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**UCOP**  
**Labor Relations**

# Fax

**To:** UAW President, Christine Petit  
UAW Representative Mike Miller

**From:** Anna Ornellas for Howard Pripas

**Fax:** 510.549.2514/562.801.1555

**Pages:** 3 (including cover sheet)

**Phone:**

**Date:** July 10, 2008

**Re:** AFSCME Strike Announcement

**CC:**

Urgent     For Review     Please Comment    **Please Reply**     Please Recycle

● **Comments:**

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HUMAN RESOURCES AND BENEFITS

OFFICE OF THE PRESIDENT  
300 Lakeside Drive  
Oakland, California 94612-3550July 10, 2008  
(Via Facsimile & U.S. Mail)UAW Local 2865 President Christine Petit  
UAW International Representative Mike Miller

Re: AFSCME's Announced Service Unit Strike – July 14 through 18, 2008

Dear Christine and Mike:

It is the University's understanding that AFSCME intends to strike July 14 through 18, 2008 for the Service Unit at the University system wide. UAW has not directly notified the University of its intent to support this strike and we hope that UAW will not join in this conduct.

It is the position of the University that this strike is illegal and unprotected under HEERA for several reasons, including AFSCME's failure to bargain in good faith and participate in the impasse procedures in good faith. PERB has issued a complaint against AFSCME for failure to bargain in good faith for a successor Service Unit contract. In addition, PERB will be seeking an injunction to prevent the strike from beginning on Monday, July 14, 2008 because AFSCME failed to give adequate notice of the strike to the University.

Moreover, as a responsible representative of the Academic Student Employees, I wish to remind you that we have a contract in place, which contains a No Strikes Article. The article states in pertinent part:

"During the term of this agreement or any written extension thereof, the University agrees that there shall be no lockouts by the University. The UAW, 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. The UAW, 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. ...

The UAW shall immediately take whatever affirmative action is necessary to prevent and bring about an end to any concerted activity in violation of this article. Such affirmative action shall include but not be limited to sending written notice to the home address of all employees engaged in prohibited activity informing them that the concerted activity is in violation of this article, that engaging in such activity may lead to disciplinary action, and stating that employees engaged in prohibited activity must cease such activity and immediately return to work.

**SYMPATHY STRIKES**

**AFSCME's Announced Service Unit Strike – July 14 through 18, 2008**

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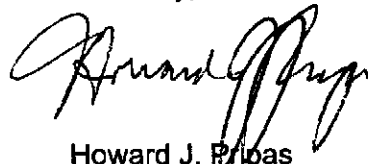
1. The UAW shall not call, promote or engage in a sympathy strike in support of another UC union or bargaining unit."

Therefore, to the extent the UAW encourages or in any way authorizes the Academic Student Employees to participate in a sympathy strike in support of AFSCME, please be advised that you will have willfully violated the No Strikes provision of the UC-UAW Agreement, 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 will presume that absences from work during any declared strike period (absent medical certification to the contrary) are strike-related and will thus be treated as unauthorized absences. Moreover, employee requests for authorized absences (e.g., leave with pay) during a strike period may or may not be given, depending on the operational needs of the department and without regard to the employee's stated reason for the requested leave. Employees who are absent from work without authorization during a strike will not be paid.

The University expects UAW to abide by the letter and spirit of the No Strikes Article in the UC-UAW contract. Academic Student Employees at any location, who engage in any strike against the University in violation of the contract and particularly in the July 14-18, 2008 strike called by AFSCME, face the possibility of disciplinary action in accordance with the provisions of the contract. If some unit employees do strike, we expect UAW to take the affirmative actions required by the No Strikes Article to bring the Academic Student Employees into compliance with our Agreement. If UAW does not fully uphold the letter and spirit of the No Strikes Article, the University may pursue any and all legal remedies available under the circumstances.

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

Sincerely,



Howard J. Ripas  
Executive Director - Labor Relations

cc: Associate Vice President Boyette  
Assistant Director Dudley  
UC LR Consultant Okada  
University Counsel Von Seeburg  
Chief Human Resource Officers  
Labor Relations Managers  
Director Martinez, PERB  
UAW Local 2865 Representative Wilson