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Appeals panel reinstates Post overtime suit

Washington—A three-judge panel of the U.S. Court of Appeals here has unanimously ordered a "trial on the merits" in a 2 1/2-year-old overtime-pay suit against the Washington Post.

In doing so, the appeals court ruled that a U.S. District Court judge made a fundamental error in January 1988 by granting a Post motion for summary judgment without trial and dismissing the claim of one of the Post reporters

who brought the suit on grounds that he was employed "in a bona fide . . . professional capacity."

"Professional" employees are exempted from the U.S. law requiring premium pay for more than 40 hours' work in a week. Longstanding administrative regulations closely define several categories of "professional" employment. The work of most reporters generally has been held not to meet the criteria.

District Judge Gerhard A. Gesell also erred in finding that the facts were "undisputed" in the record of the case, the appeals court ruled, citing several contested points in the record that was before Gesell.

"We find that the district court was faced with genuine issues of material fact, inappropriate for disposal on summary judgment," the judges said in their April 11 decision.

"On a motion for summary judgment, the district court cannot deny the existence of disputes over material facts by making findings of fact and then labeling them 'undisputed,'" the eight-page appeals decision said.

The judges also labeled as "dead wrong" the legal arguments advanced by Post attorneys to try to persuade them to dismiss the appeal.

In their ruling, the appeals

judges were careful to point out that they found only that Gesell had "improperly decided" the case via summary judgment and that they were offering "no view on the merits" of the overtime case.

The appeals panel's decision did, however, focus on "the key question in this suit—whether the work performed by [Tom] Sherwood and other Post reporters is predominantly creative and origi-

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Toledo pact raises key rate \$104

Toledo, Ohio—The top minimum-pay rate for key-classification jobs will be raised by \$104.42, to \$824.08 a week, during a new, three-year contract ratified April 6 by Guild-covered employees at the Toledo Blade.

The agreement, which took effect the day after the old pact expired March 21, covers about 350 people in the editorial, advertising, business and circulation departments and was achieved in joint bargaining by all eight unions at the Block-chain daily.

The 14.5-percent, three-year increase includes a 4.73-percent hike retroactive to March 22, plus 4.67-percent and 4.46-percent raises in 1990 and 1991, respectively.

The first increase—\$34.04—put the top minimum at \$753.70 for reporters, photographers, makeup editors and editorial artists; for local-display, outside-classified and national advertising salespersons and makeup people; also for circulation district managers and traveling representatives; and for promotion artists and copywriters.

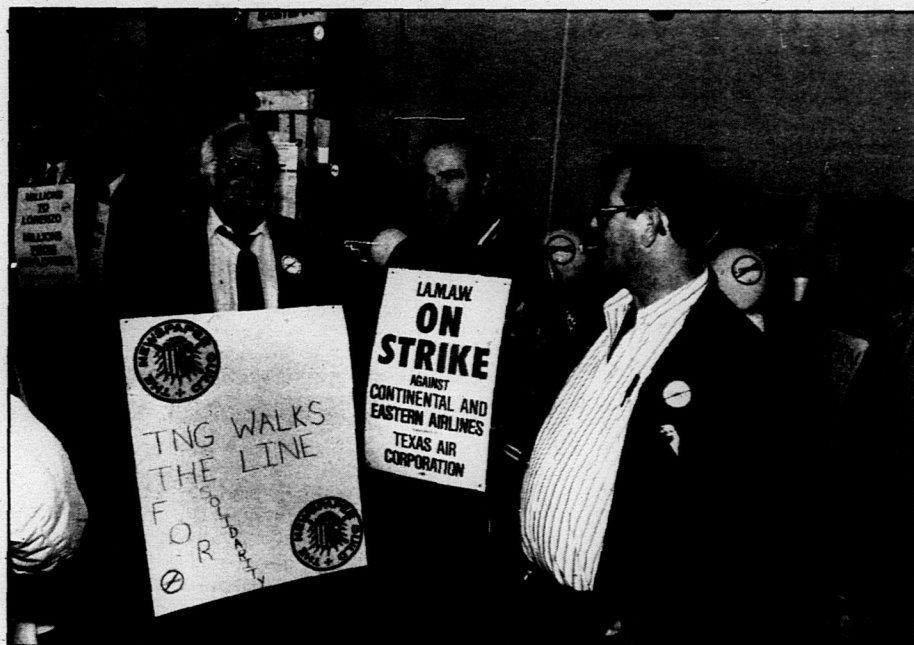
That rate, for people with four years' experience, goes up by \$35.20, to \$788.90, on March 22, 1990, and then by \$35.18 a year later.

Starting minimum for employees in those jobs went to \$462.71 this March, and goes to \$484.32 in 1990 and to \$505.92 in the third year—a total increase of \$64.11.

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Solidarity—and the Eastern strike—continue

TNG President Charles Dale, foreground left, chats with striking Eastern Airlines employees during one of continuing demonstrations of inter-union unity at Washington's National Airport during Machinists union's strike against the airline. The strikers, both mechanics, are Al Hinton, with sign, and Steve Rudy. In the background are members of the Air Line Pilots, left, and Flight Attendants from Eastern who are honoring the Machinists' picket lines. Meanwhile, the AFL-CIO has put both Eastern and co-owned Continental Airlines on its "Don't Buy" list. (Story, Page 4.)



BILL BURKE/Washington-Baltimore Guild

Eisen urges overhaul of 'preservation' law

Washington—Both the Newspaper Preservation Act of 1970 and its enforcement ought to be tightened up, a representative of TNG testified April 11 before a congressional subcommittee.

The law, which gives publishers major antitrust exemptions, is not achieving its intended purpose of fostering competition in news and opinion, David J. Eisen, TNG's director of research and information, told the Judiciary Subcom-

mittee on Economic and Commercial Law.

Appearing by invitation at an oversight hearing on activities of the Justice Dept.'s Antitrust Division, Eisen said that "administration of the act has raised serious questions as to whether the law actually operates to preserve competition or provides a license to destroy it."

The law allows competing publishers to merge operations, allo-

cate markets, fix circulation and advertising prices and pool their profits if at least one of them is "in probable danger of financial failure," Eisen noted.

The law bars consideration of the "ownership or affiliations" of the paper claimed to be failing. Small publishers, TNG and other newspaper employees' unions opposed the law's enactment after court decisions beginning in 1967 found joint operations to be illegal.

Eisen pointed to several cities, among them Detroit, Miami and York, Pa., where the law has had effects that he called "particularly troubling."

Regarding Detroit, Eisen testified that "the shocking manner in which the law and the Justice Dept." would allow "the nation's two largest newspaper chains to end economic competition . . . has the most ominous implications."

(Continued on Page 2)

Abortion march revives issue of reporter rights

WITH THE DEBATE on abortion rights approaching the boiling point across the United States, the issue of reporters' rights as citizens to participate came to a simmer in some newsrooms.

Claims by some editors that reporters violated conflict-of-interest policies by joining the massive pro-choice rally April 9 in Washington ignited the secondary controversy and spurred some strong reactions.

One day after the rally, editors at the Washington Post issued a newsroom-computer message ad-

TNG's Padia voices union support at rally 5

vising staffers to disqualify themselves from future abortion coverage if they had participated in the march.

At the New York Times, a memo from a financial section editor called participation in the demonstration "bad judgement" and "a clear breach of conflict-of-interest policies."

The Supreme Court is to hear arguments April 26 on a Missouri

case in which the justices are being asked to overturn or greatly limit the 1973 Roe vs. Wade decision establishing the right to an abortion.

The importance of the case prompted "the biggest march for women's rights in the history of the country," according to Molly Yard, president of the National Organization for Women, which coordinated the April 9 rally.

Americans in record numbers were reported to be writing and calling the Supreme Court about the case, with 46,000 letters delug-

ing the court's mail room on April 17 alone.

The message to reporters at the Washington Post after the march was stern. Sent electronically to hundreds of staffers by Managing Editor Leonard Downie Jr., it said in full:

"We once again remind members of the newsroom's professional staff that it is unprofessional for you (as opposed to your relatives) to take part in political or issue demonstrations, no matter on which side or how seemingly (Continued on Page 5)

May 18 vote set for larger unit in Dayton 8

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Foley is named to position on contract unit . . . 3

Overhaul of Newspaper Preservation Act urged

(Continued from Page 1)

Former Atty. Gen. Edwin Meese gave the go-ahead for the Detroit joint operating agreement over the opposition of his own Antitrust Division and the administrative law judge he appointed to hear the case.

