



AEEF News and Views

Newsletter of the Association of Employees of the Educational Foundation



JULY 2011

BARGAINING UPDATE:

Management Ends Comp Time

Employees who are non-exempt (that is, eligible for overtime pay) may not have noticed, but their exempt colleagues have experienced a very real and very immediate consequence of management's imposed terms: additional weekend hours for no additional compensation. In radio, for example, members have reported being assigned to work weekend hours following a full-time work week with no additional compensation. In Nova and MAG as well, members who previously had the option of earning time-and-a-half or taking a compensatory day off at a later date ("comp time") for their weekend hours have been routinely working extra days.

Those Were the Days

It wasn't always this way. In fact, for the 39 years since our first contract in 1972, WGBH management had agreed to provide the choice of overtime pay or comp time to full-time exempt employees who work sixth and seventh consecutive days. However, during bargaining this past fall, management insisted on eliminating overtime compensation of any kind for exempt employees. Why? Because, according to Laurie Hurtt, WGBH's "competitors" don't provide it, WGBH managers don't get it, and the law doesn't require it. At the same time, management's final offer eliminates the longstanding practice of bargaining over exempt and non-exempt status and gives WGBH the discretion to make such classification decisions on its own.

The FLSA

So what determines whether someone is exempt or non-exempt? The status of being exempt or non-exempt refers to whether an employee is covered by the minimum wage and overtime provisions of the Fair Labor Standards Act. This federal statute was enacted in 1938 as part of President Roosevelt's New Deal. Among other things, it prohibited child labor, created a federal minimum wage, and established the right to overtime pay after 40

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**You deserve to take a lunch.
And you have the right to.**

Lunch with...
Wednesdays 12 noon
10 Guest St.

Every Wednesday we encourage all AEEF members to take at least a half hour lunch, getting away from the desk and joining us for **AEEF Lunch With...** where we'll get together, sometimes with special guests and sometimes just with each other, for a necessary break from the work day. Rain or shine, outside in the plaza or inside the 2nd floor cafeteria.

And remember to wear  your union button!

For more information, please "friend" us on Facebook and visit our web site: www.AEEF.org

Mark Your Calendar!

Thursday, July 21
Executive Board Meeting
12 noon in 5W conference room

Thursday, July 28
Mobilizing Committee Meeting
12 noon in 5W conference room

Thursday, August 4
Executive Board Meeting
12 noon in 5W conference room

Thursday, August 11
Mobilizing Committee Meeting
12 noon in 5W conference room

Wednesday, August 31
End of FY11

Layoffs Continue

Management continues to layoff staff as the August 31 end of FY11 approaches. So far the AEEF has identified the following layoffs of union members to-date for FY11:

Kevin McDermott
David Levin
Alice Abraham
Heather Myers
Amanda Clarke
Vincent Jones
Jack Foley
Regina O'Toole
Ralph Perlovsky
Reese Jenkins
Dan Davis
Alanah Sharry
Alexandra Chamberlin
David Chmura
Jennifer Hendricksen
Fran Laks
Brian Edgerton
Yunsik Noh
Amber Holland
Dan Toner

Note: This list does include members whose layoffs occurred due to the end of a limited-duration project (e.g. God in America).

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To write, edit, take photographs, or get involved, contact any officer, your shop steward, or business agent Joe Montagna.

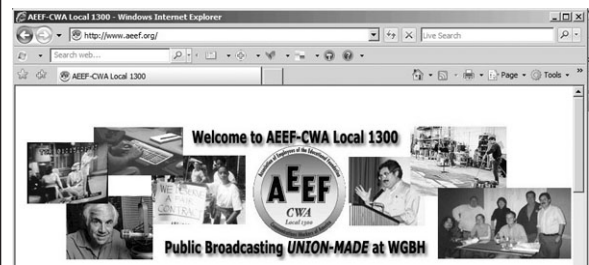
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Management Ends Comp Time *continued from page 1*

hours of work per week. It also included certain exemptions from its coverage, such as for agricultural and railroad workers. The statute has been amended numerous times over the years to, for example, increase the minimum wage or to incorporate other pieces of legislation like the Equal Pay Act in 1963. The exemptions, too, have been expanded to include whole classes of workers such as executives, administrators, outside sales people and professionals. The specific qualifications for each exemption share some common traits, such as earning at least \$455 per week on a salary or fee (as opposed to hourly) basis, but also include tests that are specific to the exemption. So, for example, to be exempt under the "Creative Professional Exemption," an employee must (1) be compensated on a salary or fee basis (as defined in the regulations) at a rate not less than \$455 per week and (2) his or her primary duty must be the performance of work requiring invention, imagination, originality or talent in a recognized field of artistic or creative endeavor. If both tests are met, the employee is exempt; if not, the employee is non-exempt and entitled to receive overtime pay.

For 39 years, AEEF and WGBH management negotiated over which jobs they agreed met the tests for being exempt, but in these past negotiations management refused to do so. When the union proposed that the parties at least agree to allow the determination of such exemptions to be grievable under the contract (permitting an arbitrator to apply the FLSA standards), management refused that too.

