

**Union of American Physicians and Dentists**  
 UAPD, the largest post-graduate Doctor's Union in the United States, represents the more than 1800 doctors who work for the State of California.

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## UAPD news in brief

**ULP for Santa Cruz County:** UAPD has filed an Unfair Labor Practice (ULP) against Santa Cruz County over its bad bargaining practices. Most recently, the County's lead negotiator announced he would recommend that the Board of Supervisors reject a MOU that he himself had just signed at the bargaining table. Representative Patricia Hernandez (pictured at left) and the Santa Cruz Bargaining Team are working closely with UAPD attorneys to plan next steps.



**DSS Bonuses are Pensionable:** After much negotiation, UAPD has been able to secure a written commitment that all bonus moneys earned by Department of Social Services (DSS)

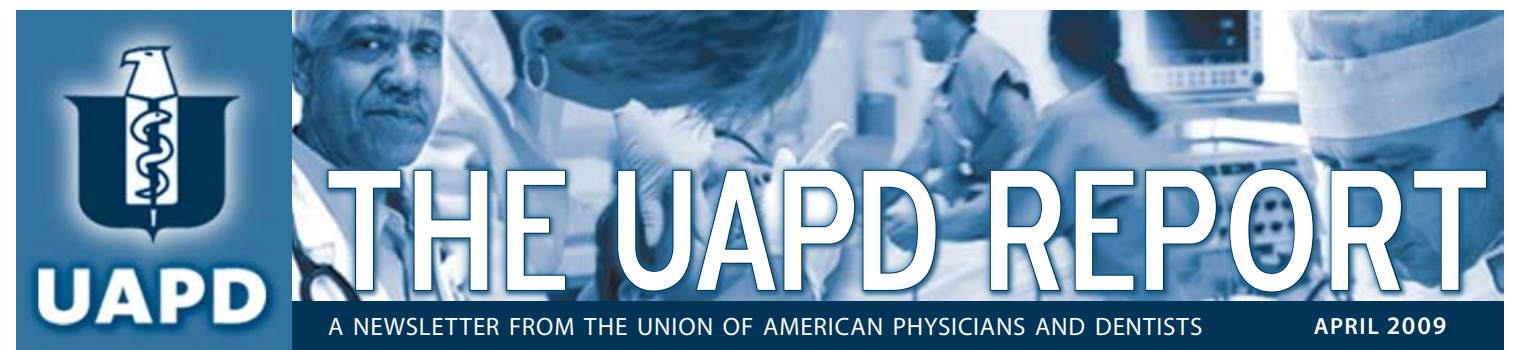
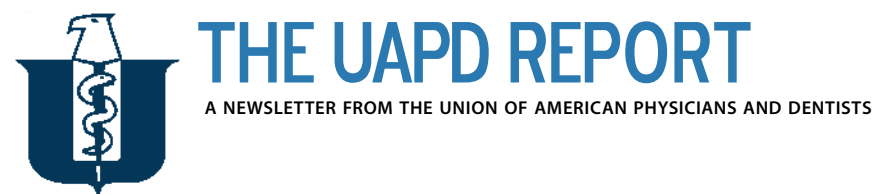
Physicians is pensionable. DSS doctors should review their pension accrual information to confirm that any bonus money they've earned is counted as earnings.

**Evidence Gathering in Atascadero:** UAPD continues to litigate over the use of contractors at the Department of Mental Health's (DMH) Atascadero facility. Representative Jim Moore and UAPD attorneys are gathering evidence to present to the State Personnel Board (SPB), and will be meeting with Atascadero doctors over the coming weeks to seek assistance in building the Union's case. Doctors with information about the State's use of contractors at Atascadero, or at any other facility, are encouraged to contact Jim in the Sacramento office.

