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Bargaining Update 12-3-10

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This week's headlines

- **Action Team Presence Felt at Trustees' Meeting**
 - **Jobs with Justice in Longy School Struggle**
 - **Bargaining FAQ**
 - **Trustee Flyer Handout**
 - **Jobs with Justice Letter to Trustees**
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AEEF members make their presence felt on Wednesday, Dec. 1, during the first of many Action Team events...at the WGBH Board of Trustees' meeting.

- Action Team members gathered outside One Guest St. at 3pm and handed out Union flyers (see below) to the Trustees entering the building for the meeting.
 - In response to a letter (see below) from our ally, Massachusetts Jobs with Justice (www.massjwj.net), the Trustees agreed to hear from JwJ Executive Director Russ Davis. In his speech Davis took WGBH to task about management's hostile bargaining tactics and their draconian contract proposals, which seek to do away with the collective bargaining process at WGBH.
 - At 5pm, a hardy band of Action Team members gathered in the rain outside One Guest to sing specially written holiday carols to employees leaving work, articulating our desire for a fair contract.
 - Finally, a somewhat wet but exhilarated Mobilizing Committee met at The Stockyard to plan our next AEEF Actions to bring home our message for a just and equitable contract settlement. Stay tuned!
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Jobs with Justice helps union at Longy beat back an attempted bust.

This article, linked below, from the Tuesday 11/20 Boston Globe reports on another Jobs with Justice ally, the union at Longy School of Music. With the help of JwJ (www.massjwj.net), the Longy LFU-AFT (Longy Faculty Union-American Federation of Teachers) is successfully fighting against management's decision to terminate, reduce hours, or shift hours for instructors. Siding with the Longy union, the regional National Labor Relations Board (NLRB) has gone to court to seek an injunction against Longy for imposing these unilateral changes to their terms and conditions of employment WITHOUT negotiation.

http://www.boston.com/business/articles/2010/11/30/nlrb_seeks_to_restore_staff_cuts_at_longy_school/

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Finally, an FAQ you can believe in! This one should answer the questions on members' minds about the current state of bargaining.

Setting the Record Straight: The View from AEEF's Side of the Table FAQ

WGBH's negative campaign against AEEF continues and union members are rightfully wondering what's going on. WGBH has proposed a draconian contract and persists in running the most hostile contract campaign in our nearly 40-year history. Examples of this include:

- refusing to extend the contract (routinely extended in the past)
- canceling our union security clause
- canceling dues check-off (a nuclear option designed to bankrupt AEEF)
- dispatching supervisors to verbally harass our members (bordering on illegal activity)

WGBH is also utilizing Innertube to carry propaganda that distorts the truth. This FAQ is written as a response to recent Innertube postings.

Q: Is AEEF, as WGBH claims, deliberately stalling or attempting to slow down the bargaining process?

A: Absolutely not. AEEF is, however, being thorough and careful in its attempts to understand the scope of management's sweeping proposals and in its efforts to craft counter-proposals. Unlike management, our bargaining team includes four elected officers who also work other jobs at WGBH and must juggle their schedules to get time off. In addition, AEEF is a democratic organization and the officers often consult the Executive Board and other members for input and guidance. While this takes time, it is hardly stalling. Contrary to management's allegations, AEEF is eager to reach a satisfactory agreement.

Q: So why haven't the parties been able to reach agreement?

A: WGBH has proposed a brand new "contract" that is a complete departure from the past. Their version contains at least 50 areas of change from the current contract and would shred nearly 40 years of AEEF history at WGBH. It is a draconian document that would strip AEEF and our members of important rights and benefits and would significantly change our working conditions for the worse. The parties have not reached agreement yet because of the vast scope and extreme nature of WGBH's proposals and their reluctance to compromise.

Q: Why is the process taking so long?

A: Actually it isn't. Historically, AEEF and WGBH have never arrived at a new contract settlement by the expiration of the old contract. Bargaining has often continued for months, sometimes into the following year. The process had a late start as well. WGBH

initiated the process by waiting until after business hours on June 30th, the very last day of the contractual deadline, to request bargaining.

Furthermore, by presenting AEEF with a completely new contract and not providing a comprehensive list of how it changed our old contract, WGBH forced the AEEF bargaining committee to spend days analyzing the two documents to find all the changes WGBH was proposing....most of them intended to strip the membership of important benefits and protections.

Q: Is it true that there have not been many bargaining sessions so far?