The Antitrust Division and the law judge both contended that Knight-Ridder's Detroit Free Press was "not in probable danger of financial failure" and that the Free Press and Gannett's Detroit News set artificially low advertising and circulation rates in pursuit of "the tantalizing prospect of JOA profits."

An "invitation to profitable hara-kiri" is what Meese issued in approving the Detroit merger, Eisen said. "The Detroit case, indeed, seems to have fostered optimism that almost any pair of competing newspapers can have a JOA, if they play their numbers right."

Eisen cited the recent JOA application by two longtime competitive papers in York, in which "the first fact that meets the eye is that, by their own figures, the supposedly failing York Record has been gaining circulation while the dominant Dispatch has been losing it, reducing the gap between them by 37 percent over the past six years."

In Miami, the law proved to be "a catalyst rather than a prophylactic of monopoly," Eisen testified.

He explained how the Cox chain, whose Miami News had been the subordinate paper in a JOA with Knight-Ridder's Miami Herald for 22 years, gained what he called "negotiating leverage" by buying a bloc of Knight-Ridder stock.

Cox then bargained a 25-year extension on the JOA that was to expire in 1996, guaranteeing Cox 10 percent of the Herald's profits whether or not Cox continued to publish a paper, Eisen testified.

At the end of 1988, Cox retired the News, rejecting bids from two interested buyers. The result, Eisen said, is that under the amended JOA, it will reap an estimated \$300 million for publishing nothing.

"We think this deal makes a travesty" of the act, Eisen said.

"We think it is evident that the Justice Department's enforcement of the Newspaper Preservation

Act—and perhaps the act itself—is in need of a serious legislative inquiry," Eisen concluded.

Under questioning by Rep. Jack Brooks (D-Texas), subcommittee chairman, Eisen said that if the act is not repealed, Congress should give serious consideration to amendments that would:

- ✓ Exclude chain-owned newspapers from being given "failing newspaper" status.

- ✓ Limit joint operating agreements to joint printing.

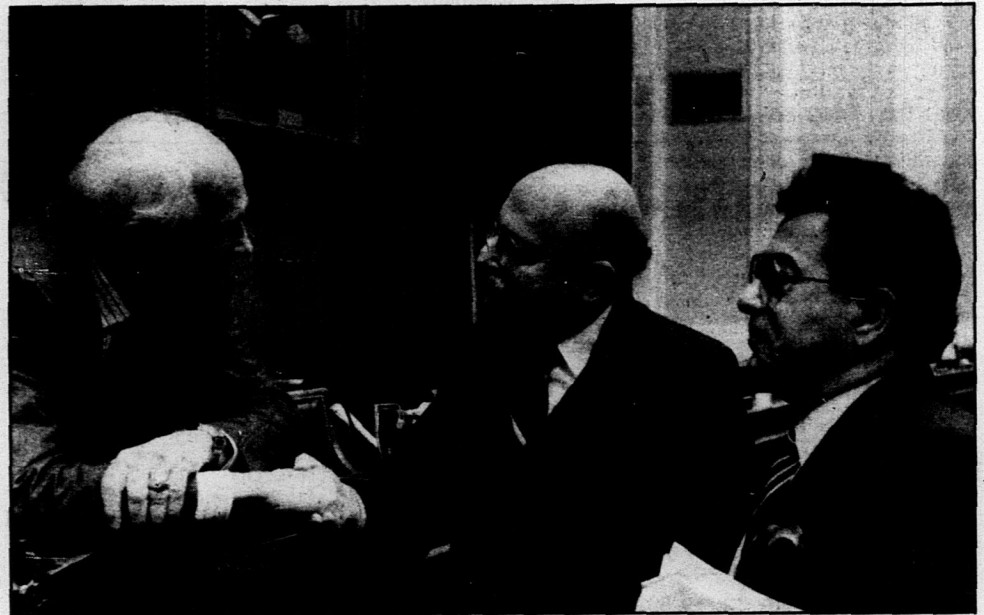
- ✓ Bar JOA status for any newspaper an outside bidder is willing to purchase.

- ✓ Prohibit price fixing and profit pooling by JOA partners.

Brooks, in opening the hearing, said the antitrust division "has been decimated by budget cuts and staffing reductions over the last eight years."

He also said that in his 36 years in Congress he found "it is much easier to enact legislation than it is to get the executive branch to properly implement it."

"All too often," he said, "agency officials use 'creative misinterpretation' and outright subterfuge to avoid complying with the law."



MARIANNE KEFFER ZWEIG/Washington-Baltimore Guild

HEAD OF HOUSE SUBCOMMITTEE ASKS ABOUT HIS OLD UNION—THE GUILD

U.S. Rep. Jack Brooks (D-Texas), left, greets TNG Research & Information Director David J. Eisen, center, with news that Brooks was a member of the Guild in 1940-41, while a reporter at the Beaumont (Texas) Enterprise. Exchange occurred after Eisen testified in antitrust oversight hearings by House subcommittee chaired by Brooks. (At right, an attorney concerned with another area of antitrust.)

N.Y. unions oppose entry of law firm in talks

New York—New York's newspaper unions have asked to meet jointly with New York Daily News publisher James F. Hoge and the president of the chain that owns the paper to discuss "the message . . . sent us" by a Memphis law firm being retained to represent the paper in next year's contract talks.

The contracts of all the unions, including the New York Guild, expire at the end of next March.

The meeting request was formulated by the union's leaders, acting as the city's Allied Printing Trades Council April 12, after an exchange of letters and accusations between Hoge and Allied President George E. McDonald, of the Mailers Union.

Representatives of the Allied unions "are prepared to go to Chicago" to meet with Hoge and Tribune Co. President Stanton R. Cook, McDonald wrote Hoge after the April 12 Allied session.

Signing on "the notorious anti-union law firm as your labor coun-

cil" appears to send a message "in clear conflict with the co-operative and productive relationship" between the News and the unions in the six years since the Tribune Co. "abandoned its plan to sell the News and turned to the unions for help in bailing the News out of the red," McDonald wrote Hoge in late March.

(News York Guild President Barry Lipton and Secretary-Treasurer Tom Pennacchio in a bulletin to News members charged that by hiring the firm the News "betrayed the very people responsible for the continued existence of the News" through concessions made in contracts settled last year.)

McDonald pointed to the unions agreeing to "\$30 million in cost reductions" upon assurances of improved management and plans for a new \$300-million plant, presses and other equipment.

While expressing "hope we are wrong in our interpretation" of the hiring of the firm, McDonald said

that its reputation, "unfortunately, caused us to suspect that the Tribune Co. has changed its mind . . . and is planning to offer the News for sale after extracting more concessions from us."

He asked what the News expects to achieve that "you have not been able to attain through . . . your present representation."

In reply, Hoge charged McDonald with "erroneous assertions" and "misrepresentation of the Daily News' investment commitments" to the unions.

He termed the unions' concessions in the contracts concluded last year "Phase 1 of a turnaround program."

The second phase, Hoge wrote, is dependent on "changes to unnecessary manning levels and inefficient work practices remaining in the current labor contracts."

Calling the News' profit last year "marginal" and "not an acceptable return on investment," Hoge said it must do better to stay

in the New York market.

King & Ballou was hired, he said, "to assure the success and completion of the News' turnaround strategy." He pointed to the firm's "intimate knowledge . . . gained from 30 years of representing newspapers' and television stations' managements."

He acknowledged that the firm has been involved in some "difficult labor situations," some involving strikes in which "striking employees were replaced."

He said the News this year is buying sites for new plants and completing proposals for new equipment, at the same time expressing a "belief that the News and its unions will again successfully negotiate the changes that must be made."

McDonald said the Allied wants to meet with both Hoge and Cook since it was "Cook who committed the Tribune Co. to invest \$300 million in new plant and equipment to save the Daily News."

The U.S. price elevator

The table below records the ascent of the Consumer Price Index in the United States over a 24-month period following a 0.6-point increase in the index in March to 120.8, up 5.7 points from March 1988, and 9.8 points from March 1987. The first column lists the index for each of the last 12 months, the second the percentage increase over the same months of the preceding year and the third, the percentage increase over March 1987. The Urban Wage-Earners' and Clerical Workers' Index (CPI-W) of the Bureau of Labor Statistics is the source.

