, they are our colleagues. And that's why we are fighting for the dignity that they deserve.



At the workplace, members and member leaders have demanded that UC end its contracts and deal honestly with its staffing crisis by insourcing subcontracted workers. And in some cases, we have succeeded in getting UC to do just that.

But we also know that UC still has at least 45 contracts in place for the same types of jobs that our members do every day. *And they've just issued a statewide RFP for UC Health Services that highlights their intent to expand these practices to even more locations across the state.*

Unless we stop them.

In the Legislature, we are fighting alongside State Senator Ricardo Lara for SB 376—a bill that would guarantee UC's subcontracted workers equal pay for equal work. By forcing UC contractors to pay better wages, the measure would also remove any financial incentive that UC has to continue outsourcing

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Out of the Shadows, UC Subcontractors Finding their Voice...

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what should be career jobs. The bill is progressing with bi-partisan support, and Senator Lara himself made the case in a recent *Sacramento Bee* Op-Ed:

“There is no reason that any public institution should be subsidizing business models built on a foundation of poverty and second-class treatment of communities of color. But it is happening, ironically, at the same institution (UC) that has been sounding alarms about the problem.”

**—State Senator Ricardo Lara,
Sacramento Bee, June 6, 2015**

Even leaders outside California are taking notice. Back in June, AFSCME Local 3299 President Kathryn Lybarger, other member leaders and several subcontracted UC workers discussed the issue in a meeting with Presidential Candidate Hillary Clinton.

And this is only the beginning.

AFSCME Local 3299 filed a pair of Unfair Labor Practice complaints related to UC’s failure to fully disclose information about its contractors (as required by our Contract), and its refusal to insource all the former Impec Group Workers at UCSF, despite having more than enough open positions to do so.

Member Leaders To Gather For Annual Mat Conference...

(continued from page 4)

If you are unsure of who your MAT Leader is—or are interested in learning about how to become a MAT leader for your co-workers—please contact your local campus organizing office.

Each year, hundreds of MATs learn and refine their craft at our Annual MAT Conference. This year’s MAT Conference is being held from July 24th-25th in Costa Mesa, and will focus on providing members with the skills they need to effectively coordinate representation efforts at work, and to lead the campaign to strengthen our union in advance of pending legal

Most recently, we’ve also released a comprehensive new white paper, which exposes the full extent of UC’s exploitation of contract workers, the human cost, and the importance of our work to demand change.

“... without a dramatic policy shift, the only thing likely to expand faster than UC campuses is the number of contingent workers at UC living in poverty.”

—Working in the Shadows:

How the University of California Adds to the Ranks of California’s Working Poor.

Read the Full Report at www.afscme3299.org.

Ultimately, this is not just a fight against UC’s relentless efforts to outsource our jobs, weaken our bargaining power, and endanger those we serve through chronic understaffing. It is a fight to reclaim UC’s legacy as a gateway to the middle class.

And it’s a fight we can and must win.



attacks designed to weaken our ability to organize and win great contracts in the future.

In addition to training, AFSCME Local 3299’s Annual MAT Conference is also a rare opportunity for members across the state to connect, celebrate our victories, share best practices, and hear from the labor movement’s national leadership and most ardent champions. Confirmed speakers for this year include:

- **Laura Reyes, Secretary-Treasurer, AFSCME**
- **State Senator Ricardo Lara, Chair, Senate Appropriations Committee**
- **Willie Pelote, Former Political and Legislative Director, AFSCME California**

Please stay tuned to the next edition of the UC Worker for highlights of our 2015 MAT Conference.

From the Capitol: Tuition Hikes Averted, Sub-contracting Reform Progresses in Legislature

By: Luster Howard, Chair of AFSCME Local 3299 Political Committee, Truck Driver, UC Berkeley-LBNL



In-State tuition hikes will be averted for the next two years, UC must provide greater transparency around executive compensation, and UC will not be able to contract out AFSCME Local 3299 represented service jobs when UC Merced expands under the terms of this year's state budget.

After months of brinkmanship by both sides, the agreement signed by Governor Brown on June 24th includes more than \$240 million in additional funding for UC. This includes a \$119.5 million increase in base funding (Prop. 30 Funds), as well as one time contributions of \$96 million to pay down UC's unfunded pension liabilities, and another \$25 million for deferred maintenance.

With unprecedented legislative scrutiny brought upon UC finances during the budget process and "Committee of Two" meetings between Governor Brown and President Napolitano, this year's budget also includes several additional reforms aimed at reigning in executive excess and refocusing on UC's core mission to California.

- **In-State Enrollment:** UC will receive an additional \$25 million if it increases in-state enrollment by 5,000.
- **Pension Caps:** This year's state budget requires that UC implement a reduction in the cap on pensionable compensation on its highest paid employees—from as high as \$355,000 per year, to \$117,500—consistent with the state's 2012 Public Employee Pension Reform Act (PEPRA).

