

300 Lakeside Drive, 12th Floor
Oakland, CA 94612
Tel. 510-987-9900
Fax 510-268-0602

UCOP
Labor Relations

Fax

To: UAW President, Christine Petit

From: Anna Ornellas for Howard Pripas

UAW Representative Mike Miller

Fax: 510.549.2514/562.801.1555

Pages: (including cover sheet)

Phone:

Date: July 11, 2008

Re: Court Order re AFSCME Strike

CC:

Urgent

For Review

Please Comment

Please Reply

Please Recycle

● **Comments:**

CONFIDENTIALITY NOTICE:

This fax communication and any attachments may contain confidential and privileged information for the use of the designated recipients named above. If you are not the intended recipient, you are hereby notified that you have received this communication in error and that any review, disclosure, dissemination, distribution or copying of it or its contents is prohibited. If you have received this communication in error, please notify UCOP immediately by telephone at (510) 987-9900 and destroy all copies of this communication and any attachments.

UNIVERSITY OF CALIFORNIA

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



SANTA BARBARA • SANTA CRUZ

HUMAN RESOURCES AND BENEFITS

OFFICE OF THE PRESIDENT
300 Lakeside Drive
Oakland, California 94612-3550July 11, 2008
(Via Facsimile & U.S. Mail)UAW Local 2865 President Christine Petit
UAW International Representative Mike MillerRe: Temporary Restraining Order to Prevent AFSCME Strike

Dear Christine and Mike:

I am writing to follow up on the letter I sent to you yesterday concerning the potential AFSCME Service Unit Strike.

The Superior Court of the State of California has issued the attached court order granting the University's and PERB's request for a temporary restraining order to prevent a strike by AFSCME Patient Care Technical and Service bargaining units. The court order prohibits employees from striking on Monday, July 14, 2008 through Friday, July 18, 2008, notwithstanding AFSCME's statements that the strike is legal.

University employees are expected to report to work as scheduled next week. Those who do not report to work and are absent without authorization may be subject to disciplinary action.

Please contact me if you have any questions regarding this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Howard J. Pripas".

Howard J. Pripas
Executive Director - Labor Relations

Attachment

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

**ENDORSED
FILED**
San Francisco County Superior Court

JUL 11 2008

GORDON PARK-LI, Clerk
BY: ERICKA LARNAUTI
Deputy Clerk

1 TAMI R. BOGERT, Bar No. 206561
General Counsel
2 WENDI L. ROSS, Bar No. 141030
Deputy General Counsel
3 PUBLIC EMPLOYMENT RELATIONS BOARD
1031 18th Street
4 Sacramento, California 95811-4124
Telephone: (916) 322-3198
5 Facsimile: (916) 327-6377

6 Attorneys for Plaintiff State of California, Public Employment Relations Board

7
8 IN THE SUPERIOR COURT FOR THE STATE OF CALIFORNIA
9 COUNTY OF SAN FRANCISCO

10 PUBLIC EMPLOYMENT RELATIONS BOARD,

11 Plaintiff,

12 v.

13 AFSCME Local 3299,

14 Defendant.

Case No. **08C-08-477392**

~~(PROPOSED)~~
ORDER GRANTING
TEMPORARY RESTRAINING
ORDER AND ORDER TO SHOW
CAUSE RE PRELIMINARY
INJUNCTION

Date: July 11, 2008
Time: 11:00 a.m.
Dept. 301/302

20
21
22
23
24
25
26
27
28

1 Upon reading the application, complaint, supporting declarations, and points and authorities
2 on file in this action, the Court finds that:

3 1. Plaintiff has established the probable validity of its claims and the probability that
4 there is an immediate danger that Defendant AFSCME Local 3299 will violate the Government
5 Code by engaging in a strike commencing on July 14, 2008.

6 2. This a proper case for issuance of an Order to Show Cause and a Temporary
7 Restraining Order, and unless a Temporary Restraining Order issues, the University of California
8 will suffer irreparable injury before the matter can be heard on notice.

