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SANTA BARBARA • SANTA CRUZ

OFFICE OF THE SENIOR VICE PRESIDENT —
BUSINESS AND FINANCE

OFFICE OF THE PRESIDENT
300 Lakeside Drive
Oakland, California 94612-3550

October 2, 2003
(Via Facsimile & U.S. Mail)

Ms. Claudia Horning
President
Coalition of University Employees
2855 Telegraph Ave., #302
Berkeley, California 94705

Dear Claudia:

The University of California has received notice that the United Auto Workers (UAW) intends to engage in a one-day strike tomorrow, October 3, 2003.

I would like to draw to your attention some important information that we will both need to understand and act on during this and any other union-called strike/concerted activity while reopener bargaining is taking place between the University and CUE.

In our current Agreement, Article 6 – Duration, Section B.1.c. states:

The University will lift the contractual prohibition against strikes and concerted activities provided for in the No Strikes Article during reopener bargaining. However, both parties agree and understand that all HEERA requirements pertaining to the union's ability to strike during negotiations remain in full force and effect.

As a responsible representative of the University's Clerical employees, I remind you that to the extent you encourage or in any way authorize the University's CX employees to participate in a sympathy strike in support of the UAW, you will have put employees at risk to violate HEERA on this matter. Please be further advised that PERB has held that "sympathy strikers" stand in the same shoes as the primary strikers. Therefore, sympathy strikers who support an unlawful strike are engaged in an unprotected and unlawful activity.

The University of California firmly maintains that the strike planned by the UAW is unlawful. As you may be aware, the UAW strike will occur before the UC and the UAW have completed the HEERA negotiation process, including the mandatory statutory impasse procedures. PERB has consistently held that strikes before completion of the entire negotiation process, including the impasse procedures, presumptively violate the duty to bargain in good faith. The UAW attempts to justify its action by claiming its strike is an "unfair practice strike." However, the UAW has grossly misrepresented the facts regarding the parties' negotiations. The University of California is confident that the results of a PERB hearing will establish that the University has not engaged in bad faith, and that the UAW is undertaking the strike for the sole purpose of achieving its bargaining objectives.

The University expects CUE to abide by the law on this matter. University CX employees at any location, who engage in any strike against the University in the unlawful October 3, 2003 strike called by the UAW, or any other unlawful strike, face possible disciplinary action. If some UC clerical employees do strike, we expect CUE to take whatever appropriate and necessary actions to prevent and/or bring an end to any unlawful strike behavior.

We hope that CUE will assess its position carefully and help clerical employees understand the risk of taking concerted activities in support of an unlawful strike if it is does indeed occur. I would appreciate your sharing the information about the University's position that UC may pursue any and all legal remedies.

Please contact me if you have any questions regarding the University's position in this matter.

Cordially,

Ms. Claudia Horning, CUE

October 2, 2003

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Sharon Hayden
Assistant Director – Labor Relations

cc: Associate Vice President Boyette
Executive Director Cieszkiewicz
Executive Director Neff
UC Negotiators
University Counsel Opton
University Counsel Leone
University Counsel Ring
Chief Human Resource Officers
Labor Relations Managers
Director Martinez, PERB