Key Budget Victories for AFSCME Local 3299

From testifying at hearings and providing critical insights on UC spending practices, to lobby days and district office visits by our membership, AFSCME Local 3299 played a key role throughout the state budget process. In doing so, we won additional funding to address the workplace safety and retirement security needs of our membership, as well as taking



The AFSCME Local 3299 Political Committee

critical steps to reign in executive compensation and prevent contracting out of AFSCME Local 3299 represented service jobs at proposed UC expansion sites.

- **Transparency on executive compensation:** Language from an AFSCME Local 3299 sponsored bill on executive pay (AB 837) was included in the final state budget. This language requires UC—for the first time—to disclose the source of funding for its most highly paid executives, and paves the way for reasonable limits on Executive pay in the future.
- **No Contracting out at UC Merced:** UC sought budget provisions that would have made it easier to contract out AFSCME Local 3299 represented service jobs at UC Merced. Instead, AFSCME Local 3299 *won language* that *prevents contracting out* of service jobs as UC Merced expands. This also sets a key precedent as UC considers future expansions in Richmond, Los Angeles, and San Diego.

SB 376 Clears State Senate, Key Assembly Committees

AFSCME Local 3299's top legislative priority, SB 376 (Lara), continues to gain momentum. The measure, which removes UC's financial incentive to contract out service and patient care jobs by guaranteeing equal pay for UC subcontractors performing similar work—sailed through the State Senate with bi-partisan support on June 2nd, through the Assembly Committee on Higher Education on July 7th, and the Assembly Committee on Accountability and Administrative Review on July 14th.

It next moves to the Assembly Committee on Appropriations. Once the measure clears this committee and is voted on by the full Assembly, it will be sent to Governor Brown. That could happen as early as September, or as late as next year.

UC Unions Win Pension Board Vote—Vow to Fight “Opt-Out” Scheme

By: *Monica De Leon, Vice President, Patient Care Technical Unit (EX) AFSCME Local 3299, Hospital Unit Service Coordinator, UC Irvine Medical Center*



“If you don’t have a seat at the table, you are probably on the menu”

During our last contract negotiation, AFSCME Local 3299 was able to defeat numerous UC attacks on our defined benefit pensions, as well as our retiree healthcare.

A key reason why was because we had strong representation on the UC Retirement System Advisory Board—an 11 member panel that advises on management of \$68 billion in UCRS assets and benefits.

UC holds most UCRS Advisory Board seats, even though UC union members comprise nearly 70% of plan participants. A seat at the table (or two) is critical for ensuring our members concerns are heard, and helps us access the information we need to prevent cuts at the bargaining table.

In May and June, UCRS held a new election for two staff representatives on the UCRS Advisory Board.

UC Unions united behind two candidates: **AFSCME Local 3299 Member and UCSF Pharmacy Tech Naomi Nakamura, and UPTE-CWA 9119 Member Mike Fehr.** And in late June, we learned that both Naomi and Mike had won by a landslide.

It took mere minutes for UC to remind us why Naomi and Mike’s presence will be so critical.

As part of their 11th hour budget negotiation with Governor Brown, UC attempted to sneak a provision into the deal that would allow staff to “opt out” of UC’s existing pensions in favor of 401k style scheme that eliminates guaranteed benefits and puts all the risk on UC workers.

“Opt Out” is basically the same idea as recent efforts to privatize Social Security. It means fewer defined benefit participants, and therefore less money to keep the plan properly funded.



Naomi Nakamura,
UCSF Pharmacy Tech,
AFSCME Local 3299



Mike Fehr, Computer
Resource Specialist
UPTE-CWA 9119 Member

In fact, UC’s own pension task force concluded that this was a bad idea back in 2010.

That’s why AFSCME Local 3299 helped lead a coalition of UC labor leaders to block UC’s newest scheme, resulting in new state budget language that requires that requires the state to study the impact that 401ks have on retirement security compared to defined benefits. This study will also examine the impact of the 2009 recession on the earnings of California’s 401k plan participants—many of whom had to return to work when the stock market crashed.

For now, UC has presented no specific pension changes. And the law requires that any proposals must be collectively bargained. *Rest assured, we will vigorously oppose any changes that undermine the guaranteed benefits that AFSCME Local 3299 members have earned and been promised.*

Ultimately, the State’s forthcoming study and strong union representation on the UCRS Advisory Board provides us with critical tools for protecting our pensions.

Thank you to all the AFSCME Local 3299 members who made their voices heard inside the Capital and during this recent UCRS Advisory Board election.