	Index*	Percentage over	
		Same month prior year	March 1987†
April 1988	115.7	3.7	4.2
May	116.2	3.8	4.7
June	116.7	3.8	5.1
July	117.2	4.0	5.6
August	117.7	3.9	6.0
September	118.5	4.1	6.8
October	118.9	4.2	7.1
November	119.0	4.1	7.2
December	119.2	4.4	7.4
January 1989	119.7	4.5	7.8
February	120.2	4.8	8.3
March	120.8	4.9	8.8

*1982-84 = 100

†Index = 111.0

5-year pact boosts Indy rate by \$131

Indianapolis—The weekly top minimum for employees in key newsroom classifications at the Indianapolis Star increases by a total of \$131.25, to \$745, under a new, five-year contract ratified March 16 by Indianapolis Guild members.

Reporters, photographers, copy editors and artists with six years' experience receive yearly increases of \$26.25 per week, beginning with one retroactive to last Oct. 27 that brings their current minimum to \$640. The rate goes to \$666.25 this October, to \$692.50 in 1990, and to \$718.75 in 1991.

The contract, which covers editorial employees at the Star (230,000 circulation) and maintenance workers at the Star and Indianapolis News (125,000 circulation), also increases the number of personal leave days to seven, from six.

The employer, Pulliam's In-

dianapolis Newspapers Inc., also agreed in a side letter to payroll withholding of Guild dues. It was the first such agreement for the Guild and parallels one the Teamsters have had for several years, according to Norm Shaw, Indianapolis Guild president.

Starting pay for library assistants was upgraded by 17.2 percent retroactive to last Oct. 27, to \$285 a week, and reaches \$327 in 1992, a total increase of \$83.85, or 34.5 percent. The top minimum, for those with three years' experience, was raised retroactively by \$24.35, to \$385.50, and increases by \$16.50 in each of the next four years to \$451.50 in 1992, a total increase of \$90.35.

The top minimum for secretaries was raised retroactively by \$18.25, to \$440, and goes to \$512 during the life of the contract, a total increase of \$90.25.

Experienced building services personnel at both papers were

raised retroactively by \$15.15, to \$320, and go to \$374 in 1992, a total increase of \$69.15.

The agreement, which extends through Oct. 26, 1993, has a common expiration date with contracts of other unions at the papers, and an effort will be made to bargain jointly in 1993, a practice the employer prefers, Shaw said.

The publisher, Eugene S. Pulliam, immediately extended new benefits in the contract, other than the wage increases, to the non-Guild editorial employees of the News, Shaw said.

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Postmaster: Send address changes to The Guild Reporter, 8611 2nd Ave., Silver Spring, Md. 20910.

Locals called to 56th Convention

Silver Spring, Md.—Guild locals have received the official call to TNG's 56th Annual Convention—June 19-23 in Albany—and a reminder that all local financial obligations to TNG must be paid by no later than May 31 for the local to have a voice and a vote at the meeting.

TNG's Constitution requires that locals' per-capita payments to TNG through April be received "or postmarked not later than the last business day of the month preceding the convention month," TNG Secretary-Treasurer John C. Edgington pointed out.

In a letter accompanying the official notice of the convention, Edgington also noted that TNG's Constitution requires that convention delegates be elected by secret ballot where there is a contest and that U.S. law requires secret-ballot elections to conventions where officer elections are to take place, as could occur this TNG-election year if any nomination is not contested.

A \$100 registration fee for each delegate and alternate is due at TNG headquarters 10 days in advance of the convention, or June 9, Edgington also pointed out.

So. Ontario petitions for 90 in Kitchener

Kitchener, Ontario — The Southern Ontario Guild filed a petition April 17 for certification as bargaining agent for the 90 newsroom employees at the Kitchener-Waterloo Record.

"We fully expect to get automatic certification" from the Ontario Labour Relations Board, said Peter Murdoch, a Southern Ontario Guild organizer who assisted in the organizing at the 77,000-circulation evening daily. TNG's Special Organizing Fund is helping support his position.

Murdoch said a card-signing drive "went very quickly" during a one-week period in mid-April. Under Ontario labor law, certification without the time and formality of an election is possible when a

union demonstrates support by a strong majority.

Dominant issues in the campaign were "professional integrity" and an emerging "corporate mentality" at the paper, he said.

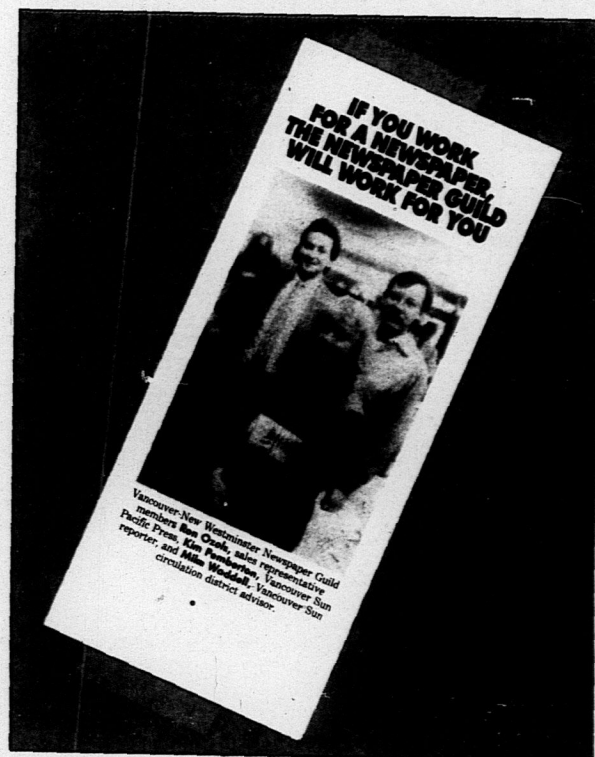
There are no other unions at the Record, owned by Jemcom Inc. Kitchener is located about halfway between Toronto and London. Murdoch said he believed this would be the first-ever union there.

Concern in the editorial department about a "bottom-line philosophy that has begun to blossom" prompted employees to seek Guild representation, Murdoch said.

The rumored sale of the 52 percent of the paper held by the Motz

Message clear to unorganized in the Vancouver area

A new Vancouver-New Westminster Guild mini-leaflet includes a series of concise testimonials from current members in the advertising, business, circulation and news departments of area newspapers and CBC-television in its invitation to the unorganized to improve their working lives through the union. Crafted under direction of Jan O'Brien, temporary organizer for the local under a grant from TNG's Special Organizing Fund, the six-panel, 22-by-51-pica leaflet's cover is reproduced at right. Pictured on the cover are ad-sales representative Ron Ozols, reporter Kim Pemberton and circulation district advisor Mike Waddell.



Foley is named to post on TNG contracts unit

Silver Spring, Md.—Linda K. Foley, bargaining and research staffer at TNG's headquarters since 1984, has been named executive secretary of the union's contracts committee.

She had been serving in the position on an interim basis since Jan. 23 [Guild Reporter, Jan. 27].

"Foley has demonstrated an aptness and enthusiasm for the position that mandate her permanent appointment without delay," said TNG President Charles Dale in making her permanent appointment official.

Foley, 33, succeeds Richard J. Ramsey, who held the position for nearly 15 years before leaving TNG's staff Jan. 20. She had worked with Ramsey much of the time since coming on TNG's staff.

She came to work for TNG from



Linda K. Foley

the Lexington Guild, where she was president for five years after and while serving in other capacities, as well. She also held leadership positions in the Knight-Ridder and Southern District Councils of Guild locals and the Lexington-Bluegrass Labor Council.

A journalism graduate of Northwestern University in Evanston, Ill., she also was an instructor in short courses for union officers and women at the University of Kentucky's Center for Labor Education and at TNG's seminar for local officers in February at the George Meany Center for Labor Studies.

Sac'to church unit offers to mediate

Sacramento, Calif. — The Catholic Diocese of Sacramento has offered to act as mediator between the Northern California Guild and McClatchy Newspapers Inc. to try to help resolve longstanding bargaining disputes at several McClatchy papers.

The offer came in a letter April 13 from the diocesan Social Concerns Commission to the Guild and C.K. McClatchy, the late editor and chairman of the McClatchy group.