A: Compared to past bargaining with WGBH (and to other union negotiations), AEEF and WGBH have met quite often since the contract expired October 31. While it is true that management has called for more December bargaining days, as of this writing, the parties have agreed to meet on three days in December that fit the busy holiday schedules of the federal mediator (requested by management), the AEEF bargaining committee and the Foundation. While the two sides continue bargaining, AEEF members continue to work under the favorable terms of the current contract.

Q: Has WGBH modified any of its proposals?

A: Yes, but not in significant ways on key items:

- WGBH continues to demand that it be allowed to withhold or cancel raises, retirement matches and any other benefits. While management did add language to its last proposal that before revoking raises and benefits, the Board of Trustees would certify that the financial need is real, there is still no provision allowing the Union to appeal the decision or review the numbers.
- WGBH continues to demand inferior severance terms for Project Contract employees, who comprise nearly 50% of our membership. Specifically, Project Contract employees would be ineligible for severance if they are given six months notice of termination. Those who get less than six months notice would receive a portion of their severance, depending on the length of notice provided.
- WGBH also insists on the right to cancel an employee's project contract before the agreed upon expiration without any financial obligation for the unworked time. Under the current contract, project contract employees receive full severance or wages for the balance of the project contract, whichever is greater.
- WGBH continues to demand the right to outsource any and all work currently done by union members.
- WGBH continues to demand the right to fire without cause anyone "critical to the creative process" including Reporters, News Anchorpersons, Correspondents, TV Directors, TV Announcers, Radio Producers, Radio Producer/Announcers, Radio Board Operators/Announcers and Radio Reporter/Announcers. They euphemistically call this type of termination "Artistic Discretion."
- WGBH continues to insist that after a layoff, an employee must be "the most strongly qualified" of all potential job candidates in order to be called back to work – even if the recall is to the same job from which they were laid off.

Q: Has AEEF attempted to address WGBH's legitimate concerns?

A: Absolutely. In the course of crafting its six comprehensive proposals, AEEF has attempted to provide WGBH with significant cost savings, increased flexibility, and closer parity to non-union employees. Our proposals would...

- Create a new wage structure that includes a performance component and a set annual increase.
- Allow wage increases and retirement matches to be rolled back as long as a neutral third party agrees that WGBH cannot afford them.
- Reduce compensation for holidays worked.
- Reduce the current retirement match from 8% to 4%.
- Give WGBH greater flexibility in subcontracting national TV productions while keeping ancillary work in house.
- Adopt WGBH's expense reimbursement policy.
- Adopt WGBH's 12-week severance cap for those with less than 12 years of service, but freeze those above 12 weeks at their current level.
- Adopt WGBH's \$25 monthly parking fee, which would be set for the life of the contract.
- Reduce accrued sick time when coupled with a transition to a short-term disability plan if employees are provided sufficient annual sick leave and personal days to bridge the waiting periods of the plan.

Q: Why are the two sides so far apart?

A: WGBH is proposing a contract that, if accepted without change, would turn our union into a social club and make it irrelevant. Their proposal would allow the Board of Trustees to unilaterally make changes in negotiated wages and retirement contributions and would also allow them to revoke or change any contractual benefit without having to bargain with the union. Many members have observed that any "contract" that gives management that much freedom is really no contract at all. Members' rights and benefits are in jeopardy. We believe that by trying to force a quick settlement, WGBH is attempting to force us to accept a bad contract and is using hostile and dishonest means to do so.

Q: Has the union refused federal mediation?

A: Not at all. AEEF agreed to management's request for a federal mediator because we believe mediation may help us reach an agreement. We are currently scheduling dates in December when the mediator will be to join us.

Q: Why did WGBH refuse to extend the contract during bargaining?

A: It allows WGBH to cancel dues check-off, avoid grievance arbitration, and hire employees into union positions without requiring them to become union members.

Q: Why has WGBH decided to stop withholding dues from our paychecks?

A: WGBH is not legally obligated to cancel the payroll deduction of union dues (called dues check-off) and has never done so in the past. Canceling dues check-off is a way to attack the financial viability and membership base of the union. The cancellation of dues

checkoff has caused the union to spend valuable time researching and implementing an alternative method of dues collection.

Q: Is WGBH trying to bust AEEF?

A: Based on the extremely regressive nature of its contract proposals, WGBH is attempting what some would call a “soft bust” of our union. WGBH is not attempting to get rid of our union, but to free itself from numerous contractual obligations and its accountability to the union members who work for the Foundation. If we were to accept WGBH’s proposals without change, our union would lose its power to protect the members. Members would have few rights and guarantees and certainly no ability to stop management from reducing wages and benefits, or unilaterally changing working conditions.

