Important Information for UC Employees on Patient Care Technical March 24-28 Strike

AFSCME, the union representing UC Patient Care Technical employees, has announced a strike March 24-28, 2014. It is very important that AFSCME-represented employees understand the implications of a strike, and what UC has been offering, and make an informed choice about whether to support a strike.

Contract negotiations
Q. Why don’t we have a contract yet?
A. UC has presented good proposals and compromised on key issues AFSCME leaders say are important to members to settle a contract. Our comprehensive proposals have included guaranteed annual wage increases, excellent benefits and important job protections. AFSCME has rejected these offers. UC has shown it can compromise to reach a deal. Within the past five months, UC reached an agreement with AFSCME-represented service workers, as well as multi-year agreements with UC nurses, health care employees, research support professionals, technical employees, lecturers, librarians and police officers. We are committed to a fair contract for our patient care technical employees but AFSCME must be willing to compromise.

Q. What has UC offered patient care employees?
A. UC’s latest contract offer, which AFSCME rejected, included:
• 27 percent wage increase over four years
• No rate increases in Kaiser and Health Net paybands 1 and 2, which would protect take-home pay for lower-salaried employees.
• Same pension formula and retiree healthcare eligibility rules as UC nurses
• Return of vacation and sick leave banks, and removal of PTO programs at locations where it has been implemented, which AFSCME requested.
• More job protection from layoffs and use of outside contractors.
• Most recently on Saturday, March 15, UC withdrew its Emergency Call-off Proposal that AFSCME had cited as the reason for the strike. But AFSCME has informed the university it plans to strike anyway. AFSCME has rejected our proposals, and is demanding more than what other UC employees – both union represented and non-represented staff – receive.
Q. Why has AFSCME called this strike?
A. UC believes that AFSCME is striking in an attempt to gain even higher pay increases and greater job protections than what UC has already offered, along with other provisions that could hamper the medical centers’ flexibility to deliver quality patient care effectively and efficiently. AFSCME, however, claims that it plans to strike in protest regarding an unfair practice charge that it has filed with the Public Employment Relations Board, alleging that UC has engaged in bad-faith bargaining. UC vigorously disputes these allegations. PERB has not yet made a ruling.

Q. What is UC’s position on AFSCME’s unfair practice charge?
A. UC has bargained in good faith throughout these negotiations, and been very responsive and flexible in meeting nearly all of the union’s demands. AFSCME’s unfair practice charge was prompted by a UC proposal — which UC has since withdrawn — that would have allowed medical centers to adjust staffing levels based on declines in patient numbers. That proposal, referred to as Emergency Call Off, is identical to language in the UC nurses’ contract, and was proposed by UC after AFSCME demanded the same wage increases as UC nurses. Even though UC withdrew the Emergency Call Off proposal on Saturday, March 15, AFSCME has said it still plans to proceed with its five-day strike. The remaining allegations in AFSCME’s unfair practice charge relate to UC’s July 2013 implementation of a 3.5 percent wage increase and changes to health care and retirement benefits that are consistent to benefits provided to other UC employees. That decision was made after more than a year of good-faith bargaining, after PERB certified that the parties were at impasse, and after state mediation and fact-finding were completed. Thus, UC believes that it was entirely within its legal rights to give employees pay increases and quality benefits without further delay.

Impacts of a strike on UC
Q. Will a strike impact patients?
A. There is no question a strike will impact patients. UC will do its utmost to continue to provide care and services to patients who are most in need. However, when a union threatens to strike at our medical centers, UC must begin to take steps such as suspending services in areas where patient needs are less acute. The hospitals may also decrease patient levels prior to the strike and then gradually increase them back to normal after the strike. This could mean suspending critical and elective patient care for about two weeks and reducing staff in those units with reduced patient levels. Patient referrals from outlying communities may be lost, damaging the public trust in our medical facilities. Critical trauma patients may need to be diverted to non-level I facilities, potentially reducing their quality of patient care.

Coming to work during a strike
Q. My manager asked me if I plan to work my scheduled shifts March 24-28. Do I have to answer?
A. Employees are free to decide whether or not to answer this question. The reason we are asking if you will work your shifts is because we are committed to ensuring patient care and safety during a strike, and need to prepare accordingly, such as by hiring temporary replacement staff during a strike.

Q. If I don’t answer or if I say I don’t plan to work during the strike, will I be penalized?
A. No. You can be assured there will be no retaliation for how you answer or if you decide not to.

Q. Will UC inform my union about whether I plan to work March 24-28?
A. No. Employee responses will not be shared with the unions.
Q. Will AFSCME-represented employees be barred from coming to work during a strike?
A. No. Under the law, you’re free to cross a picket line and come to work.

Q. If I’m in the union, am I obligated to strike? Can the union penalize me for not striking?
A. No employee is ever obligated to strike. Unions are legally prohibited from threatening or coercing members in other ways to keep them from coming to work. Some unions can fine dues-paying members (but not nonmembers) for working during a strike. A union member who does not want to strike may contact her/his union to confirm there will not be fines. UC won’t deduct fines from employees’ paychecks.

Q: Can members of other bargaining units participate in AFSCME's strike?
A. Each of the other medical center-based bargaining units, including nurses (CNA), health care professionals (CWA-UPTE), service workers (AFSCME) and clerical staff (Teamsters), have contracts in place with UC that prohibit participation in a strike or sympathy strike. Members of these units are expected to come to work as scheduled.

Q. What if I want to work but I’m being blocked or confronted by picketers or striking workers?
A. UC will assist employees who want to work by providing security or transportation across picket lines. Nonstriking employees should avoid confrontations and should not invite or engage in any exchanges, which might inflame the situation. If an employee feels s/he is being physically blocked from working by picketers or striking employees, the employee should notify their supervisor or campus labor relations office immediately.

Impacts of striking on employee pay, benefits and/or work

Q. If I come to work during a strike, what pay and benefits will I receive?
A. If you come to work, you will receive the same pay and benefits as you normally do.

Q. If I strike, will I lose pay and benefits?
A. You will not be paid for time lost due to participating in a strike. Benefits that are earned based on time worked during the month may be affected.

Q. Can I use compensatory or vacation time for the time I miss?
A. If any employee does not report to work as assigned, UC will presume — absent prior authorization or medical certification — that her/his work absence during a strike period is strike related. Employees who are absent from work without authorization during a strike will not be paid for the absence. As is always the case, authorization for an absence from work (e.g., vacation leave or compensatory time) may or may not be granted, depending on operational necessity and without regard to the employee's reason for the requested leave.