



Questions and Answers for Nurses Regarding UC-CNA Negotiations and the Announced 2010 CNA Strike

June 2010

Important questions and answers for UC employees regarding UC-CNA negotiations and the CNA strike scheduled for June 10 – 11, 2010

CNA, the union representing UC's nurses, has announced a 24-hour strike of UC nurses, scheduled for June 10, 2010 at 7 am, through June-11, 2010 at 7 am. It is the University's position that any work stoppage by CNA at this point would be unlawful. In fact, 2009 re-opener negotiations have concluded and the parties have entered successor negotiations, meaning that all provisions of the Contract remain in full force and effect—including the No Strikes provisions. It is critical that all employees, including nurse employees, understand the implications of such an action so they can make an informed choice about whether to consider crossing a picket line or participating in this strike. Below are answers to some important questions.

Q. What will UC do if nurses strike?

A. First and foremost, a strike could have a bigger impact on the facility and staff than may be obvious. Specifically, the hospital must begin to decrease census one week prior the strike date and then gradually increase census back to normal, which may take another week for a total of two weeks. This could mean denying critical and elective patient care for approximately two weeks and reducing the work force accordingly in those units with reduced census. Referral from outlying communities may be lost indefinitely, damaging the public trust in our medical facilities. Critical trauma patients may need to be diverted to non level I facilities, which reduces the quality of patient care.

If UC employs replacement nurses to care for patients during a strike, the agencies that represent replacement nurses often require a minimum time commitment to send RNs to hospitals. Thus, if an agency requires the University to take replacement RNs for a minimum of three days, the ability to utilize UC RNs while the replacements are working may be limited.

Second, if any employee does not report to work as assigned, the University will presume—absent prior authorization or medical certification—that her/his absence from work during a declared strike period is strike related.

As is always the case, authorization for an absence from work (e.g., vacation leave) may or may not be granted, depending on operational necessity and without regard to the employee's reason for the requested leave.

Employees who are absent from work without authorization during a strike will not be paid for the absence.

Q. Can other UC unions support this strike?

A. The University believes that this strike called by CNA is illegal and unprotected. If it is illegal or unprotected, then any other union supporting the strike will also be engaging in illegal or unprotected activity. In addition, most exclusively represented employees at UC are currently working under contracts with No



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Strikes provisions in place. For example, both UPTe and AFSCME have active no Strike provisions in their contracts. The CUE contract does not have an active No Strike provision in place at this time. However, if CNA's strike is an illegal one (and the University believes that it is), then employees, including clerical employees, who participate in the strike will also be considered to be engaging in illegal and unprotected activity.

Q. If a strike is called, does that mean I will not be able to come to work?

A. No. Under the labor laws, you are free to make up your own minds about crossing a picket line and continuing to work.

Q. If I'm a dues-paying member of the union, am I obligated to participate in the strike? Can I be penalized for not striking?

A. No employee is ever under any obligation to strike. Unions are legally prohibited from threatening or coercing members in other ways to keep them from coming to work. A union member who does not wish to strike may want to contact her/his local union representative regarding possible penalties for not striking. The University will not deduct union fines from employees' paychecks.

Q. What should I do if I want to work but I am being blocked from doing so or I'm confronted by picketers or striking workers?

A. Pickets are lawful so long as they are peaceful, conducted only on public property (i.e., sidewalks), do not block access to the facility, do not interfere with the normal course of business, and do not prohibit non-striking employees from working.

The University will assist employees who want to work by providing security or transportation across the picket lines.

In addition, non-striking employees should avoid confrontations and need not respond to any comments that picketers may direct at them. Non-striking employees should not invite or engage in any exchanges, which might inflame the situation.

If an employee feels s/he is being harassed or prevented from working by picketers or striking employees, the employee should notify their supervisor or campus Labor Relations office.

Q. If I come to work, what pay and benefits will I receive?

A. If you come to work, you will receive the same compensation and benefits as you did before the work stoppage.



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Q. What is the status of negotiations over the UCRP?

A. Nurses, along with almost all other UC employees, currently provide 2%-\$19 into the UCRP. Negotiations about any additional contributions are now underway, as part of the successor negotiations for a new contract.

Q. If I don't come to work as a result of a CNA strike, will I continue to receive my pay and benefits, and may I use compensatory time or vacation for the time that I miss?

A. Employees will not be paid for time lost due to participating in a strike. Employees who participate in a strike will not be allowed to use paid leave time such as compensatory time or vacation leave to make up for the pay they lose because of striking. Benefits that are affected by the percentage of time worked during the month may be affected. Requests for Educational Leave may or may not be granted, according to staffing requirements.

Q. Am I permitted to talk to my supervisor or unit manager about any of this?

A. Absolutely. Your manager is another resource for answers and information.

Q. Is UC refusing to bargain over terms and conditions of employment for nurses?

A. No. The University and CNA recently opened negotiations for a new agreement and have exchanged their initial proposals. Bargaining sessions are about to begin. The proposals recently exchanged include wages, benefits, and staffing. These same articles were part of the 2009 reopener negotiations. Those negotiations have ended. In April, as part of the reopener negotiations, the University offered CNA an across-the-board 2% wage increase, to be effective September 2010, for nurses at UCLA, UCD, UCSD, UCI, and UCSF. At the same time, the University also invited CNA to return to the bargaining table to see if agreement could be reached in 2009 reopener negotiations. After CNA failed to respond, the University went forward with implementing the 2% wage increase effective September 1, 2010. With successor negotiations just underway, it is the University's position that the strike announced by CNA is premature.

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