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Understanding Arbitration— The Last Line Of Defense

By: Elizabeth Hinckle, J.D., Grievance and Negotiations
Coordinator, AFSCME Local 3299

While many grievances can be resolved through worksite organizing and negotiations, others must be escalated to *arbitration*. An important legal protection for our members, arbitrations use a neutral 3rd party to hear both sides of a workplace dispute and issue a legally binding decision. Sometimes, cases will be brought to arbitration to establish precedents on proper interpretation of your union contract, which then helps to streamline resolution of similar disputes that have not yet reached this stage.

AFSCME wins reinstatement for fired UC Davis custodian

Local 3299 won an important recent arbitration victory over the firing of a custodian at the UC Davis medical center. The case involved the “just cause” standard—a key protection in your union contract that requires disciplinary actions against employees are fair, reasonable, and based on persuasive evidence.

In this case, a custodian was terminated after a heated verbal exchange with a coworker in which both employees became upset and used profanity. UC Davis’ “Workplace Violence Policy” prohibits not only physical violence, but any “disruptive, intimidating, threatening or violent behavior.” Based on UC Davis’ interpretation of this policy, the custodian was fired.

In fighting the termination, AFSCME Local 3299 argued that the university did not meet the “just cause” standard. The arbitrator agreed, finding that while the exchange between the two employees may have been disruptive, our member was neither threatening, intimidating, or violent. The arbitrator also noted that many other violations of UC Davis’ “Workplace Violence Policy” have resulted in discipline short of termination.

For these reasons, the arbitrator reversed the termination, imposed a written warning, and ordered that the custodian be reinstated with back pay.

If you or a coworker has been disciplined or terminated without just cause, please contact your MAT Leader or Campus Organizing office right away.

Other Representation Victories:

AFSCME Local 3299 has also reached favorable settlements in several other recent cases involving disciplinary suspensions. In these cases UC has agreed to either remove the suspensions or reduce them to warnings, and to provide the employees with back pay. Other recent settlements have resulted in compensation for jury duty service, and correction of a range of wage increase errors.

Current Cases:

AFSCME Local 3299 is currently pursuing more than 50 cases involving both discipline and contract interpretation. These include the right to “just cause” for employees who have been suspended or terminated, the requirement that UC respect the seniority of AFSCME unit members, the right to accurate wage and benefit payments, and the right to conversion to career status for certain limited and per diem employees.

Two pending cases have already been through the arbitration hearing process and are currently awaiting decisions. The first involves call-back pay for Radiation Therapists, and the second relates to UC’s implementation of our per diem conversion language.

Other upcoming arbitration hearings that will set key precedents involve terminations for cell phone use and off-duty conduct.

If you have any questions about your rights under your AFSCME contract, please contact your MAT Leader or campus organizer.



Solidarity Works: AFSCME Local 3299

MEMBERS WINNING AT THE WORKPLACE

A Raise for UCI Medical Center Custodians:

When nearly 70 UC Irvine Medical Center EVS workers—classified as “custodians” for as long as 9 years—saw new hires coming on board as Sr. Custodians with a higher pay rate, they knew something was wrong. Led by MAT Captain Francisco Arellano and MAT Leaders Leonor Orozco and Elizabeth Serrano, the workers organized a petition drive for wage equity and demanded to be reclassified as Sr. Custodians. Because of this action, management reclassified each of these workers as Sr. Custodians, granting them an additional 2% Across the Board wage increase, plus a 2% step increase this year! Way to go Team Irvine!



Protecting Seniority Rights at UCSD:

After experiencing repeated violations of their overtime seniority rights and poor treatment from their Supervisor, Patient Billers at UCSD Gibbs made calls to HR and gathered petitions demanding respect and compliance with the seniority terms of AFSCME Local 3299’s EX Unit contract. Because of these organized actions, not only is management now following seniority language on overtime, the supervisor’s treatment of AFSCME Local 3299 members has improved.



Overturing Unjust Discipline at UC Davis Medical Center:

After numerous workers in the OR Department were wrongly disciplined for exercising their rights to FMLA and KinCare, workers spoke up at staffing meetings, visited the CEO’s office, organized call-ins and other actions. As a result, management decided to overturn all disciplines—including a termination.

Persistence Wins Fight for Safe Staffing in Grounds Department at UCSD Campus:

Grounds keeping is amongst the most physically demanding jobs at UC. When administrators fail to fill vacant positions following retirements, it not only leads to increased workloads, but also increased risk of injury. Such was the case at UCSD Campus, where members organized for over a year—joining with students to circulate petitions and speak up at staffing meetings. After UC finally agreed to convert two temporary workers to full time, members kept pressing for proper staffing. Finally, just last month, UC agreed to hire 10 full time landscape techs—as well as more irrigation workers by 2017!

If you’ve got a story to share about a workplace victory, please e-mail your story and photos to winningatwork@afscme3299.org.



AFSCME LOCAL 3299

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