

Important information for union-represented employees about “sympathy strikes”

Impacts of strikes on patients

Q. Will a strike negatively impact services to UC patients?

A. Yes. Whenever a union threatens to strike, UC medical centers must begin to take the appropriate steps. The hospital must consider limiting operations, which has an effect on both critical and elective care before, during and after a strike. Referrals from outlying communities may be lost indefinitely, damaging the public trust in our medical facilities. Critical trauma patients may need to be diverted to non-level I facilities, which reduces the quality of patient care. Also, noise from strikes can be very disturbing to patients.

Legality of striking; previous court orders against strikes at UC

Q. Is it illegal for unions to threaten patient care with a strike?

A. Under state law, strikes that pose a substantial and imminent threat to vital public services like patient care are illegal. UC believes it would be considered illegal for certain medical center and student health center employees to strike because it would pose an imminent threat to public health and safety and improperly withhold health care from the public.

Q. Has AFSCME or other UC unions ever been legally prohibited from striking?

A. Yes. In 2008, AFSCME asked patient care employees to strike at UC medical centers. At the request of the Public Employment Relations Board (PERB), a judge issued a restraining order against the strike. PERB also issued a complaint against AFSCME for bad-faith bargaining and for encouraging a strike that would endanger the public's safety. In 2010, a court issued a restraining order against CNA for its strike at UC medical centers. Courts also barred certain medical center employees from striking in 2013 and 2014.

Coming to work and loss of pay during a strike

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

A. Employees who are absent from work without prior authorization during a strike will not be paid for the absence. As always, 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 reason for the requested leave.

Q. Do I have to strike? Can I be penalized by the union for not striking?

A. No employee is ever obligated to strike. Unions are legally prohibited from threatening or coercing members in other ways to keep them from coming to work. Some unions have the right to fine members, but not non-members, who choose to work during a strike, including a sympathy strike. If you don't want to strike, you may want to contact your 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. Will I be paid if I work during a strike? Can my union block me from working?

A. If you come to work, you will receive the same pay and benefits as you normally do. Under the law, you're free to cross a picket line and come to work. Pickets are lawful so long as they are peaceful, conducted only on public property (i.e., sidewalks), do not block access to facilities, do not interfere with the normal course of business, and do not prohibit non-striking employees from working. UC will assist employees who want to work by providing security or transportation across picket lines. Non-striking employees should avoid confrontations or exchanges with striking/picketing colleagues that might inflame the situation. If an employee feels s/he is being harassed or prevented from working by picketers or striking employees, the employee should notify their supervisor or campus labor relations office immediately.

Q. Am I permitted to talk to my supervisor or unit manager about any of this?

A. Absolutely. Your manager is another resource for answers and information.

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