9 Accordingly, IT IS HEREBY ORDERED:

10 1. That Defendant AFSCME Local 3299, its agents, employees, representatives, officers,
11 organizers, committee persons, stewards, members, and all corporations, unincorporated
12 associations, and natural persons acting in concert and participation with any of them, until a hearing
13 or trial on a preliminary injunction, be enjoined and restrained;

14 a. from calling, engaging in, continuing, sanctioning, inducing, aiding, enticing,
15 encouraging, abetting or assisting employees who are members of the Service Unit from engaging in
16 any strike, walkout, slowdown or strike-related work stoppage of any nature against the University
17 of California without adequate notice of the exact dates of the strike;

18 b. from calling, engaging in, continuing, sanctioning, inducing, aiding, enticing,
19 encouraging, abetting or assisting employees of the Patient Care Technical Unit, including but not
20 limited to those employed in the classifications identified in Exhibit "A," from engaging in any
21 strike, walkout, slowdown or strike-related work stoppage of any nature against the University of
22 California;

23 c. from continuing in effect or refusing to rescind any strike, walkout, slowdown, or work
24 stoppage, notice, call, order or sanction heretofore issued by Defendant with respect to the Service
25 Unit strike scheduled to commence on July 14, 2008.

26 2. That Defendant and its agents, employees, representatives, officers, organizers, committee
27 persons, stewards, members, and all corporations, unincorporated associations, and natural persons
28 acting in concert and participation with any of them, until a hearing or trial on a preliminary

1 injunction, be enjoined and restrained from doing or attempting to do, directly or indirectly, by any
2 means, method or device whatsoever, any of the acts enjoined in paragraph 1 hereof and each
3 subdivision thereof during the duration of this action.

4 3. That a Temporary Restraining Order be granted, enjoining and restraining AFSCME
5 Local 3299, its agents, employees, representatives, officers, organizers, committee persons,
6 stewards, and members, and all persons acting in concert with them or any of them, until the hearing
7 upon an Order to Show Cause, from doing or causing or permitting to be done any of the acts
8 complained of in paragraph 1 hereof.

9 4. That Defendant AFSCME Local 3299 appear before this Court in the courtroom of
10 302 on July 22, 2008, at 9:30 a.m., then and there to show
11 cause why a preliminary injunction should not be issued enjoining AFSCME Local 3299 and its
12 agents, employees, representatives, officers, organizers, committee persons, stewards, and members,
13 and all persons acting in concert with them or any of them, from engaging in or performing the
14 following acts prior to such time:

15 a. from calling, engaging in, continuing, sanctioning, inducing, aiding, enticing,
16 encouraging, abetting or assisting employees who are members of the Service Unit from engaging in
17 any strike, walkout, slowdown or strike-related work stoppage of any nature against the University
18 of California without adequate notice of the exact dates of the strike;

19 b. from calling, engaging in, continuing, sanctioning, inducing, aiding, enticing,
20 encouraging, abetting or assisting employees of the Patient Care Technical Unit, including but not
21 limited to those who are employed in the classifications identified in Exhibit "A," from engaging in
22 any strike, walkout, slowdown or strike-related work stoppage of any nature against the University
23 of California;

24 c. from continuing in effect or refusing to rescind any strike, walkout, slowdown, or work
25 stoppage, notice, call, order or sanction heretofore issued by Defendant with respect to the Service
26 Unit strike scheduled to commence on July 14, 2008.

27 IT IS FURTHER ORDERED that a copy of the complaint, together with a copy of this Order
28 to Show Cause and Temporary Restraining Order, accompanying declarations, and points and

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

authorities must be filed and served on AFSCME Local 3299 not later than *July 14 2008* The
The parties have advised the court that the
opposition papers must be filed and served on Plaintiff by mail no later than
parties have agreed to rely solely on
A reply brief must be filed and served on AFSCME Local 3299 by mail no later than
The pleadings filed in connection with the
TRD.

Dated: July 11, 2008

Patrick J. Mahoney
JUDGE OF THE SUPERIOR COURT

PATRICK J. MAHONEY

Exhibit "A"

