

Side Letter on Sympathy Strike Participation

On May 7 to 9, 2018, AFSCME 3299 engaged in a primary strike at all University of California locations. A number of CNA-represented employees of the University of California exercised their right to sympathy strike on those dates. Many employees who participated in the sympathy strike thereafter had such dates coded in the timekeeping system as an unauthorized absence. As a result, the Union filed Grievances no. 2018-59-NX (UCSF), 17.18.590 (UCSD), and MC-GR 17-17 NX (UCLA) on or about June 8-9, 2018. In order to resolve this dispute, the parties hereby agree:

- The University will comply with HEERA, Article 4, which states in part, *“It shall be unlawful for the higher education employer to do any of the following (a) Impose or threaten to impose reprisals on employees, to discriminate or threaten to discriminate against employees, or otherwise to interfere with, restrain, or coerce employees because of their exercise of rights guaranteed by this chapter. For purposes of this subdivision, “employee” includes an applicant for employment or reemployment.”*
- As concerted union activity protected by HEERA, participation in the sympathy strike of May 2018 shall be exempt from any review or negative consequence detailed in the Employer’s Attendance Monitoring Policies or any other policies. Participation in the May 2018 sympathy strike shall be exempt from inclusion in Attendance Reviews, counseling, discipline, and/or performance evaluations.
- It is the responsibility of the University to train current and future managers on the terms of this agreement.
- CNA will withdraw the grievances filed at UCSD, UCLA and UCSF listed above.


For the University of California Date


For the California Nurses Association Date