



## Questions and Answers Regarding the UPTE Strike

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May 20, 2005

### **Important questions and answers for UC employees regarding the UPTE research support and technical employee strike scheduled for May 26, 2005**

UPTE, the union representing UC research support and technical employees, has notified the University of California of its intent to strike on Thursday, May 26, 2005. It is critical that 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. Is this strike protected under state labor laws?**

- A.**
- Under state law, any union that engages in or supports a work stoppage, such as a strike, before the impasse procedures required by state law have been completed, is presumed to have committed an unfair labor practice.
  - The University believes that because UPTE's planned strike has been announced prior to the completion of impasse procedures, it is therefore unprotected under state labor laws. In fact, the UPTE negotiations are not even at the impasse stage at this point. UPTE has not agreed to a state-appointed mediator to help us resolve our remaining differences.
  - The University has bargained in good faith for research support and technical employees throughout these negotiations in an effort to reach a fair and equitable settlement.

**Q. What will UC do if research support and technical employees strike?**

- A.**
- If any employee does not report to work as assigned, the University will presume, absent medical certification, that any absences from work during any declared strike period are strike related.
  - Authorization for an absence from work (e.g., vacation leave) may or may not be given, 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 and may face the possibility of disciplinary action for cause depending on the facts and circumstances (e.g., applicable contract language, misconduct).

**Q. If a strike is called, does that mean I will not be able to come to work?**

- A.** No. Under labor laws, employees are free to make up their 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 agency-fee payers, who choose to work during a strike, including a sympathy strike. The employee

needs to contact her/his local union representative regarding possible penalties for not striking. 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 employees?**

- A.**
- Pickets are lawful so long as they are peaceful, conducted only on public property (i.e., sidewalks), do not block access for other employees, 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 that he or she 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.** Employees who come to work will receive the same compensation and benefits as they did before the work stoppage.

**Q. If I don't come to work as a result of an 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.