McClatchy, 62, died here April 16 apparently after suffering a heart attack while jogging. It is not known if he had seen the mediation offer.

The Northern California Guild, in a letter from Executive Officer Doug Cuthbertson to the diocese, accepted the mediation offer.

Guild contracts at McClatchy's Sacramento Bee and Fresno Bee expired in 1986, and the company later imposed its own terms and working conditions. McClatchy purchased the Tacoma Morning News Tribune about 2 1/2 years ago and has not reached a new contract with the Guild there, either.

Cuthbertson told the diocese the union "greatly appreciates your commission's decision to use its valuable community influence in efforts to bring about good-faith contract bargaining on wages between McClatchy Newspapers and the Northern California Guild in accordance with the law of the land and the church teachings cited in your letter."

The McClatchy group publishes 12 West Coast papers, including the Modesto Bee, where a Guild contract expired in 1987 but has been continued by an "evergreen" clause.

The Catholic commission, which had directed a committee to study the labor dispute and issue a report, said it "views with distress the continuing impasse."

"It is with great concern for the employees, the Sacramento area's foremost newspaper and for the community as a whole that the commission notes this sad state of affairs," said the letter, signed by Father Lawrence A. Castagnola, commission chairperson.

Citing concepts expressed in the U.S. bishops' pastoral letter,

"Economic Justice for All," the commission said the mediation offer "is extended unconditionally in the spirit of wishing to see dignity returned to all parties in this dispute."

Meanwhile, TNG and the Northern California Guild offered condolences to the McClatchy family. TNG President Charles Dale, in a letter to McClatchy's brother James, said:

"The Newspaper Guild and McClatchy Newspapers have had their share of differences, and these differences have been expressed in bitter terms, but the Guild has long recognized C.K. McClatchy's unique contribution to U.S. journalism and joins in mourning his loss."

"We will remember C.K. McClatchy for his courage and initiative in such actions as rescuing the Anchorage Daily News ... in refusing to knuckle under to a \$250 million libel suit brought by (former) Sen. Paul Laxalt, and in confronting the powers-that-be in his industry by sounding the tocsin for legislation to limit the size of newspaper chains," Dale said.

CROCK RECHIN & WILDER



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'Don't Buy' Eastern, Continental

Washington—Eastern Airlines and co-owned Continental Airlines have been placed on the AFL-CIO's national "Don't Buy" list at the request of the Machinists, Air Line Pilots and Transport Workers unions.

The Machinists struck Eastern March 4 after the company rejected arbitration. Members of the Pilots and Transport Workers, which represents Eastern flight attendants, have been observing the Machinists' picket lines. The Pilots had been working without a contract since last July; the Transport Workers, since January.

The unions accuse Frank Lorenzo, chairman of Texas Air Corp., which owns Eastern and Continental, of trying to break them at Eastern as he did the unions at Continental in 1983 when he took that airline into bankruptcy.

Appeals panel orders trial on Post overtime

(Continued from Page 1)
nal," said Robert E. Paul, the Washington-Baltimore Guild attorney who is representing the Post employees who brought the suit.

The panel's finding that Gesell was wrong in not hearing Sherwood's claim "means, implicitly, that he was wrong on the other plaintiffs, too," Paul said in a bulletin issued by an ad-hoc Overtime Suit Steering Committee.

"Now the case is back on track, where it should have been all along," Paul said.

It could not be determined when the case might come to trial or whether Gesell will hear it himself or turn it over to another judge. At the time of the appeals decision, Gesell was presiding at the Iran-contra trial of Oliver North.

The suit was filed Oct. 1, 1986, by 99 Guild-covered Post employees—60 from the news room and 39 from the commercial departments.

On Jan. 13, 1988, acting on the basis of depositions and legal briefs, Gesell held that 13 reporters and editors—procedurally designated as lead plaintiffs—were exempt from the law's overtime-pay requirements under the exemption for "professional" employees.

He said that, as argued by the Post, the 13 met the exemption criteria for "artistic" work: employment that is "original and creative" and which "depends primarily on the invention, imagination or talent of the employee."

Gesell also dismissed the cases

of the other 86, noting, however, that since they involved "issues of fact," the 86 could file new, separate suits.

Procedural difficulties resulted in the appeal of Gesell's ruling, supported by TNG, going forward only in the case of Sherwood, a reporter on the Post's Metro desk and chairperson of the Guild unit at the Post at the time. In announcing TNG's support of the appeal, President Charles Dale pointed out that if allowed to stand, Gesell's ruling could negatively affect Guild-represented employees throughout the United States.

Summary judgment can be made by a court "only 'where there is no genuine issue of material fact,'" the appeals panel pointed out. Gesell acted, however, after making "critical findings with respect to material facts" and then declaring the findings "undisputed."

The panel pointed particularly to Gesell's finding that reporters "produce original and creative writing of high quality within the meaning of the regulations" for administering the federal wage and hour law, and that "their performance as writers is individual, interpretive and analytical."

"This finding resolves one of the principal disputes between the parties and is surely not based on an 'undisputed' record," the appeals panel said, pointing to submissions from Sherwood and the Post to Gesell in which each "sharply disagreed over whether Sherwood's reporting is original or creative or

whether it is predominantly so."

The panel pointed to regulations and Labor Dept. interpretations requiring that the "artistic" exemption be applied "only when the original or creative aspects constitute the primary or predominant functions of the job [emphasis is the appeals court's]."

"It is certainly debatable whether Sherwood's work is primarily original and creative," the panel said in its conclusion.

Sherwood, meantime, was quoted by in the overtime committee's bulletin as saying that while

"there is no joy in suing a newspaper you respect and like to work for . . . the whole point of doing it was to get the company to recognize its responsibility" to its employees.

"Overtime is nothing more than pay for performance—we do the extra work, we should get the extra pay. Labor law supports us, and I hope the Washington Post company ultimately will, too," he said.

The Post's story on the appeals decision quoted the paper's attorney, Boisfeuillet Jones, Jr., who indicated the company will not

soon change its policy, however.

"Tom Sherwood, like other reporters at the Post, is treated as a professional. He uses his analytical and other skills to cover news and I'm sure that further fact-finding by the trial judge will bear this out," Jones told reporter Lynne Duke.

Sherwood pointed out to Duke, however, that Post attorneys are attempting to apply yardsticks to reporters' professionalism—job training and education levels, for example—that are not supported by federal standards.

NLRB: Layoffs, firings anti-union

Glens Falls, N.Y. — Unfair labor practice complaints have been issued by the National Labor Relations Board against the Glens Falls Post Star for having laid off two Guild-covered mail-room employees and for terminating 16 circulation workers.

The board's first complaint on March 9 charged that the mail-room employees—a woman and a man who allegedly were attacked in 1987 by a supervisor driving a fork lift—were laid off in January because of Guild activity.

Then on April 10 the NLRB amended the complaint to include the discharges of two motor route drivers and 14 bundle droppers who were to vote in a scheduled Teamsters representation election, according to Albany Guild President Tim Schick.

The complaint alleges the circulation workers were fired for union activity and their work turned over to subcontractors.

"We're very pleased with this," Schick said of the complaint on the mail-room workers. Testimony will show that the employer labeled them "troublemakers" and ordered their layoffs, he said.

The woman had filed charges of first-degree sexual abuse against a male supervisor, alleging attempted rape in a company warehouse in July 1987.

The fork-lift incident in a company parking lot, involving the same supervisor, followed in October 1987 when he reportedly lifted to a height of more than 6 feet and dropped the car in which the woman and man were seated.

The supervisor, who later was fired, was sentenced April 11 in Glens Falls City Court after pleading guilty to two misdemeanor charges of sexual abuse, a city spokesperson said.

The "conditional discharge" sentence included a \$500 fine and an order to obey all city laws and ordinances for one year. He also must obey an "order of protection" to have no contact with the victim.

The attempted-rape charge had been reduced from a felony to a misdemeanor. Schick called the sentence the "lightest possible."

Both the woman and her companion were called back to work in February at the 16,000 circulation daily, Schick said. The man has returned to work; the woman has not, because of a work-related wrist injury for which she remains on medical leave.

He said the Guild is seeking back pay and benefits for the pair.

Meanwhile, a related sexual harassment case brought by the Guild in U.S. District Court now includes a \$4 million damages claim for the woman.

Originally, the Guild sought to arbitrate what it called a pattern of sexual harassment of female employees by the same supervisor.