	Essential Classifications	Duties	Declaration(s) in Support
1	Respiratory Therapists/ Respiratory Care Practitioners/ Registered Respiratory Therapists	<ul style="list-style-type: none"> • Provide respiratory care for adult/pediatric patients. • Conduct mechanical ventilation; emergency response for code and airway events; provide breathing treatments; assist with difficult procedures for neonatal patients; inhaled nitric oxide administration; provide ventilator support; assist with transporting critically ill patients; provide oxygen support therapy; perform pediatric pulmonary functions; perform medical research. • Work in emergency department and intensive-care unit. 	Antrum Decl. (5/21/08) ¶¶12-13, 15-17 Lauzier Decl. (5/20/08) ¶¶8-11 Moran Decl. (5/16/08) ¶¶17, 18 Robinson Decl. (5/19/08) ¶¶20-23 Schreiber Decl. (4/25/08) ¶¶15-26 Siefkin Decl. (5/12/08) ¶11
2	Perfusionists	<ul style="list-style-type: none"> • Are necessary for all open-heart and heart-transplant surgeries. • Run the bypass machine that keeps patients alive while hearts are being repaired; provide 24-hour coverage for patients recovering from surgery; operate machinery in the neonatal unit and ICU for patients whose hearts are failing. 	D'Amico Decl. (5/19/08) ¶¶10, 13 Robinson Decl. (5/19/08) ¶¶26, 29
3	Phlebotomists/ Certified Phlebotomists/ Certified Phlebotomists Technicians	<ul style="list-style-type: none"> • Draw blood from patients under specialized or emergency conditions; draw blood from critical patient populations such as infants, neonates, patients whose veins have deteriorated, and patients whose veins are difficult to work with due to trauma. 	Antrum Decl. (5/21/08) ¶¶19, 20 Lauzier Decl. (5/20/08) ¶13 Lu Decl. (5/20/08) ¶8 Moran Decl. (5/16/08) ¶22 Ring Decl. (5/14/08) ¶¶8, 9
4	Laboratory Technicians/ Hospital Laboratory Technicians	<ul style="list-style-type: none"> • "Move the blood work through the laboratory utilizing UC's specialized computer system." • Are needed to prepare tissue and pathological/historical slides necessary for diagnosis. 	Antrum Decl. (5/21/08) ¶¶19, 20 Lauzier Decl. (5/20/08) ¶13 Lu Decl. (5/20/08) ¶11 Moran Decl. (5/16/08) ¶22 Ring Decl. (5/14/08) ¶¶8, 9 Rosenthal Decl. (5/19/08) ¶10 Siefkin Decl. (5/12/08) ¶8
5	Radiation Therapy Technologists/ Radiation Equipment Specialists/ Dosimetrists	<ul style="list-style-type: none"> • Perform CT or MRI scans or ultrasounds. • Assist to ensure that patients in the emergency department are diagnosed quickly and accurately; assist in the treatment. • Also "play a role [specifically, radiation technologists at UCSF] in the treatment delivery using Linear Accelerators, Mobetron and Intra-Beam Intro-Op devices, a Gamma Knife Machine, a CyberKnife Machine and Brachytherapy." 	Antrum Decl. (5/21/08) ¶¶21, 23 Moran Decl. (5/16/08) ¶¶24, 27 Ring Decl. (5/14/08) ¶¶10-12 Rosenthal Decl. (5/19/08) ¶¶9, 10 Scioscia Decl. (5/19/08) ¶¶8, 9 Siefkin Decl. (5/12/08) ¶¶9, 10 Spiritus Decl. (5/16/08) ¶¶8, 9
6	Operating Room Specialists/ Staff (Anesthesia Technicians/ Surgical Technicians/ Sterile Processing Technicians/	<ul style="list-style-type: none"> • Operating Room Technicians assist nurses during surgeries. If the strike occurs, a greater number of nurses will be needed in the operating rooms. • Anesthesia Technicians ensure that the anesthesia equipment is cared for, sterilized, and prepared between surgeries; set-up and maintain complex electronic and pneumatic equipment that supplies anesthetic gasses to patients during surgery; maintain 	Antrum Decl. (5/21/08) ¶26 D'Amico Decl. (5/19/08) ¶¶14-20 Lauzier Decl. (5/20/08) ¶22 Moran Decl. (5/16/08) ¶¶32, 34, 35 Schreiber Decl. (4/25/08) ¶¶27-29, 31-34

