

Important information for UC employees about an AFSCME strike vote

AFSCME, the union representing UC's patient care and service employees, has announced it will be asking service and patient care employees to authorize union leaders to call a strike against UC. In UC's view, strikes unfairly impact patients, students and employees, and should not be used as a negotiating tactic. It is very important that all AFSCME-represented employees understand what this vote means and the implications of a strike, and make an informed choice about whether or not to support a strike. Below are answers to important questions.

Strike authorization votes

Q. What is a "strike authorization vote"?

A. A strike authorization vote is the process by which bargaining unit employees vote on whether or not to support a strike.

Q. What if I don't support a strike – am I obligated to vote?

A. If you are eligible to vote, and do not believe a strike is in your best interest, it's important your union leaders understand your position.

Q. Can anyone in the bargaining unit vote? If I'm not a dues-paying member, do I still have a say about striking?

A. Rules governing voting vary by union, but typically only dues-paying members can vote. If your union allows only dues-paying members to vote, you cannot participate in the vote. However, you still can make your views known to your union leaders and your bargaining unit colleagues through letters, emails, social media, etc., and also by talking with your colleagues and union representatives.

Coming to work during a strike; employee absences and loss of pay/benefits during a strike

Q. As an AFSCME-represented employee, am I obligated to strike? Can I be penalized by the union 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. However, some unions have the right to levy fines against members, but not non-members, who choose to work during a strike, including a sympathy strike. A union member who does not wish to strike may want to contact her/his local union representative to confirm there will not be fines. Even if the union does levy fines, UC will not deduct union fines from employees' paychecks.

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

A. If you come to work, you will receive the same compensation and benefits as you normally do.

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

Q. Will I lose pay for participating in a strike?

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

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

[Legality of an ASCME service worker strike, and participation by non-service employees](#)

Q. Is it legal for AFSCME to strike?

A. State law requires that strikes be considered only as a last resort after all other options have been exhausted. UC does not believe AFSCME has, in good faith, exhausted all options. However, because UC and AFSCME have completed all legally required impasse and factfinding procedures regarding service workers, UC has a legal right to implement the terms (wages, benefits, etc.) of its final offer to the union, and AFSCME has the right to call for a strike by service employees. AFSCME has asked patient care employees to strike “in sympathy” with service employees, even though AFSCME and UC have not concluded bargaining over the patient care employees’ contract. However, just because both sides have these legal rights, it doesn’t mean they should be exercised. Ultimately, UC and AFSCME must resolve their differences and come to an agreement. Striking may only delay an agreement.

Q. Is it legal for AFSCME-represented patient care employees, and employees represented by other unions like CNA and UPTA, to join in the AFSCME service worker strike?

A. Striking is a serious matter, especially when it affects vital public services like patient care. Strikes that pose a substantial and imminent threat to public health or safety are illegal under state law. UC believes it would be considered illegal for certain nurses, AFSCME-represented patient care staff, or UPTA-represented healthcare employees to strike in sympathy with service workers because it would pose an imminent threat to public health and safety and improperly withhold health care from the public.

Q. If I am not a service worker and I strike in sympathy with AFSCME, will I continue to receive my pay and benefits? May I use compensatory or vacation time for the time I miss?

A. Employees who participate in a sympathy strike will not be paid for time lost and may not use 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.

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