When management of the Howard-chain daily refused to arbitrate—at one point calling it "a different culture back there" in the mail room—the Guild sued to seek enforcement of its contract ban on sex discrimination.

A third element in the suit alleges state human rights laws were violated, but the court has not decided if that may proceed.

The Guild alleges that "repeated comments and actions" by the supervisor amounted to sexual harassment and that the company allowed it to continue.

Regarding job cuts, the Guild had challenged 13 additional layoffs in January and February, claiming they were "arbitrary and capricious" and in violation of contract provisions requiring them to be based on "qualifications and ability," Schick said.

When the NLRB did not find sufficient grounds to issue a complaint on those 13, the Guild filed a grievance and requested arbitration through the Federal Mediation and Conciliation Service.

The employer sought a "stay of arbitration" March 29 in New York Supreme Court, saying a contract provision requires the consent of both parties for arbitration.

Post charges 'bad faith' by Polaski

Washington—An unfair labor practice charge by the Washington Post accuses Washington-Baltimore Guild Administrative Officer Sandra Polaski of bad-faith bargaining over one of the ground rules the Post has demanded for renewed contract bargaining scheduled to begin May 1.

The rule, according to a memo to Guild-covered employees from the Post's new chief bargainer, Frank Havlicek, would commit both parties to "not reopen the issues of the past three years" and to "negotiate for the future only."

The Guild unit at the paper has been working without a contract since July 1986 and under posted conditions since mid-August 1987.

The company's charge, filed the

same day the memo was issued, drew a counter-accusation the next day from Post Guild Unit Chair Frank Swoboda that by filing it management's new negotiators "made it clear that they do not trust me." He pledged to "step aside" as unit chairperson if he concludes that he is a barrier to a contract "as a result of that lack of trust."

Polaski, meanwhile, said she views the charge as an attempt by the Post to "get by legal strategem what it has been unable to get by head on bargaining."

It "has tried aggressively for months to get the Guild to waive the rights of its members for the '86-89 period," she said. As an example, she pointed to reductions in medical benefits imposed on exempt management employees.

Tonowanda top hits \$480

Tonawanda, N.Y.—Pay rates were raised by an average 3 percent per year in a contract approved in February by Guild-covered employees of the Tonawanda News.

Top minimum for reporters and photographers was raised by \$39.67, to \$480.46 a week, effective Feb. 6 under the three-year pact between the Buffalo Guild and the Ingersoll-chain paper. Starting reporter rate was raised by \$29.51, to \$357.37.

The old contract expired Dec. 31, 1986; the new one runs through Dec. 31 this year.

About 34 Guild-covered employees in the advertising, business, circulation and advertising departments also received one-time payments of \$1,300 for full-timers, with prorated amounts for part-timers.

Two years of concerted action

during the protracted bargaining that produced the settlement included informational picketing, from February through June 1988, a combined circulation boycott and subscription pledge drive, and a permanent switch from company United-Way giving to Guild-organized giving.

Other provisions of the settlement include:

- Annual minimum guarantees for outside sales persons were put at the same levels as annualized minimum rates for reporters with comparable years of experience.

- Inside classified and telemarketing sales persons, who also work on a commission basis, were upgraded by \$59.46 to a weekly guaranteed average of \$288.46.

TNG Representative Jim Griffin assisted the local in bargaining the contract.

Discussing 'unfair' evaluations by Reuters



Shop stewards from the New York Guild unit at Reuters meet at the local's headquarters to analyze the Guild's charge to the National Labor Relations Board that the international news service is violating U.S. labor law by unilaterally instituting an employee evaluation

program and refusing to guarantee that statements made by employees under it will not be used in disciplinary processes. Under banner, from left, are: Jim Madden, Guild representative and attorney; John Phillips, unit chairperson; and Bob Vann, Guild representative.

NEW YORK GUILD/frontpage

Abortion march revives reporter-activism debate

(Continued from Page 1)

worthy the cause. It is the choice we make when we choose to work in this business and for this newspaper. In the case of those who forgot about this on Sunday, I expect each of you to recuse yourself from any future participation in coverage of the abortion issue."

It was signed "Len and Ben," apparently meaning Executive Editor Benjamin C. Bradlee, as well as Downie.

There were some individual "strong reactions" to the note but no organized response, said Sarah Fitzgerald, chief steward in the Post newsroom for the Washington-Baltimore Guild and associate editor of the paper's national weekly edition.

Individuals were told newsroom meetings would be held later this spring "to clarify" policy on ethical questions, Fitzgerald said, adding that the Guild has not sought a role in what are expected to be "lively discussions."

Fitzgerald said several staffers from the Post, Times and Baltimore Sun were among the 300,000 who marched to the Capitol, but she said it was impossible to say if any were "participants" or merely "observers."

Post reporter and Guild member Karlyn Barker said some people felt intimidated by the computer message and that others felt it "didn't deal with the issue" of off-duty reporter rights.

It was sent "after the fact" and "came across as an edict," Barker said.

No one who writes about abortion issues had marched, Barker said, and she knew of no one who had followed Downie's directive to "recuse" herself or himself from future coverage.

Meanwhile, the Times reported April 16 that Supreme Court reporter Linda Greenhouse identified herself as having participated in the demonstration.

"She now acknowledges that this was a mistake" and accepts the paper's conflict-of-interest policy, Times Washington editor Howell Raines was quoted as saying, adding that Greenhouse would continue to cover abortion cases before the high court.

The Times has a policy that states: "The integrity of the Times requires that its staff members avoid employment or any other undertaking, obligation, relationship or investment that creates or appears to create a conflict of interest with their professional work for the Times or otherwise compromises the Times' independence and reputation."

"It's ridiculous," one Times reporter said of the policy. "It's insulting to assume reporters are not sufficiently professional" to cover events without injecting personal opinion in their stories.

"Carried to its logical extreme, it would mean Catholics couldn't cover Protestants, men couldn't cover women," said the reporter, a Guild member who marched in the Capitol rally and who "would participate again."

"I work for the Times from 10 a.m. to 7 p.m. What I do on my own time is my own business, and nobody else's business."

The reporter estimated that "a good number of Times people" took part in the march, "all as individuals."

There is no provision in the New York Guild's contract with the Times that limits employees' out-

side activities.

A women's caucus of Times employees was scheduled to discuss reporters' off-duty rights at a meeting April 21. The reporter emphasized there is "a division of opinion" in the newsroom.

A Baltimore Sun copy editor who marched to the Capitol rally said Sun management had made no statement about participation and that language in a Guild contract with the Sun is clear-cut.

The contract says "employees shall be free to engage in any activities outside their working hours which do not constitute service for any interest or publication in competition with the publisher."

She said the provision protects reporters' rights to join activities they do not cover, and that conflict-of-interest cases have been rare at the Sun.

She noted that "from our experience, the Post handles things quite differently from other places."

One of the ways the Post "handled" this issue was to openly mediate about it in print.

Richard Harwood wrote in an "Ombudsman" column:

"Editors and reporters are not empty vessels or potted plants. ... The notion that we have no opinions about war or peace, about apartheid in South Africa or about abortion in the United States is ludicrous. To deny such a truth is a form of self-deception; to recognize it is a defense against an impulse to propagandize and otherwise distort the news."

Eleanor Randolph, in a media column in the Style section, quoted a memo from Post science editor Boyce Rensberger to Downie.

"How can the Post permit reporters and editors to express their opinions on events in the news through op-ed pieces, news analyses and regular columns but prohibit the same people from expressing their opinions through the right of peaceable assembly?" Rensberger asked.

Concluded Post ombudsman Harwood, however:

"We in journalism are obsessed with righteousness. We can spot sin, duplicity and conflicts of interest in a politician in the dead of night from a hundred miles away. We have unique privileges as the possessors of printing presses and as the holders of press cards. When we look in mirrors, we are struck blind."

Canada's price elevator

The table below records the ascent of Canada's Consumer Price Index over a 24-month period. The March index was 148.5; up 6.5 points from March 1988, and 11.9 points from March 1987. The first column lists the index for each of the last 12 months, the second the percentage increase over the same month of the preceding year and the third, the percentage increase over March 1987.

