



OFFICE OF THE PRESIDENT
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May 15, 2024

You are receiving this message as an employee represented by the International Union, United Automobile, Aerospace and Agricultural Implement Workers of America (UAW). In light of UAW's strike vote, we are writing to explain how the UC will respond to anticipated work stoppages, and UC's position that any strike is unlawful because the parties have agreed upon no-strike provisions in their collective bargaining agreements (CBA).

However, before turning to that guidance, it is important to acknowledge how difficult the last several weeks have been. The protests and encampments across the UC system and the nation demonstrate that there is passionate dissent, concern, and outrage regarding the ongoing events in the Middle East. Passionate debate and dissent are critical components at all institutions of higher education and the University of California supports free speech, lawful protests, and your right to engage in the same.

At the same time, we have a duty to ensure that all speech can be heard, that our entire community is safe, and that our property and common areas are accessible for all. These duties require the UC to take action when protests endanger the community and violate our shared norms regarding safe behavior and the use of public spaces. Importantly, UC's actions have not been tied to negotiations with UAW or any employment issues whatsoever, but rather the need to restore safety to our public spaces and our UC community.

UAW has filed an unfair labor practice (ULP) charge in response to UC's actions alleging that UC's actions violate the law governing public employees. UAW's ULP's was filed with the Public Employment Relations Board (PERB). PERB has not reviewed or issued a finding with respect to UAW's charges.

Although UC respects UAW's right to file a ULP with PERB and to otherwise take lawful action to assert its members' rights, UC strongly disagrees that our actions constitute an unfair labor practice. Simply stated, none of the University's actions are tied to the terms and conditions of employment, or to employment status.

Even if PERB disagrees and determines that UC engaged in an unfair labor practice, the UC does not believe that UAW is allowed to authorize a strike. This is true because UC and UAW have collective bargaining agreements (CBA) that clearly prohibit strikes during the agreements. One example of that language states the following: *"The UAW, on behalf of its officers, agents, and members, agrees that there shall be no strikes, including sympathy strikes, stoppages, interruptions of work, or other concerted activities which interfere directly or indirectly with University operations."*

Based on that language, the University's position is that the Union's strike is unlawful, and as a result, a work stoppage is not protected strike activity. This means that participating in the strike

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does not change, excuse, or modify, an employee's normal work duties or expectations. And, unlike a protected strike, you could be subject to corrective action for failing to perform your duties.

The University will continue to work to resolve these issues with UAW and with PERB. In the meantime, UC must take action now to support its education and research mission, including ensuring that there is no disruption to the education of students. In doing that, it will take the following steps that may impact you.

1. Align Pay with Work Performed

The University has a responsibility as a public employer to align pay to work provided to the institution, consistent with the award of federal grant funds and the allocation of State funds committed to the University as a public trust. Accordingly, UC must take steps to ensure that pay is aligned with the work performed. To be clear, this means we cannot pay workers who are on strike.

Therefore, if you withhold your labor during UAW's work stoppage, you must report that time as a "leave without pay" in the leave reporting system. This applies to missing all or part of your duties on a given day due to the strike. For partial-day absences, employees should also enter their absence as a partial-day absence, again recording the number of hours missed during the work-day as "leave without pay."

Employees are always asked and required to honestly and accurately report their absences and that obligation is ongoing during a work stoppage. Failure to honestly report an absence from work in any circumstance, including for a work stoppage, may result in an overpayment of public funds requiring corrective action. It is important to understand that failing to accurately report leave and, therefore, receiving an overpayment of funds is a serious violation.

2. Ensure Education and Research Continuity Efforts

UC must take steps to ensure that its students receive continuity in education and grades and that its research continues. Employees who actively obstruct UC's ability to meet these important goals, for example, by intentionally withholding grades, will be subject to corrective action.

Thank you for reviewing this message carefully. We appreciate your valuable contributions to the University's mission of education and research.