



## **SPSE-UPTE FACT SHEET**

### **REQUIRE DOE/NNSA CONTRACTORS TO RECOGNIZE MAJORITY 'CARD CHECK' FOR UNION CERTIFICATION, AS ALLOWED UNDER NLRA**

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#### **BACKGROUND:**

The Lawrence Livermore National Laboratory (LLNL) management contract was awarded to Lawrence Livermore National Security (LLNS), LLC --- a partnership between University of California, Bechtel Corporation, and other defense contractors --- in May 2007, and LLNS took over formally on October 1, 2007. Prior to the transition, LLNL employees had employee rights comparable to those of all California public employees; in particular, under California's "vested rights" doctrine, employees had a property right to their jobs, whether represented exclusively by a union contract or not, and could be dismissed only for just cause. These rights helped assure openness in critical decisions involving nuclear weapons reliability and safety, environmental safety, and health in matters involving hazardous and radioactive material. These rights disappeared with the transition to LLNS management on 1 October 2007.

In anticipation of this change, UPTE-CWA launched an organizing campaign prior to the transition to get union protections for as many employees as possible before the transition.

#### **FACTS:**

- UPTE-CWA submitted a majority of cards for the Skilled Crafts unit under the California Higher Education Employer/Employee Relations Act (HEERA) card check procedure on June 26, 2007.
- UC and LLNL management launched a legal challenge to the unit determination with the California Public Employees Relations Board (PERB), then were uncooperative and resistant to all efforts by PERB to mediate a settlement of the issue. They also ignored entreaties from members of Congress to settle with the union.
- PERB certified the bargaining unit and majority status on September 26, 2007. Even though LLNS did not appeal the PERB certification, they refused to recognize the union, and demanded a new unit determination and election under the NLRA.
- Only after the NLRB was prepared to issue a complaint against LLNS, and pressure was applied by members of Congress, did LLNS give up their futile legal battle and recognize the union on February 28, 2008 --- eight months after the union's initial filing of the petition.
- The NLRA allows for any employer to accept union certification via majority card check.
- The NNSA/LLNS Contract says "The Contractor shall respect the right of employees to organize and to form, join, or assist labor organizations, to bargain collectively through their chosen labor representatives, to engage in other concerted activities for the purpose of collective bargaining or other mutual aid or protection, and to refrain from any or all of these activities." (Sec. H-35(c)(1)). Identical language is in the NNSA/LANL contract.

#### **ACTION REQUESTED:**

Put language into the appropriate Authorization or Appropriations bill, or in some other appropriate vehicle, that would require all NNSA contractors to recognize "card check", as allowed under NLRB rules. We request that this effort proceed independent of the EFCA.