



AEEF News and Views

Newsletter of the Association of Employees of the Educational Foundation



September 2008

Happy Labor Day!

"Labor Day differs in every essential way from the other holidays of the year in any country. All other holidays are in a more or less degree connected with conflicts and battles of man's prowess over man, of strife and discord for greed and power, of glories achieved by one nation over another. Labor Day...is devoted to no man, living or dead, to no sect, race, or nation."

Samuel Gompers
President, American Federation of Labor (AFL), 1886-1924

First celebrated in New York City on September 5, 1882 by members of the Central Labor Union to honor workers who labor for a living and the better life made possible by their efforts, Labor Day quickly spread throughout industrial cities and state legislatures before being formally recognized as a federal holiday by Congress in 1894.

While rooted in the sacrifices and triumphs of union history (ranging from social benefits like the eight-hour work day to union members' exclusive rights to free speech and due process in the private workplace where such Constitutional rights are not legally recognized), Labor Day has also come to signal summer's last gasp before autumn sets in. So, take a deep breath...and enjoy the three-day weekend. You've earned it. See you in September!

WGBH Enterprises Boldly Goes . . . Away?

WGBH has announced that, as part of the distribution partnership with PBS announced in September 2007, most of the current Enterprises department will be eliminated and both the work and personnel transferred to a

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AEEF Contract Protects Union from Wage Freeze, Performance-Based Pay

With revenue growth projections "flat" for FY09 despite the implementation of cost-saving measures and the refinancing of WGBH's bond debt, executive vice president Ben Godley announced a wage freeze for all management and confidential staff for the coming fiscal year. "We understand how difficult this sacrifice will be for those affected," Godley wrote in his August 13 e-mail, "but we believe it will strengthen the Foundation and better prepare us for the future."

AEEF members will experience **no change** to their 2008 and 2009 general wage increases or in any applicable progression increases.

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WGBH Enterprises Boldly Goes...Away? *continued from page 1*

new jointly held for-profit company tentatively called PBSd, LLC. While management's stated intention is to partner with PBS in order to consolidate the catalog of titles each entity currently distributes individually, and thus increase the revenues generated that can be shared and directed back to program funding, the impact on most staff will be the termination of their employment at WGBH. In a briefing with Enterprises and Human Resources management about the decision, AEEF president Bill Pender and business agent Joe Montagna requested the new company recognize the union and cover all affected current members under the existing contract. Management, however, has refused. Under management's model, AEEF-represented employees in Enterprises will lose all of the protections that come from our contract including the ability to collectively negotiate their wages and benefits, protection from unilateral changes to those wages and benefits, job security, and the guarantee of due process in matters of performance and discipline.

The union has filed a formal request for detailed information on the PBS merger, to bargain over this change, and to expand union jurisdiction for the affected members to the new company. Stay tuned.

AEEF Contract Protects Union from Wage Freeze, Performance-Based Pay *continued from page 1*

Protected from this freeze by our union contract, the AEEF general wage increase of 3.5% is set to take effect in November, 2008. In 2009, the AEEF general wage increase will be 3.25%. If, in the future, WGBH experiences a more severe economic loss, management may request to renegotiate AEEF wages. Any such changes would be subject to a vote of the entire AEEF membership.

In 2010: "Performance-Based" Pay for Managers and Confidentials

Even if the economic picture improves, the future may no longer include automatic wage increases for non-union employees as WGBH moves to implement a "performance-based" pay system in fiscal 2010. According to Godley, this performance-based system will include "the **potential** for a base-pay increase along with a variable bonus component."

AEEF members rejected such a pay structure when it was proposed by management during last summer's contract negotiations, primarily because of the **competitive—rather than collaborative—spirit** at its heart. Membership felt that having individual employees competing to outshine one another for the coveted "bonus pay" was antithetical to what has made WGBH the special place it is, and tears at the very fabric of the collective mission so many WGBHers (union and management) are proud to be part of.

By the Numbers

6.2%

Average increase in the cost of goods and services among wage earners in the US between July 2007 and July 2008 (according to the US Department of Labor's Consumer Price Index-W)

Dispute Resolution and Grievance Update

[The Dispute Resolution Procedure in our contract provides a four-step process for resolving disputes between management and the union 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.]

