

UC Accuses Labor Union of Unfair Practice

Charge calls to question scope of university access contract in regulating free speech of AFSCME leaflet distributors.

By Jesse Alm
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The University of California filed an unfair labor practice charge with the Public Employment Relations Board against the American Federation of State, County and Municipal Employees last week, citing concerns regarding patient safety at UC medical centers and claiming that the union is not bargaining in good faith.

The charge is a response to a temporary restraining order that AFSCME filed against the university earlier this month, after campus security threatened to arrest individuals distributing union leaflets at the UC San Francisco Medical Center.

Nicole Savickas, coordinator of Human Resources and Labor for the UC Office of the President, said the union violated Article One of its access agreement with the university, which states, "AFSCME will abide by the reasonable access rules and regulations promulgated at each campus/laboratory."

She said that the university has received complaints from patients at UCSF and UCLA medical centers who claim they have been harassed.

"Access policies are laid out with respect to patients and their families to provide them unfettered access to the medical centers," Savickas said. "In order to provide the standard of care we are known for, we have to uphold these policies."

In addition, she said the union's decision to go directly to court to prevent university intervention in its activities demonstrated bad faith bargaining, and that it should have taken its complaints to PERB, which is responsible for regulating access issues and bargaining conduct.

Anne Swinburn, a researcher for AFSCME Local 3299, said that Article One simply refers to meetings with union members, not communication with the public. She said the

university's charge is simply an attempt to limit free speech, and that PERB has nothing to do with this issue.

"They're basically saying that we signed our free speech rights away when we signed up with a union," Swinburn said. "Our free speech with the public is governed by the California Constitution, not PERB."

AFSCME Local 3299 President Lakesha Harrison said she agrees that the university's attempt to link the issue to PERB is baseless. She said that she and other union representatives had been distributing materials at all five UC medical centers for three weeks before any complaints arose, and that the distribution operations have all been "peaceful and pleasant," never consisting of more than two or three people.

"We're not being confrontational," Harrison said. "We're not picketing. People just take [the leaflet] and keep walking."

Meanwhile, UC-AFSCME negotiations regarding the university's 11,000 patient care technical employees have lasted over five months, and, in a statement last week, the university related AFSCME's leafleting to the union's recent concerns about the quality of employee and patient care at UC medical centers.

The statement included a list of rankings and specific honors that the university's medical centers have received in the past year.

Staff turnover rates, high stress environments and low worker morale have all been items of contention in recent months, and union members — including Swinburn — believe that poor employee conditions lead to poor patient conditions.

However, Swinburn said that although these issues are controversial, it is inappropriate for the university to even mention the content of the leaflets when making a case against their distribution.

"This is a clear-cut free speech case," she said. "The university doesn't want us to communicate with patients about these issues, and that's why they are trying to limit our free speech. This is a violation of our fundamental rights."

Harrison said that over the past few years, AFSCME has conducted extensive research comparing state wages and benefits and their effects on the overall level of hospital care, and union members believe they have a responsibility to publicize this information.

"We are not saying anything that we have not researched to the bone," she said. "As workers, we've always known it is a problem. Now we finally have the research to back up what we're concerned about, and the public has a right to know."

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