



AEEF News and Views

Newsletter of the Association of Employees of the Educational Foundation



JANUARY 2010

Catch Us If You Can

Management Justifies Violating Contract by Not Getting Caught

Two AEEF members recently contacted the union to inquire why they were employed on project contracts though they worked in departments that are “staff-only” under the collective bargaining agreement. The union reviewed the status of all project contract employees and determined that at least seven members were working in departments and under conditions where they should have been staff employees. When union representatives

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brought this to management’s attention, Manager (recently promoted to Director) and Counsel for Employee Relations Laurie Hurtt’s response was that since the union had not caught it at the time of the error/violation, the contract language no longer applies. When AEEF vice president Ann Lopez asked why management didn’t have an obligation to follow the contract in the first place, Hurtt said that managers didn’t knowingly violate the agreement and if the union didn’t catch them, it’s not the managers’ fault.

“Not true,” says AEEF president Jordan Weinstein. “Our contract is a legally binding document. Managers needing guidance should consult the contract either on WGBH Innertube or AEEF.org.”

The contract language in question, Article 4.37, was negotiated during contract bargaining in 1997 when the union was seeking ways to increase job security for union members. At the time, it was not unusual for employees in the Caption Center, or other service-oriented departments, to be employed on project contracts for as little as three months at a time for the entire two years before they automatically became staff even if the work they were doing was ongoing. Many members felt that working on eight consecutive three-month project contracts over the course of two years created an enormous sense of insecurity which had profound consequences for them both personally as well as professionally. With Foundation management unwilling to abolish the use of project contracts altogether, the union proposed and management agreed to carve out five service departments (Archives, Broadcast, Caption Center, DVS, and Physical Plant) that would discontinue using project contracts except for the positions of Caption Writer, Associate Stenocaptioner, and Describer, in which cases a one-year project contract would be permitted. In exchange, seniority rights for staff members employed in those departments would be limited to their department and not staff-wide. During subsequent bargaining over a new contract in 2000, the Creative Services department was added to the list of staff-only departments.

The union has filed a grievance asserting that all the affected project contract employees be made staff as required by the contract.

Talking Union



What is the AEEF's structure?
How does contract bargaining work?

As part of the mobilization for contract negotiations this year, AEEF officers have begun scheduling member meetings with departments to discuss your questions, concerns, and priorities. For more information about the date, time, and location of your meeting, contact your shop steward, any union officer, or business agent Joe Montagna.

The AEEF News and Views is published by the AEEF Communication Committee.

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

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Mark Your Calendar!

Thursday, January 7
Executive Board Meeting
12 noon in 5W conference room

Tuesday, January 12
Communication Committee Meeting
12 noon in Gerstein (5S) conference room

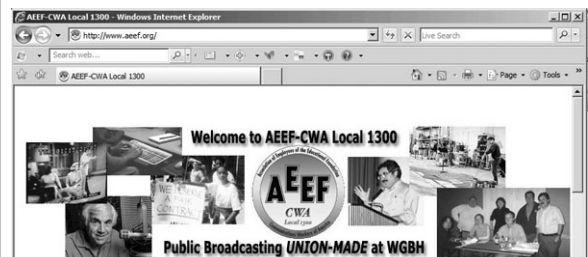
Monday, January 18
Martin Luther King Jr. Day

Tuesday, January 19
Communication Committee Meeting
12 noon in Gerstein (5S) conference room

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

Tuesday, January 26
Communication Committee Meeting
12 noon in Gerstein (5S) conference room

For the latest AEEF news and information, visit www.AEEF.org



Honoring King's Labor Legacy

When people pause to reflect on Martin Luther King Jr. Day, it is often his work for expanding the civil rights of black Americans that receives the most attention, like the 1955 Montgomery Bus Boycott or the 1963 March on Washington, where he delivered his stirring "I Have a Dream" speech. But King was also a strong supporter of labor unions and saw them as a key force for elevating the voice and rights of all working people. In fact, it is often overlooked that when King was assassinated on April 4, 1968 in Memphis Tennessee, he was there to support nearly 1,300 sanitation workers striking for recognition of their union.

The sanitation workers were on strike because Echol Cole and Robert Walker, two black sanitation workers for the city, had been crushed to death in the compactor of their garbage truck when it malfunctioned. The two men had sought shelter from the rain in the compactor because, as black men in Memphis, city law forbade them from taking shelter elsewhere.

Their deaths brought to a head the long-simmering frustrations of these workers, who endured grueling working conditions (the city provided no uniforms, gloves, or shower facilities) and substandard wages, and whose efforts to address those conditions were rebuffed by a city government which refused to recognize their union (then SCME Local 1733, later AFSCME). So, on February 12—Abraham Lincoln's birthday—they went on strike and donned signs that read "I am a man."



King saw their struggle as illustrative of the very principles of the Poor People's March and campaign for economic rights he was organizing. Though his first march in Memphis on March 28 deteriorated into window-breaking and was broken up by police, King returned on April 3 determined to lead a non-violent march through the city. That night, at the Mason Temple, he delivered what would be his final speech, often referred to as "I've Been to the Mountaintop." The next morning he was assassinated on the balcony of his room at the Lorraine Hotel. Four days later, his widow, Coretta Scott King, led a second and peaceful march through downtown Memphis. On April 16, following intense negotiations between the union and the city, the parties announced that Memphis had recognized the

union and agreed to a contract which included wage increases, a grievance procedure, and an end to racial discrimination in job assignments and that, in response, members had voted to

end the strike.

Though the movement to honor King's birthday as a national holiday began within days of his assassination, it wasn't until 1983 that it finally became law and 2000 when it was observed in all 50 states. But, during the years in between, many unions not only advocated for the holiday, but successfully negotiated it into their own contracts.

Grievance Update

The Dispute Resolution Procedure in our contract provides a four-step process for resolving management-union disputes regarding the meaning and interpretation of our contract. If an initial dispute is not resolved satisfactorily, a formal grievance may be submitted within 30 days of the event (or knowledge thereof) asserting a violation of the contract. If the parties fail to resolve the grievance, it may be submitted to a third-party arbitrator.

The following grievances have been filed since the December issue:

- The union filed a grievance over a radio manager performing union producing and directing duties for 99.5 All Classical.
- The union filed a grievance over WGBH's hiring of seven employees on project contracts in departments where the use of project contracts is prohibited or limited. (See *Catch Us If You Can*, page 1)

The following grievances remain active pending further discussion and/or action by the union and management:

- The layoff of 89.7 WGBH host Richard Knisely, who had approximately 24 years of seniority.
- The Foundation's use of interns to perform what the union believes is bargaining unit work in a manner which avoids the hiring staff. (Note: Under the law, interns are not free labor; they must be part of a bona fide training program from which the employer receives no immediate benefit. Under our contract interns may not be used in a manner which displaces existing members, reduces their non-overtime hours, or avoids the hiring of new employees.)
- The issuing of a written warning to a member who had received no previous indications that the supervisor was unhappy with the member's quality of work.
- A new management job of Marketing Manager for The Forum Network which the union asserts does not involve management duties or discretion.
- The performing of union designer duties by managers working in the position of Associate Creative Director (ACD) in Design. (Note: promotions to management should almost always involve new duties, usually managing staff or developing/implementing Foundation policies).
- The subcontracting of union work previously performed by AEEF members in the Enterprises department by moving that work to PBSd (aka PMD). Both parties are considering a possible settlement to this grievance.

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