Since the last newsletter, the union has raised the following disputes and/or filed the following grievances:

- GRIEVANCE—A union member recently promoted to a management position has continued to perform her previous union duties (Note: promotions to management should almost always involve new duties, usually managing people or developing/implementing Foundation policies).
- GRIEVANCE—A union member has been promoted to management with no change in job duties. In addition, WGBH has posted the replacement position as a management job.
- GRIEVANCE—Two union members who accepted a salary freeze in return for a reduction in regular job duties as part of a division's reorganization have been consistently assigned their previous duties with no increase in pay.
- GRIEVANCE—Management has created a new confidential position with the belief it can do so at its own discretion while the union maintains that all confidential positions are established under a negotiated side letter and any additions to that side letter.

Management and union representatives are scheduled to meet and discuss potential resolutions to these new issues as well as the following outstanding grievances:

- GRIEVANCE—A member was disciplined under WGBH's Respectful Workplace Policy for an argument with a co-worker that may not have violated the policy.
- GRIEVANCE—In 2007, WGBH unilaterally reorganized the Station Relations department and promoted union members to new management positions where they may be performing their previous union duties.

Mark Your Calendar!

Tuesday, September 9

Monthly Executive Board meeting, 12pm in 5W conference room

Monday, October 27

Members begin receiving FY09 **3.5% general wage increase** as well as any applicable progression increases

October TBA

Officer and convention delegate nominations

November TBA

Fall member meeting

Officer and convention delegate elections

The screenshot shows the AEEF-CWA Local 1300 website. The main headline is 'Contract Bargaining Update'. The article text reads: 'On May 29, management notified the union of its intent to implement a restructuring plan in National Promotion. Because the plan would eliminate the bargaining unit position of Senior Producer, terminate the employment of eight longtime union employees, and provide with bargaining unit work to a new management position, the union insisted that implementing the plan unilaterally would violate labor law as well as the April 6th and that no progress could be made until the parties were first able to negotiate over the changes. While there have been two days of training because two days of spontaneous contract negotiations that resulted in a tentative agreement which maintains the new job structure, but preserves the employment and wages of five staff Senior Producers. In addition, management pledged not to file a suit challenging either a legal procedure for challenging whether specific positions belong in the union in the Design Department. Union representatives were concerned about management's intention in Design since the department began reassigning job descriptions en masse to include the supervision of other personnel 10 to 15% of the time—a percentage which the Board-dominated National Labor Relations Board recently set as a standard for deciding employees as 'managers' and, therefore, ineligible for union membership. While pledging not to file a suit and certification petition in Design, WGBH management has refused to make such a pledge regarding other departments at the Foundation. The agreement was presented to the affected members who voted to approve the measure. Union and management representatives have since re-scheduled their joint IRB meeting for July 9 and 10 with contract negotiations set to begin on July 23. New books have been added! For the latest AEEF news and information, visit www.AEEF.org

Coming Soon!

With the new 2007-2010 contract ratified, union and management representatives are in the process of finalizing minor "housekeeping" changes in the language (e.g., consistent use of capitalization, pronouns, etc.). Once the document has been thoroughly proofread, it will be posted on the AEEF website (www.AEEF.org) and printed for distribution. Stay tuned for more details.

Employee Free Choice Act Gets Mobilized

As the nation celebrates Labor Day, the US labor movement is poised for what may be one of its most pitched legislative battles in decades. The Employee Free Choice Act (EFCA), which passed the House last year but stalled in the Senate due to the threat of a filibuster, is set to be reintroduced, and the major political parties and their respective presidential candidates are polarized over it: Democrat Barack Obama (a sponsor of EFCA in 2007) has committed to passing the legislation if elected, telling delegates to this past June's CWA convention, "It's time to finally make the Employee Free Choice Act the law of the land." Republican John McCain, by contrast, vehemently opposes EFCA and voted against it last year.

In order to help ensure passage of EFCA in 2009, the AFL-CIO is organizing a "Million Member Mobilization" of its affiliate unions and their locals. In our next issue we will discuss why the Employee Free Choice Act is so important and what you can do. To learn more about the Employee Free Choice Act, visit cwa-union.org/efca/.

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