



Society of Professionals, Scientists, and Engineers
Local 11 – University Professional and
Technical Employees (UPTE),
Communications Workers of America (CWA)
Local 9119, AFL–CIO

SPSE

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Public Employment Relations Board Orders UC to Treat LLNL Employees Fairly

California's Public Employment Relations Board (PERB) has agreed to seek an injunction to force University of California management to treat employees at Lawrence Livermore National Laboratory fairly. This action came in response to an unfair labor practice charge filed by Local 11 of UC's University Professional and Technical Employees (UPTE) union. As part of a settlement agreement with the union, UC mailed to all employees today a letter informing LLNL supervisors that employees can discuss union organizing and other union business in their offices, lunch rooms and near water coolers.

Previously LLNL's legal staff had instructed supervisors to tell employees that, although they could discuss sporting news and other non-work related business in these locations, they could not discuss union business. Nor could they display union organizing literature in their offices next to family photos, sport trophies, or plaques from non-union organizations.

UPTE Local 11 president-elect and LLNL Site Planner Sue Byars remarked that "Lab management's use of coercion and intimidation of employees is far too common. For Lab management to dictate what we can and cannot talk about on our breaks and in lunchrooms was a tactic designed to suppress opposing opinions. This bullying is indicative of the problems faced by employees at the Lab and is symptomatic of failure by LLNL to properly administer its own written policies."

As the only internal advocate for most UC employees at LLNL, UPTE aggressively protects employee rights. Its shop stewards have represented union members in informal negotiations with supervisors, pressed grievances, and filed complaints with administrative boards such as PERB. And when these measures fall short, they help employees with lawsuits against LLNL. LLNL employee Jeff Colvin regrets that "multi-million dollar court verdicts and orders from administrative law judges are necessary to convey to LLNL's supervisors that fair treatment of employees is not only an ethical obligation of employers, but a legal one."

UPTE Local 11's current president and LLNL technical staff member Jim Wolford added that this "is part of LLNL attorneys' pattern of testing the legal waters. They will violate employee rights whenever they believe they can get away with it. For years they have gotten unlimited reimbursement from the U.S. Department of Energy to pursue appeals in wrongful termination

cases. Their strategy seems to be to exhaust the resources of plaintives seeking relief.” Citing LLNL’s 2003 termination of two whistleblowers, Wolford noted that “faced with a legitimate disclosure of possible safety hazards, LLNL tried to exploit ambiguous language in California’s whistleblower law to deny protected status to two employees, so that management could fire them with impunity.” The case is now before the California Supreme Court, and the union has filed a friend of the court brief.

Bill Smith, another LLNL employee, observes that “fair treatment of employees is absolutely vital to pursuit of LLNL's national security mission. Fair treatment is the bedrock underpinning the professional integrity required to provide accurate and reliable technical assessments of national security issues to an intensely politicized policy making process. Bargaining units will enable employees to better protect themselves from occasional management missteps, such as this attempted ban on free speech that was corrected by PERB's administrative judgment.”

UPTE is affiliated with the Communication Workers of America, AFL-CIO. PERB’s decision was a victory for the union during a difficult time. UPTE’s campaign for collective bargaining faces a combination of challenges including a workforce unaccustomed to having to fight for favorable employment conditions, an October 1st deadline for LLNL to become privatized, and an aggressive counter-campaign by management. Management’s tactics led to the union filing the unfair practice charge.

UC’s flagrant violation of employee rights conferred under HEERA (Higher Education Employer-Employee Relations Act) was evidenced by the rapid issuance of PERB’s response. Often PERB takes months to determine the facts behind a complaint and issue a decision. In this case, the corrective order was issued within days of when the complaint was initially filed.