**Visit the UAPD Website:** Updates are always available online at [www.uapd.com](http://www.uapd.com).

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*With the Budget Settled, Could State Negotiations Have...*

# An End in Sight?

While negotiations between the UAPD Bargaining Team and the State of California will continue into April, there is a glimmer of hope that an agreement can be reached in the relatively near future. Negotiations, which began in June of 2008, were slowed from the start by the lack of a state budget, which left the Department of Personnel Administration (DPA) without the authority to bargain productively over economic



issues. The budget finally signed in October of 2008 was quickly undone by worse than expected income projections; legislators spent another three months in political deadlock before finally emerging with a new budget agreement on February 19, 2009. With the new budget now in place, the UAPD Bargaining Team is guardedly optimistic that real progress can be made on the key issues that remain on the bargaining table, including the furlough plan, the on-call program, the DSS bonus plan, disciplinary investigations, long term disability and voluntary personal leave. The next scheduled bargaining date is April 7th. UAPD will continue to fight for the best possible package for all represented doctors, despite budgetary limitations that have followed us into 2009.

### Furloughs

It is now well known that Governor Schwarzenegger issued an Executive Order requiring state employees to take unpaid furlough days to lower the State's salary costs. UAPD joined a coalition of unions that challenged the legality of the order, but on January 29th the presiding judge ruled in

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## UAPD Stops Layoff In San Francisco

The new year dawned a little bit brighter for four UAPD members slated to be laid off at Laguna Honda Hospital. Those layoffs were rescinded on January 13, 2009.

The City had presented the layoffs as necessary due to the census reduction at the hospital. Patricia Hernandez, UAPD Senior Representative, received a call from a manager informing her that the layoffs were in fact due to the City's failure to budget the negotiated salary increases for UAPD members. Ms. Hernandez informed the manager that UAPD would file a grievance and an unfair labor practice against the City for failing to set aside funds for the agreed-to raises. UAPD promised to fight.

UAPD worked with AFSCME's Assistant Director of Political Action to schedule a meeting with San Francisco Mayor Gavin Newsome on January 22nd. One week before the meeting took place, the layoffs were rescinded. Mayor Newsome, who was thanked for his work on behalf of our members, promised to continue to advocate for UAPD Doctors.

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# UAPD

## President's Message: *When Diplomacy Fails*



**Stuart Bussey, M.D., J.D.**

As our members' salaries have grown, professional and financial envy has also grown among some of our non-doctor coworkers and supervisors. Many of us have experienced some form of

backlash. Microchips record our comings and goings, investigations are begun over trivial issues, managers exhort Medical Consultants to work harder and faster with less support, prison doctors spend sleepless nights fielding and documenting dozens of calls, DMH psychiatrists spend excessive time away from patient care in DOJ ordered mall therapy.

There are really only two ways to deal with these injustices: the Path of Diplomacy and the Path of Grievance. The State of California Health Care System is experiencing an increasingly political turf war, in which clashes between management and Rank and File Doctors are common. Sometimes a Diplomatic protest of a contract violation is effective. Humor and logic can prevail in some circumstances. But just as often the State may cite Article IV of our MOU: "The State...has the right to make reasonable rules and regulations pertaining to employees consistent with this agreement."

If you believe that something is in violation of the letter or spirit of our contract, but your arguments are falling on deaf ears, it is up to you and your colleagues to grieve or complain about these injustices. Workplace improvements can only begin by individual workers speaking up and standing up for their rights. Yes, retaliation is possible. But as Edmund Burke said, "...all that is necessary for the triumph of evil...is for good men to do nothing."

As an individual doctor or as a group of doctors, please notify your Steward or Labor Representative of any problems you discover. If you require more assistance, you can call me directly at the UAPD Oakland Office. Now is the time to improve the quality of our working environment. UAPD pledges to quickly and aggressively push grievances to finality, up to and including arbitration. But remember, the solution starts with you.



## UAPD Legislative Advocacy

The Union of American Physicians and Dentists is lending its support to the Employee Free Choice Act (EFCA), a bill that would amend the National Labor Relations Act (NLRA) to allow private sector workers to form unions free from employer intimidation. Sen. Tom Harkin (D-Iowa) and Rep. George Miller (D-Calif.) announced the bill's launch in the U.S. Senate on March 10, 2009.

