



Questions and Answers Regarding UC/UPTE Negotiations and the Announced UPTE Research/Technical Employee Strike

September
2009

Important questions and answers for UC employees concerning the planned September 24, 2009 UPTE Strike

UPTE, the union representing UC's research and technical employees, has announced a strike scheduled for September 24, 2009. It is the University's position that any work stoppage by UPTE at this point would be unlawful. It is critical that all employees, including research and technical employees, understand the implications of such an action so they can make an informed choice about whether to consider participating in this strike. Below are answers to some important questions.

Q. What will UC do if UPTE employees strike?

- A.** If any employee does not report to work as assigned, the University will presume—absent medical certification—that her/his absence from work during a declared strike period is strike related.

Authorization for an absence from work (e.g., vacation leave) may or may not be granted, depending on operational necessity and without regard to the employee's reason for the requested leave.

Employees who are absent from work without authorization during a strike will not be paid for the absence. This policy would apply not only to members of the two UPTE bargaining units, but to any employee who does not have an excused absence from work on September 24, 2009.

It is the University's position that the announced work stoppage by UPTE at this point would be unlawful. If a strike is illegal or unprotected under the law, an employee may face the possibility of disciplinary action for cause depending on the facts and circumstances.

Q. If a strike is called, does that mean I, as a member of either of these two bargaining units will not be able to come to work?

- A.** No. Under the labor laws, you are free to make up your own minds about crossing a picket line and continuing to work.

Q. If I'm a dues-paying member of the union, am I obligated to participate in the strike? Can I be penalized for not striking?

- A.** No employee is ever under any obligation to strike. Unions are legally prohibited from threatening or coercing members in other ways to keep them from coming to work. However, some unions have the right to levy fines against members, but not non-members, who choose to work during a strike, including a sympathy strike. A union

member who does not wish to strike may want to contact her/his local union representative to confirm that there will not be fines. Even if the union does levy fines, the University will not deduct union fines from employees' paychecks.

Q. What should I do if I want to work but I am being blocked from doing so or I'm confronted by picketers or striking workers?

A. Pickets are lawful so long as they are peaceful, conducted only on public property (i.e., sidewalks), do not block access to the facility, do not interfere with the normal course of business, and do not prohibit non-striking employees from working.

The University will assist employees who want to work by providing security or transportation across the picket lines.

In addition, non-striking employees should avoid confrontations and need not respond to any comments that picketers may direct at them. Non-striking employees should not invite or engage in any exchanges, which might inflame the situation.

If an employee feels s/he is being harassed or prevented from working by picketers or striking employees, the employee should notify their supervisor or campus Labor Relations office.

Q. If I come to work, what pay and benefits will I receive?

A. If you come to work, you will receive the same compensation and benefits as you did before the work stoppage.

Q. If I don't come to work as a result of the UPTE strike, will I continue to receive my pay and benefits, and may I use compensatory time or vacation for the time that I miss?

A. Employees will not be paid for time lost due to participating in a strike. Employees who participate in a strike will not be allowed to use compensatory time or vacation leave to make up for the pay they lose because of striking. Benefits that are affected by the percentage of time worked during the month may be affected.

Q. Am I permitted to talk to my supervisor or unit manager about any of this?

A. Absolutely. Your manager is another resource for answers and information.