



Coalition of University Employees

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TO: ALL BERKELEY AND UCOP CLERICALS:
FROM: CUE LOCAL 3 EXECUTIVE BOARD
RE: STRIKE SET FOR AUGUST 26-28

August 14, 2002

Yesterday, CUE Local 3 (Berkeley/UCOP) Executive Board authorized a 3-day strike from August 26-28 for the Berkeley campus and UCOP. In June, Local 3 members voted overwhelmingly to authorize the Executive Board call for a strike if UC did not stop its unfair labor practices.

UC SAYS "TAKE IT OR LEAVE IT" The most recent, and most egregious, unfair practice happened just last week. At the bargaining table, disagreement remains over Access, Health & Safety, Layoff, Wages, and Work Rules, but progress was being made on all fronts (with the exception of wages). Nonetheless, on August 7, UC's bargainers suddenly declared that bargaining was over from their point of view, and they refused to confirm future bargaining dates.

Instead, the UC bargainers gave CUE a "take it or leave it" contract offer (with the same old insulting pay offer of a 2.5% increase spread out over two years with no merits/steps either year). To make matters worse, the University threatened that if the union did not accept this offer in totality, UC would unilaterally impose something worse -- jettisoning all of the progress made by our bargainers over the past months. UC's threat on August 7 does an end-run around the State-mandated procedure for resolving bargaining impasses, and further demonstrates that UC doesn't play by the rules (1). We also know that UC could give us all fair wages, and it would barely make a dent in the massive unrestricted funds that UC holds.

This latest insult, added to UC Berkeley's recent outright breach of its agreement to make parking and transit subsidies available to clericals on the same basis as every other employee, has convinced the CUE executive board that an unfair labor practice strike is the only answer. A strike can only be averted if UC remedies its outrageous unfair labor practices.

WHY A 3-DAY STRIKE? UC's new position amounts to a declaration of total contempt for us and for the bargaining process. We know that there is still room for bargaining, just as there are funds for fair wages. Prematurely cutting off negotiations is unacceptable, just as the University's current threat to take away retroactive payment of its paltry wage offer is unacceptable.

A broad and solid three-day strike will be our shot across the bow. How will UC respond? What we know for sure is that the more people participate, the more effective we will be. By timing the strike to coincide with the beginning of the academic semester -- as suggested by hundreds of clericals in meetings across campus and UCOP -- we hope to have the biggest possible impact.

WHAT CAN EACH CLERICAL WORKER DO TO MAKE THIS STRIKE POWERFUL? We urge UC clericals to not show up at work from August 26 to August 28, to talk with co-workers to encourage their participation and support, and to show up on the picket lines. We know it will take more than this 3-day Berkeley/UCOP strike to get all of what we want, but we know that wide participation in this strike will be a first step in getting UC to re-think its contemptuous attitude toward us and the bargaining process.

WE NEED YOU ON THE PICKET LINES!

Please call the strike hotline (1-888-900-8989) for exact locations or just show up at Oxford and University for directions. Hardship benefits of \$60/day will be available to members who spend 4 hours a day on the picket line. Members with less than 50% UC appointment will be eligible for \$30/day hardship benefits. Applications for benefits will be available at the picket sites.

IS THIS A LEGAL STRIKE? Public employees have the right to strike in protest of an employer's unfair labor practices, including practices that make it impossible to achieve a fair contract. Nonetheless, we expect UC to tell clericals that our strike is illegal strike and that they face discipline if they participate -- all an effort to prevent us from exercising our right to support our union and to protest the employer's actions.

CUE is confident that there is a strong legal basis for this strike, as it is provoked by the University's egregious and unrelenting unfair labor practices. (Some of the University's unfair labor practices are listed below. Please let us know if you would like details about these illegal practices, and our legal response to them.)

The fact of the matter is that UC engages in these unfair and illegal practices to avoid confronting the real issues: For instance, that UC could easily pay us the wages we are due, and give us the health and safety protections that we deserve.

We know that at a work place as large as UCB/UCOP, there are bound to be a few supervisors who will get in a bad mood about our strike, and CUE pledges the union's support for any CUE-represented employee participating in the strike that is threatened with discipline or retaliated against for their participation. If you are a casual or term or temp employee and are worried about your status and your rights, please call us to discuss this.

So, please join us on the picket lines on August 26-28. We hope to see you there.

In solidarity,
CUE Local 3 Executive Board

PS: Please remember to come to Sproul Plaza on Wednesday August 21st (noon-1pm) for an all-UC union and student pre-strike rally. UC Lecturers who are represented by the American Federation of Teachers (AFT) and CUE members at UCSF are also voting on whether to strike as this letter is being mailed, and we may be joined by them when we strike. Other CUE locals across the state will hold demonstrations in solidarity with striking campuses as they consider moving to a strike vote on their own campuses.

(1) This is just the latest in a sustained pattern of law-breaking behavior on the part of UC. For CUE to bargain a fair contract with reasonable raises, health and safety, and other workplace protections, CUE needs information from UC. UC has illegally refused to provide information necessary for bargaining and continues to be unwilling to bargain in good faith. Some examples of other unfair practices include:

- Parking and transit (withholding Transit First subsidies from CUE represented employees and often illegally claiming this was due to union membership)
- wages (UC agreeing to language in other contracts to intentionally tie their hands in bargaining with CUE).

UC'S unfair and illegal actions have provoked this strike.

UC's pattern of illegal behavior includes countless examples of unilateral changes (at Berkeley and at other UC campuses) in terms and conditions of employment without bargaining with CUE.

Examples include:

- attempting to end the employment of hundreds of long-term "temporary employees";
- bypassing the union to pressure individual employees to give up their rights (direct dealing);
- discrimination and retaliation against CUE leaders on the basis of their union activities;
- unlawful restrictions on CUE's workplace access, and
- other conduct interfering with protected rights under the law.