

UNIVERSITY OF CALIFORNIA

BERKELEY • DAVIS • IRVINE • LOS ANGELES • MERCED - RIVERSIDE • SAN DIEGO • SAN FRANCISCO



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)

Mr. Jelger Kalmijn
President
UPTE-CWA 9119
P.O. Box 4443
Berkeley, CA 94704

Dear Jelger:

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.

As a responsible representative of UC employees in the RX, TX, and HX units, I remind you that we have contracts in place, which contain a No Strikes Article. These articles state:

“...UPTE, on behalf of its officers, agents, and members agrees that there shall be no strikes, stoppages or interruptions of work, or other concerted activities which interfere directly or indirectly with University operations during the life of this Agreement or any written extension thereof. UPTE, on behalf of its officers, agents, and members, agrees that it shall not in any way authorize, assist, encourage, participate in, sanction, ratify, condone, or lend support to any activities in violation of this Article.”

In recent negotiations on behalf of RX and TX employees, UPTE agreed that it would abide by the intent of the no strikes language, as negotiated in the first UPTE agreement. As you know, the initial negotiations between the University and UPTE specifically addressed the parties' intent that the above language covers sympathy strikes. In recent negotiations on behalf of HX employees, UPTE specifically agreed that the language covers sympathy strikes. I trust that you will abide by these recent agreements.

Please be advised that the University would consider any UPTE encouragement or authorization of a sympathy strike by UPTE-represented UC employees, in support of the UAW, to be a willful violation of the No Strikes provision of the UC-UPTE Agreements, which is a breach of contract. 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 impasse procedures. PERB has consistently held that strikes before completion of the entire negotiation process, including the mandatory statutory 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 UPTE to abide by the letter and spirit of the No Strikes Articles in the UC-UPTE contracts. University employees at any location who engage in any strike against the University in violation of the contract, and particularly in the unlawful October 3, 2003 strike called by the UAW, face the possibility of disciplinary action, in accordance with the provisions of Section B., of that Article. If some UC UPTE-represented employees do strike, we expect UPTE to take the affirmative actions required by the No Strikes Article to bring the employees into compliance with our Agreements. If UPTE does not fully uphold the letter and spirit of the No Strikes Articles, UC may pursue any and all legal remedies.

Jelger Kalmijn

October 2, 2003

Page 2 of 2

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

Cordially,

Gayle Cieszkiewicz
Executive Director - Labor Relations

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