	Index*	Percentage over Same month prior year	March 1987†
April 1988	142.5	4.0	4.3
May	143.4	4.1	5.0
June	143.6	3.9	5.1
July	144.5	3.8	5.8
August	144.9	4.0	6.1
September	145.0	4.1	6.1
October	145.7	4.2	6.7
November	146.1	4.1	7.0
December	146.1	4.0	7.0
January 1989	146.8	4.3	7.5
February	147.8	4.6	8.2
March	148.5	4.6	8.7

*1981 = 100

†Index = 136.6



LAURA WALKER/Friend of TNG

SPEAKERS PAUSE, POSE AFTER ADDRESSING PRO-CHOICE MULTITUDE AT CAPITOL

Foreground, from left: Anna M. Padia, TNG human rights director and a vice president of the Coalition of Labor Union Women; Molly Yard, president of the National Organization for Women, which co-ordinated the April 9 march, and Deen Leonard, of the Transport Workers' local of Flight Attendants at Eastern Airlines. Leonard, editor of the union's publication, and Padia were the only union representatives among the dozens of speakers.

'Solidarity,' Padia says for unions

Washington — TNG Human Rights Director Anna M. Padia gave official voice to the solidarity of the thousands of union members among the estimated 300,000 persons who marched here April 9 to support preservation of the 1973 Supreme Court decision recognizing the legal right to abortion.

Representing both TNG and the Coalition of Labor Union Women, Padia was one of two union representatives among the many persons who spoke to the multitude from the rally platform at the Capitol's West Portico. The other was Deen Leonard, of the Flight Attendants union which is honoring Machinists picket lines at Eastern Airlines.

The labor movement's agenda includes a long list of measures to aid women, Padia said, pointing to pay equity, childcare, family leave, the Equal Rights Amendment, and more.

That agenda also includes, she said, "the basic individual right—the right to choose. ... Choice is a personal and private issue, and no one has the right to interfere."

The thousands of CLUW and

union members in the day-long "March for women's equality, women's lives" were there "to add the voices of labor to the great court of public opinion" that holds that the Supreme Court's 1973 Roe vs. Wade decision should remain intact, Padia said, referring to opinion polls.

The Supreme Court is scheduled to hear arguments April 26 on a case arising from a Missouri state law that places obstacles to abortions after the 20th week of pregnancy. In the appeal, the state also is asking that the 1973 Su-

preme Court decision be overturned.

TNG's Int'l Executive Board at its January meeting endorsed plans for the April 9 march, co-ordinated by the National Organization for Women [Guild Reporter, Feb. 10].

In March the union joined five other organizations in a friend of the court brief asserting that the Missouri law is defective on First Amendment grounds because it forbids "encouraging or counseling a woman to have an abortion not necessary to save her life" [Guild Reporter, April 7].

1,000 in rally for bill to curb strikebreaking

Adapted from the AFL-CIO News

Washington — Nearly 1,000 union members rallied in support of legislation that would restrict the hiring of permanent replacement employees during strikes or lockouts.

On a brisk, sunny day in March, they gathered at the Capitol, where they sang songs and listened to warnings of the devastating impact of strikebreakers.

Rep. Joseph Brennan (D-Me.), author of a bill that would forbid the use of permanent replacements during the first 10 weeks of a strike or lockout, said the company's conduct during the Paperworkers strike at the Int'l Paper Co. was "wrong, unjust and immoral."

In that strike, some 2,000 Paperworkers were permanently replaced at plants in Jay, Me., Depere, Wis., and Lock Haven, Pa., when they walked out in protest of concession demands and the lockout of fellow union members at a plant in Mobile, Ala.

Paperworkers President Wayne E. Glenn, whose union sponsored the rally, charged that Int'l Paper's conduct is not unique.

"Companies throughout America in virtually every industry have been hiring scabs to replace their workers if and when they go out on strike," he said.

He called the actions a threat that "undermines the future of free collective bargaining in our country," adding that "employers are beginning to advertise for replacement workers before their contract with the union even expires."

Other speakers included Mine Workers President Richard Trumka, Machinists President William W. Winpisinger, Rubber Workers President Milan Stone and Electronic Workers President William H. Bywater.

Next Reporter due May 5th

The Guild Reporter is being published on the first and third Fridays of the month through June, rather than the customary second and fourth Fridays.

The adjustment has been made to maintain a minimum two-week interval between editions while enabling the paper's staff to cover the 1989 Guild Convention, June 19-23, in Albany.

The next issue will be published on May 5 and subsequent issues on May 19, June 2 and 16. Deadlines remain as listed in the mastbox.

Key rate to increase \$104 at Toledo Blade

(Continued from Page 1)

Employees in the highest classification will receive raises totaling \$112.69 and their minimum will go to \$889.35 in the third year. The rate jumps by \$36.74, to \$813.40, this year, by \$37.98, to \$851.38, next year and then by \$37.97 for the third year.

In that category are columnists, copy desk chiefs, the head photographer, art department heads, telegraph, sports, women's, Peach, financial, regional, farm, amusement, picture, Sunday and religion editors, the advertising retail supervisor and art and roto-art heads.

Experienced librarians received a \$23.63 boost this year to \$523.13; then move to \$547.56 and \$571.98 in 1990 and 1991, respectively.

The top minimum for classified salesperson was raised by \$23.32, to \$516.43, this March, and goes to \$540.55 next year and to \$564.66 in 1991.

Experienced swing district managers' top was increased by \$29.53, to \$653.74 this March, and goes to \$684.26 next year and to \$714.78 in 1991.

The top rate for stenographers and secretaries was moved to \$483.66 this year, up by \$21.84, and goes to \$506.25 next year and to \$528.83 in the final year.

Other contract improvements included:

✓ A personal day off with pay for members of all eight unions. This is the first strictly defined "personal day" in the contract, although provisions have existed for days off with pay on birthdays and hiring anniversary days, plus six named holidays.

✓ A paid day of paternity leave for any employee whose spouse gives birth.

✓ Three months of unpaid leave upon the request of any employee with five years' service. Previously, provision was made for one month.

✓ A company plan for tax-exempt employee contributions for dependent care. The employer makes no contribution.

Jack Baessler, chairperson of the Guild negotiating committee, called it "a good contract" and expressed particular satisfaction in improvements in non-economic areas. He said the ratification vote went "very smoothly."

Baessler said some gains were achieved through "parity bargaining" for items in contracts at two other Block-owned papers, the Pittsburgh Post-Gazette (personal day) and the Monterey Herald (adoptive leave).

Monessen 'original'—Menzler—honored on retirement

Steve Menzler, right, chairperson of the Pittsburgh Guild's unit at the Valley Independent in Monessen for its first 15 years, poses with his spouse, Frances, during Guild-sponsored dinner honoring him on his retirement after 43 years at the Thomson-chain paper. An ad salesperson, he served as the unit's elected head from its organization in 1969 into the mid-1980s, leading it through a six-month strike for its first contract in 1970-71 and through a 13 1/2-month strike for a contract renewal in 1979-80. During the latter, the unit published its own paper, Valley Views. The Mon Valley Central Labor Council recently made Menzler a life member.



FRED HEVIA/Monessen unit/Pittsburgh Guild

34 supervisors join Vancouver unit

Vancouver—A group of 34 circulation supervisors for the Flyer Force, an advertising distribution service in the Vancouver area, has voted for Guild representation and will join office workers already in a Guild unit at the company.

The votes, which favored Guild representation by 18-10, were counted April 11, one day after the provincial Industrial Relations

Council ruled the supervisors are "dependent contractors" and thus eligible for union representation.

Ballots were cast March 2 and sealed while the IRC deliberated on a company request to exclude the supervisors on grounds that they were "independent contractors," and did not share a "community of interest" with other Flyer Force employees.

At a hearing April 10, the IRC ruled against the employer on all three claims, according to Mike Bocking, president of the Vancouver-New Westminster Guild.

Owned by the Southam chain in Canada, the Flyer Force distributes advertising material to residents of the Vancouver and surrounding

area who do not subscribe to Southam's Vancouver Sun. Other Flyer Forces operate in Hamilton, Edmonton and Calgary.

The Guild now represents about 50 employees in the Vancouver operation, which also includes 30 to 40 Communications Workers of America mailers and 20 non-union employees, according to Jan O'Brien, one of two Guild temporary organizers who assisted in the campaign early this year.

IT

SEEMS TO US

Ex-leader is puzzled by photo's cropping

OKLAHOMA CITY, OKLA.

Editor:

Congratulations on the well-deserved plaudits you gave J. William Blatz in the Oct. 14, 1988, GR retirement story.