	Central Sterile Technicians)	<p>infection control to prevent cross-contamination between patients; assist anesthesiologists during surgeries; stock the anesthesia carts. They cannot be immediately replaced and need about one month of training to capably perform their work. Also, UCSF supplies Anesthesia Technicians to San Francisco General Hospital. If the strike occurs, the entire region's ability for surgical services will be severely impacted.</p> <ul style="list-style-type: none"> • Surgical Technicians assist nurses to maintain the operating room in a clean and organized manner; manage and supply instruments to surgeons during operations. If the strike occurs, nurses will be redirected from their duties to perform the duties of the Surgical Technicians. UCLA predicts that a strike will cause a 50% drop in its capacity to perform surgeries. • Sterile Processing Technicians test, inspect, and repackage instruments used during surgery; provide sterile instruments to be used during surgeries. If the strike occurs, replacing these technicians will be very difficult because they receive specialized training in preparing various instruments needed for procedures that are not performed at other hospitals. 	
7	Pulmonary Technicians/ Hospital Laboratory Technicians	<ul style="list-style-type: none"> • Perform pre- and post-surgery tests on bone marrow and heart and lung transplant patients at UCLA. • Closely monitor post-surgery lung transplant patients for organ rejection. 	Lu Decl. (5/20/08) ¶¶5, 6
8	Pharmacy Technicians	<ul style="list-style-type: none"> • Prepare medications and educate patients on the proper utilization of the medications. • Prepare intravenous (IV) medications for patients. 	Antrum Decl. (5/21/08) ¶27 Lauzier Decl. (5/20/08) ¶¶20, 21 Moran Decl. (5/16/08) ¶30
9	Telemetry Technicians	<ul style="list-style-type: none"> • Monitor heart rhythms, especially for high-risk labor and deliveries, at UCSF. • Must observe monitors at all times (i.e., 24-hour observation required). 	Antrum Decl. (5/21/08) ¶¶28, 29
10	Emergency Trauma Technicians/ Specialists	<ul style="list-style-type: none"> • Assess patients that arrive in the emergency departments. • Are first-responders, triaging and taking vital signs. • Are vital to ensure that patients are seen quickly and diagnosed efficiently. 	Spiritus Suppl. Decl. (5/24/08) ¶¶6, 10, 18
11	Imaging Specialists (Radiologic Technologists/ Radiology Technologists/ MRI Technologists/ CT Technologists/ Mammography Technologists/ Polysomnography Technologists/ Ultrasound Technologists)	<ul style="list-style-type: none"> • Radiologic Technologists perform CT or MRI scans, diagnostic X-Rays, and mammography tests; ensure that emergency room patients are diagnosed quickly and accurately; perform immediate scans particularly vital for patients with traumatic head injuries and vascular strokes. • Ultrasound Technicians perform a wide range of diagnostic ultrasound procedures; interpret vascular and neurosonographic exams; prepare and position patients, adjust equipment, and operate various stationary and portable equipment and imaging systems. 	Antrum Decl. (5/21/08) ¶¶23, 24 Lauzier Decl. (5/20/08) ¶¶14, 19 Rosenthal Decl. (5/19/08) ¶¶9, 10 Scioscia Decl. (5/19/08) ¶¶8, 9 Siefkin Decl. (5/12/08) ¶9

12	Dialysis Patient Technicians/ Dialysis Technicians/ Patient Care Dialysis Technicians	<ul style="list-style-type: none"> • Must maintain, clean, and repair dialysis equipment. If the equipment is not serviced, it cannot be used again the next day. 	Moran Decl. (5/16/08) ¶15
13	EEG Technologists/ Echo Cardio Technicians/ Cardiovascular Technicians	<ul style="list-style-type: none"> • Perform electroencephalograms (EEGs [a test to detect problems in the electrical activity of the brain]), electrocardiograms (ECGs [a test that measures electrical activity in the heart]), run Holter monitors [a continuous recording of a patient's ECG], and manage data. • Conduct Holter monitor scans and assist in the stress lab when needed, as Senior ECG technicians. 	Spiritus Suppl. Decl. (5/24/08) ¶18
14	Psychiatric Technicians	<ul style="list-style-type: none"> • Carry out treatment plans. • Handle multiple tasks including direct patient care; pass medications; maintain a safe and clean environment for the patient. • Are responsible for maintaining patient records and filing documents in medical charts. • Are needed to keep psychiatric beds open. 	Spiritus Suppl. Decl. (5/24/08) ¶8
15	Electronic Technicians (medical)/Clinical Engineers	<ul style="list-style-type: none"> • Track and fix all medical equipment throughout the hospital. • Coordinate both routine maintenance and respond to emergencies. 	Robinson Suppl. Decl. (5/24/08) ¶9