Q: WGBH says it has agreed to lock in some benefits as desired by AEEF. Is this true?

A: WGBH has indeed made proposals that the contract would contain details of some specific benefits, but more importantly, it continues to propose that regardless of what the contract says, the Board of Trustees would have the unilateral right to withhold or revoke any wage increase, retirement contribution or other benefit if the Board determined the Foundation could not afford any or all of those benefits. And management continues to propose that several benefits – including the retirement contribution - simply be keyed to what non-union employees at the Foundation receive. If something can be so easily taken away, it is non contractually-guaranteed, nor is it “locked-in.”

Q. Has WGBH made a wage proposal?

A: Yes, but unfortunately, WGBH has made it clear that they no longer want to agree to across-the-board contractually guaranteed wage increases. Instead, they only want to “reward” employees they consider “high performers” with real wage increases. They have proposed a system that provides them broad latitude to do just that: wage increases would be determined by performance evaluations and fluctuations in the Foundation's budget.

AEEF has made a counter proposal that includes a component based on performance, but also provides employees a negotiated percentage wage increase that is not keyed to budget fluctuations. We also proposed a process that would allow the employer to be excused from having to pay those increases in any year they could not afford it, provided their claim could be verified by an outside, neutral party after a review of the relevant financial information. Management rejected that proposal.

AEEF is comprised of hard-working and creative WGBH professional employees who together have weathered challenges, suffered setbacks, and shared successes with WGBH. For nearly 40 years we have negotiated the terms of our employment, setting the standard for wages and benefits for all WGBH employees. Our goal is to secure a fair and responsible contract that equally reflects the changing times, respects our union and preserves our voice in the workplace.



AEEF hand-out flyer to Trustees Arriving for the Dec. 1 Meeting of the Board

Welcome WGBH Trustees!

As proud AEEF members, we participate in the production of award-winning television, radio, and internet content and deliver the educational and access services that educate, inspire, and entertain. We love what we do, our skills are top-notch, and our hard work and creativity help make WGBH great.

We also live and work in the community. We pay taxes. We love our families. We have mortgages and rents to pay, health and dental costs, car insurance, home repairs, occasional emergencies, and every now and again take a well-deserved vacation.

As Trustees, you are ultimately responsible for everything WGBH does. We are asking you to support us as we have supported WGBH and its mission. While we accept that our contract must reflect the changing times in which we live and work, we also deserve and expect a contract that meets our needs and respects our union.

For nearly 40 years, AEEF and WGBH have worked together to fashion an agreement that balances management's goals with our members' needs. We're prepared to do so again. Will you join us?



Jobs with Justice letter to WGBH Board of Trustees, Nov. 30, 2010. This letter resulted in JwJ Executive Director Russ Davis being given an audience with the Board....literally overnight.

Massachusetts Jobs with Justice

3353 Washington St. Boston, MA 02130

Tel (617) 524-8778 Fax (617) 524-8996

November 30, 2010

Dear Trustee,

I am writing to you on behalf of the 110 member organizations of Massachusetts Jobs with Justice. Massachusetts Jobs with Justice is a coalition that promotes and protects the rights of workers in our Commonwealth. I am writing to express our strong concern with the approach that WGBH management has taken in recent negotiations with the long-time representative of WGBH employees, the AEEF.

We know that these are difficult and challenging times. However the tactics that WGBH management has chosen to employ are far outside normal practices in these circumstances. Management seeks to essentially do away with the collective bargaining process as guaranteed under federal labor law by demanding the ability to alter the terms of the contract at will. In an attempt to intimidate the union, and the loyal WGBH employees that it represents, they have refused to extend the contract while negotiations continue and have cancelled the collection of union dues, seeking to bankrupt the union. This is not the normal give and take of negotiations and we believe that this course of action by management could bring great harm to this important institution should it continue.

These tactics are extreme measures that one would not expect of a non-profit institution of the stature of WGBH. We feel positive that the broader labor community, public officials and public opinion as well as the listeners and viewers of WGBH will be shocked and outraged when this situation is brought to their attention. We ask you, as trustees, to take responsibility for guiding management back from this attempt at coercion and intimidation and negotiate a fair contract that serves the needs of both WGBH and its employees.

We will be following up to elicit your response in the coming days. We will also be asking for a few minutes to address the Trustees' meeting.

Thank you to your commitment to the public good and justice and fairness in the workplace.

Sincerely,

Russ Davis, Executive Director

Massachusetts Jobs with Justice

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