I am puzzled, however, by the memorable picture of the TNG-ITU merger subcommittee that shows three ITU members—Tom Kopeck, Allan Heritage and Bob McMichen—but only two Guild members—Blatz and Fred Fletcher. Does it not strike you as odd that the Guild would let itself be outnumbered on such an important committee?

If you will examine the original photograph of that 1979 meeting, you will find the Guild indeed did have a third member, then Int'l Chairperson Harry S. Culver, who has been excised from the modern GR version by some careful cropping.

In case there is any doubt, I am enclosing copies of the original photograph plus the TNG-ITU Merger News, dated Feb. 9, 1979, listing all six members, including the three appointed by former President Charles A. Perlik, Jr., to represent the Guild. The same six are listed in GR Feb. 23, 1979.

GR has a reputation for accuracy that makes this omission difficult to understand. I would be interested in knowing why TNG's only rank-and-file member of that subcommittee was edited out of the picture.

HARRY S. CULVER
At-large
Wire Service Guild

Editor's note: Point of the story and accompanying photos was

By TNG convention action, letters shall be limited to 200 words and shall avoid libel and subjects detrimental to the Guild. Members subjected to personal attack shall be given opportunity to reply in the same issue, but publication of either attack or reply shall not be delayed longer than one issue.
Deadline: Friday before publication.

Blatz and his retirement after long, valuable service to the union. Point of that particular photo was Blatz' prominent role in the effort to fashion a merger. Cropping out the person in the background on the left emphasized Blatz' prominence and made the photo a better fit.

Consumers Union leader recalls 'special friend'

MT. VERNON, N.Y.

Editor:

Our unit of the New York Guild lost a special friend recently, and will miss Michael Echols in many ways.

I knew and respected Mike for over 17 years; for 10 years, until 1984, on the unit council.

One of my most vivid memories of Mike was at the very difficult negotiations for the 1981-83 contract. We had settled 19 open issues; the most difficult one was last. Time was running out; a strike was imminent. About 3 a.m. I came back to our committee with management's proposal on the last issue. Tempers were running high. Intense discussion lasted well over an hour with no solution in sight. When things looked hopeless, Mike quietly picked up his pen and started writing. He provided language which allowed us to reach agreement.

Mike had listened to everyone and was able to condense and put

into writing all the points necessary to reach agreement and a strike was averted. This was his expertise and I always relied on it.

Michael will be remembered as a gentle and proud man, devoted to his family and dedicated to making the workplace better through his work with our union. We shall all miss him very much.

RALPH PETRUCCELLI
Chairperson
Consumers Union unit
New York Guild

Quit age averages 61

Washington—Average age of retirement for U.S. men has declined to 61, a Labor Dept. task force reports.

In 1960, 33 percent of men 65 or older were still working. By the year 2000, only 10 percent of the men in that age bracket are expected to be working, the agency group said.

Canada's boycott list

Sanctioned by the Canadian Labour Congress and provincial labor federations March 1989

Canadian Labour Congress

California table grapes
Electrolux
Red Coach lettuce
Shell Canada
Zeidler forest products

Alberta

California table grapes
Chilean products
Coca-Cola products
Hyundai products
Shell Canada
Shell Canada franchise outlets
South African products
Zeidler forest products

British Columbia

California table grapes
Chilean goods (grapes, peaches, plums, pears, raisins, nectarines, lobster, onions, wine)
Hyundai products
Lettuce (Donny, Red Coach, Big Fred, Big A, Bobby & Andrews, SAS)
Louisiana Pacific Corp. (forest products, construction material, Waferwood construction panels, Pablo Xonolite insulation, Weatherseal windows and doors)
Victoria Plywood (Vicply)

Manitoba

California table grapes
Electrolux
Shell Canada
South African products

New Brunswick

Sobey's Stores Ltd.

Newfoundland

Perfection Foods products produced in Prince Edward Island
Sobey's Stores Ltd. (retail grocery outlets and all non-union operations in the Atlantic Region)

Nova Scotia

California table grapes
Holiday Inn, Robie St., Halifax
Lawton Drugs
Perfection Foods products produced in Prince Edward Island
Sobey's Stores Ltd. (except Cape Breton Island)
South African products

Ontario

California table grapes
Canada's Wonderland, Toronto

Quebec

Bata shoes
California table grapes
Electrolux
Shell
Simmons Co. (bedding products sold as: Eaton, Bay, Sears, beauty Rest and Pascal)
South African products
Tourism in Dominican Republic
Zeidler forest products

Prince Edward Island

Coca-Cola products
Electrolux
Hyundai
Perfection Foods products produced in Prince Edward Island
Shell Canada
Sobey's Stores Ltd.
Saskatchewan
Bi-Rite Drug Stores
California table grapes
Canada Post franchise outlets
Chilean products
Co-ops (except dairy producers and the Saskatoon, Moose Jaw and Hudson Bay Co-ops)
Fletcher's meat products
Shell Oil
South African products



Enforcement urged of NLRB's order to television station

New York — The National Labor Relations Board here has recommended court enforcement of an order that WPIX-TV "make whole," with interest, New York Guild-covered employees who suffered losses as a result of the station's unilateral imposition of conditions two years ago.

The NLRB, in a ruling Feb. 28, ordered the station to reinstate terms of a contract that expired June 24, 1986, and to pay experience-step increases called for in the pact, whose terms remained in effect under an "evergreen" clause [Guild Reporter, March 10].

The station, owned by the Tribune Co. of Chicago, also was ordered to resume bargaining with the Guild on a new contract.

The NLRB, handling the case on appeal, upheld the findings of an administrative law judge last May that the company acted illeg-

ally in declaring "impasse" in bargaining April 1, 1987. The imposed terms included a 2 percent wage increase.

Daniel Silverman, NLRB New York regional director, on March 22 recommended court enforcement "in view of the fact that ... (the company) appears unwilling to comply" with the order from the NLRB alone.

He then asked the NLRB Division of Enforcement Litigation to delay enforcement for two weeks to give WPIX more time to decide if it will comply voluntarily.

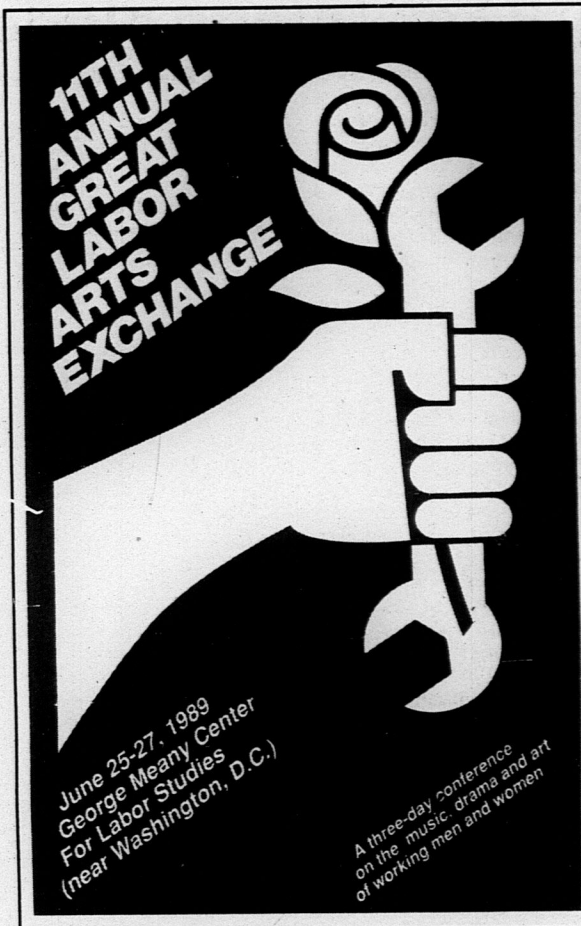
Even if the station decides to comply, however, Silverman said, the NLRB may still proceed because of another pending unfair labor practice complaint involving the same bargaining process.

The NLRB filed the second complaint March 22 and set a hearing for July 17 on a charge filed Feb. 10 by the Guild on a new mileage-reimbursement policy announced Jan. 1 by WPIX.

The complaint alleges that WPIX "made a unilateral change in terms and conditions of employment" by increasing the rate of reimbursement to employees for work-related use of personal automobiles from 20 cents to 24 cents per mile, the IRS standard.