EFCA would allow millions of Americans to unionize by making the process faster, simpler, and more fair. Under

EFCA, unions could be formed by a majority of workers signing authorization cards, known as card check election. The current NLRA process for forming a union, which requires an additional secret ballot election after the signing of authorization cards, gives unscrupulous employers more time to harass or fire employees who support the union. EFCA also provides the option of binding arbitration for disputes over first contracts, and establishes stronger penalties for violation of employee rights.

Most UAPD-represented doctors are public employees who are not subject to the NLRA, but rather covered by state labor laws such as the Dills Act (State Employees) or the MMBA (County Employees). In California, public employees have already benefitted from some of EFCA's features, such as card check, which are part of state law. However, EFCA's other improvements, such as binding arbitration for first contracts and stiffer penalties for harassment of employees, could more easily find their way into the laws governing California public employees should EFCA pass on a national level. And UAPD members will surely benefit from the stronger nationwide union movement that EFCA is poised to create.

For more information on EFCA, and to learn ways you can support the bill, see the Legislative Advocacy page at [www.uapd.com](http://www.uapd.com).



# Mark Your Calendar!

For the UAPD Triennial Convention

October 2-3, 2009 ♦ San Francisco Hyatt Regency  
CME Credit Now Available



All members are encouraged to save the dates of Friday October 2nd and Saturday October 3rd to attend the UAPD Triennial Convention in San Francisco. Friday starts with an interdisciplinary CME course followed by separate membership meetings for State, County, and Private Practice doctors. On Saturday all members join in the Triennial Convention. Look in the mail and on [www.uapd.com](http://www.uapd.com) for more details soon, including the topic of the CME course and how to become an official delegate.

**Save Friday October 2 and Saturday October 3 ♦ Request Time Off Now**

## An End in Sight?

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favor of the governor. UAPD and other unions continued to attack the furlough plan in negotiations, and together we achieved some success in reducing the impact of the plan. As of last month, the plan allows "self-directed" furlough days, and employees will have a longer period of time--up to 24 months following the end of the furlough program--to use all their furlough days. UAPD continues to negotiate with the State over other aspects of the furlough plan, including the number of furlough days and its application to doctors working 4/10 schedules.

### Fighting Layoffs and Takeaways

A small number of bargaining unit doctors have been sent surplus notices. The State of California is required to send surplus notices to employees before it can initiate layoffs; however, getting a surplus notice does not mean a layoff will necessarily occur. In the case of UAPD-represented doctors, no layoffs have been initiated or proposed as of this date. Moreover, at the table the Bargaining Team continues to emphasize the importance of keeping our bargaining unit intact. We believe the

work of the State requires more doctors, not fewer, and that laying off our members would be the worst possible way to trim the budget. We have also made clear that take-aways in health care are a similarly unacceptable way to make ends meet.

### Open Issues

Several important contract issues remain open. While both sides have now agreed that DSS bonuses are in fact pensionable, we continue to bargain over improvements to the bonus plan. We are talking with the Receiver's Office about being more flexible and creative regarding the prison on-call system. In addition we have proposed language to the State that would allow Medical Staffs to become more involved with peer review issues. Court sanctioned practices like PPEC and Mortality Review must not trample the rights of our members.

### Nearing the End?

After ten months at the table, our bargaining is now at a crossroads. Important decisions face our members ahead. Please check your mailboxes and [www.uapd.com](http://www.uapd.com) regularly for updates, and, as always, direct questions or comments to your local steward or UAPD staff member.

## CSU Physicians In Bargaining

A new Labor-Management Committee for UAPD-represented doctors in the California State University (CSU) system promises to give our members a greater voice when significant system-wide issues arise. The statewide committee, which will meet on a trial basis in 2009, is intended to provide a forum for UAPD doctors and managers to discuss best practices and new operational strategies. The committee will report at the end of the year to the Board of Trustees that governs the CSU system. Bargaining Team Member Dr. Floyd Anscombe hopes that the committee "can be an advocate for the health centers in a time of crisis," when budgetary pressures might otherwise tempt university leadership to shortchange healthcare on campus. Dr. Anscombe and others will meet CSU back at the bargaining table to negotiate the remainder of the contract before it expires on June 30, 2009.