Are You Exempt?

With exempt employees expressing their dissatisfaction with working overtime hours on the weekends, but no longer receiving the option of overtime pay or comp time, and management giving the union no other option, AEEF has begun investigating whether some exempt employees are appropriately classified as exempt under the law. If you are currently exempt, but believe your status may not be designated appropriately, here's what you can do:

1. Contact your shop steward.
2. Start keeping track of all your overtime hours (see below). If it turns out that you are incorrectly designated as exempt and can document your overtime, you may be entitled to back pay at the overtime rate.

Tracking Hours Worked –There's an APP for That!

The U.S. Department of Labor recently released a new smartphone app that lets employees independently track the actual hours they work to ensure that they receive all wages earned. The app offers ways to view summaries of work hours for a day, week, or monthly format, and wages due. It also links to the Labor Department's web site for information on wage laws. A tool like this is of particular benefit to those who find the WGBH automated timesheet system, well, shall we say inaccurate because it disallows input of actual hours worked on certain days, etc. In the event of investigations into wage law compliance, this independent data could prove invaluable. In fact, under Massachusetts law employers are required to keep accurate records of all hours worked by all employees.

The free app is compatible with iPhone and iPod Touch for now, but may be available for other smartphone platforms in the near future.

For more information and to download the app, go to the Department of Labor Wage and Hour Division's web site: <http://www.dol.gov/whd/>.

Fact Checking Jon: Go Ask Alice!



“In those cases where layoffs occur, we treat departing employees with dignity. It is a mischaracterization to say that any employee is ‘marched out the door.’ Our employees generally receive four weeks of notice, if not more, in addition to generous severance packages—all of which is consistent with WGBH’s final proposal to AEEF/CWA and with the expired collective bargaining agreement.”

-Jon Abbott (E-mail to AEEF supporters, June 12)

“On Thursday, June 2, 2011, I experienced first-hand management’s lack of respect and dignity when after 24 years of service—and the day before I was going on vacation—I attended what I was told would be my performance review only to be informed that my job had been eliminated and I was not to return to work again (I was told I would be paid for my four weeks of “notice”). My ID was immediately deactivated, I was supervised as I packed my personal belongings, and was then escorted out of the building by two managers. When I returned from vacation and contacted Human Resources to confirm that I would be paid for my four weeks of notice, I was told that, since two weeks were already scheduled as vacation, I would only receive two—not four—weeks of additional pay.”

-Alice Abraham

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AEEF Bids Farewell to Jack Foley



AEEF members returning from the 2011 Spring Member Meeting pose in front of WGBH with Jack Foley. Jack, who has been laid off from his position as a senior designer in Creative, started work at WGBH in May of 1971. In his 40 years at WGBH, Jack made numerous contributions to the Foundation's visual presence. Moreover, he was a founding member of AEEF in 1972, a longtime shop steward over the years, and a constant advocate for remembering the AEEF's value at WGBH.

"When I first met Jack Foley, more than 30 years ago, he struck me as a talented graphic artist and a good natured, good humored guy," says Judy Matthews, senior account executive for *Antiques Roadshow* and former AEEF president. "Now, more than three decades later, Jack is still a talented, good natured guy, but I also understand how passionate and unwavering his commitment to the AEEF has been. He continues to inspire me, and, as long as I remain at WGBH, I will do my best to follow in his footsteps."

Good luck, Jack.



Administration Performance Review 2011

This Performance Review rates the WGBH Administration on a scale of 1 to 5, with 5 being the highest and clearly out of their reach. A rating of 4 is deemed excellent, also out of their reach. A rating of 3 would indicate average competence, which we can only hope for in the future. Ratings of 2 and 1 speak for themselves. We only wish there were a zero on this scale.

1. Respect for Employees Rating: 1
Giving a veteran employee of 24 years no notice of layoff and escorting her from the premises in tears says it all. Shameful.
2. Sense of Fair Play Rating: 1
Ordering exempt employees to work long shifts and longer weeks with no break, no extra pay, and no comp time is rock bottom. Where's that zero when you need it most?
3. Fiscal Management Rating: 1
Squeezing hard-working employees, some still suffering from previous cuts in wages and hours, and then rewarding each other with bonuses to the tune of \$200,000, hardly exudes fiscal management worthy of admiration.
4. Performance Management of Supervisors Rating: 1
So much for the bright idea of soliciting "anonymous" community feedback for supervisors from their employees. Worst example: One manager berated employees for their "anonymous" honest feedback of their supervisor's performance and sent them home early as punishment!
5. Independent Thinking Rating: 1
Not so much. All we see is the union-busting script written by WGBH's high-priced consultants unfolding step by step.
6. Negotiating Skills Rating: 1
Um - two parties sitting down, mutually discussing issues and concerns and hammering out a win-win contract agreement - that sure didn't happen, did it? We've said it before and we'll say it again: Hey guys! Come back to the bargaining table!
7. Management Style Rating: 1
The parent/child style of management went out with poodle skirts and saddle shoes. What's up with that?