The Guild said it had proposed a new rate in its bargaining proposals, but the company had rejected it, maintaining none was needed. The old rate had been set by the previous contract.

Songswap, films, banners, 'images' and more



The program for the 1989 Labor Arts Exchange includes a film festival on "women in the workplace," a "health & safety songswap," one presentation of "the banner art of Australia" and another on "white collar images in today's culture." Registration for the three-day gathering is \$35 per person. Meals and lodging are available at the site, the George Meany Center for Labor Studies, Silver Spring, Md. Full details are available from the Labor Heritage Foundation, Room 301, 815 16th St. NW, Washington, D.C. 20006 (202-842-7880).

Ingersoll panel set

Philadelphia—The Ingersoll Council of Guild locals has named a three-person special committee to make recommendations for its future directions.

Named during the group's meeting here April 1-2, the committee is composed of the council's president, Joe Hart of Philadelphia, Bill Novak of Sheboygan, and Pat Nuttal of Terre Haute. They will meet in July in Cleveland.

The council's fall meeting will be in Terre Haute.

Gary employees bid, await word

Gary, Ind. — An employee group has submitted an offer to purchase the Post-Tribune, and a sales agent in New York for the Knight-Ridder chain was evaluat-

ing it along with other bids.

The employees offered to buy the 76,000-circulation morning daily through a 100 percent leveraged Employee Stock Ownership

Plan, according to Barbara Thomas, one of three Gary Guild members leading the effort.

Gus Harwell, a Knight-Ridder vice president, declined to name other bidders or disclose details of any offer.

\$1,101 is highest minimum rate in magazine pacts

HIGHEST MINIMUM PAY rate in effect under the eight Guild contracts with magazine publishing companies as of April 1 was \$1,101.15 a week, for senior editors at Consumer Reports, according to a tabulation by TNG's Collective Bargaining Dept.

In fact, minimums under the New York Guild's contract with Consumers Union—which publishes Consumer Reports—led the list in seven of the eight job groupings in the tabulation.

Employees of seven of the eight magazine companies are represented by the New York Guild; employees of the eighth, Maclean's, are represented by the Southern Ontario Guild, headquartered in Toronto.

Top minimum-pay rate under the Maclean's contract—\$871.38 a week for

section editors—ranked second among the highest editorial minimums in each of the eight contracts, \$46.38 ahead of the third-ranked minimum, for general editors at Newsweek.

Highest minimum among the six non-editorial job groupings listed was \$954.36 a week, for EDP (electronic data processing) section heads at Consumers Union.

Highest top-minimum for researchers, meanwhile, was \$492.10 a week, under the Macleans contract.

The minimum-rates listed are from the most recent agreements provided to TNG by the Guild locals as of April 1. They do not reflect deferred increases or new settlements effective in the interim.

EDITORIAL CLASSIFICATIONS WITH HIGHEST TOP MINIMUMS

	Minimum	After
Consumer Reports		
Senior editor	\$1101.15	—5 yrs.
Macleans		
Section editor	871.38	—flat
Newsweek		
General editor	825.00	—flat
Scholastic		
Associate editorial director	626.00	—flat
Scientific American		
Editor	619.50	—3 yrs.
Nation		
Associate editor	602.42	—6 yrs.
Time Inc.		
Writer-editor, staff correspondent, designer, photographer	551.00	—1 yr.
American Journal of Nursing		
Associate editor	442.88	—flat

CIRCULATION & SUBSCRIPTION MANAGER, RELATED JOBS TOP MINIMUMS

Consumer Reports	
Division heads of:	
Subscription correspondence, subscription order processing, subscription statistical & services	\$ 703.89—4 yrs.
Assistant head subscription statistical & services division	424.31—4 yrs.
Nation	
Circulation manager	450.79—3 yrs.
Subscription manager	406.17—3 yrs.
Scientific American	
Subscription fulfillment specialist	390.25—2 yrs.

Subscription fulfillment supervisor, senior subscription fulfillment specialist	422.00—3 yrs.
Subscription fulfillment analyst	371.78—2 yrs.

COMPUTER, KEY PUNCH OPERATOR, RELATED JOBS TOP MINIMUMS

Consumer Reports	
Programmer	\$ 739.89—4 yrs.
EDP machine operator	596.99—4 yrs.
EDP section head	954.36—5 yrs.
Asst. head DP div., EDP clerk	501.76—3 yrs.
Key punch operator	469.28—3 yrs.
Time Inc.	
Programmer analyst	509.00—1 yr.
Programmer	451.00—1 yr.
Operations technician, sr. operator	421.00—3 yrs.
Control ass't II, operator II	392.00—2 yrs.
Computer typesetter	353.00—2 yrs.
Proofreader, typist, tape librarian, operator I, control ass't I	331.00—2 yrs.
Scientific American	
Programmer	457.25—3 yrs.
Senior programmer	522.50—2 yrs.
Apprentice programmer	375.25—1 yr.

RESEARCHER TOP MINIMUMS

Macleans	\$ 492.10—3 yrs.
Scientific American	457.25—3 yrs.
Time Inc.	451.00—1 yr.
Newsweek	447.00—3 yrs.

* Contract does not list minimums for telephone operators.
Contract does not list minimums for stenographers.

CIRCULATION CLERICAL, RELATED JOBS TOP MINIMUMS

Consumer Reports	
Mail subscription clerk	\$ 435.11—3 yrs.
Scientific American	
Junior subscription fulfillment clerk	294.00—2 yrs.
Subscription fulfillment clerk, circulation promotion clerk	305.75—2 yrs.
Senior subscription fulfillment clerk, subscription relations specialist	319.00—2 yrs.

STENOGRAPHER, TELEPHONE OPERATOR TOP MINIMUMS

Consumer Reports	\$ 469.28—3 yrs.
Newsweek*	343.00—2 yrs.
Nation*	319.99—3 yrs.
Scientific American#	319.00—2 yrs.

LOWEST CLERK CLASSIFICATION TOP MINIMUMS

Consumer Reports	\$ 435.11—2 yrs.
Macleans	378.21—2 yrs.
Newsweek	367.00—2 yrs.
Scientific American	294.00—2 yrs.
Time Inc.	258.00—2 yrs.
Scholastic	251.00—3 yrs.
Nation	234.94—1 yr.

COPY PERSON, MESSENGER TOP MINIMUMS

Consumer Reports	\$ 317.84—1 yr.
Newsweek	273.00—2 yrs.
Time Inc.	269.00—2 yrs.

Guild, Dayton News agree to May 18 vote by 180

Dayton, Ohio — Nearly 180 Dayton Daily News editorial employees, including more than 65 who have had no previous union representation, will vote in mid-May on a petition for Guild recognition.

The 65-plus include a block of 31 part-timers and about 35 reporters the company calls "stringers," according to TNG Int'l Representative Harry McCormick, who helped negotiate an agreement with management on the makeup of the unit for the consent election.

Part-timers and stringers had been excluded from an existing union of about 110 full-timers that voted to affiliate with TNG in 1986. In setting up the new vote, the Guild prevailed that they also have the right to representation at the 180,000 circulation daily.

The National Labor Relations Board will supervise the election May 18 at the paper.

Rob Modic, president of News Employees Assn. of Dayton-TNG, the existing union, said the organizing committee has been expanded to include part-timer and stringer representatives. Led by Nate Madison, who was instrumental in a weekend "blitz" to bolster membership in December, the 25-member committee is gearing up for the election campaign.

"Our strength is continuing to grow," Modic said. "We feel con-

fident that after five weeks of this campaign, we will achieve victory. We think we can win a clear majority."

The election is expected to settle a lengthy dispute with the Cox-chain paper over recognition of the vote by the old union to affiliate with the Guild.

The membership of that union ratified a three-year contract on Sept. 12, 1986, and then, the same day, voted for Guild affiliation.

The employer, however, refused to honor the contract or recognize the Guild, instead implementing most terms of the contract, except for arbitration, dues checkoff and union-shop clauses.

That precipitated numerous legal actions by both sides, culminating Jan. 19 in a new petition by NEAD for certification, as an affiliate of TNG.

NLRB hearings on voter eligibility had been scheduled to begin April 10, but Guild and employer representatives huddled for two days and reached accord April 12 on the makeup of the unit.

"The company indicated they had some interest in having it settled, so we put a proposal together," McCormick said of the negotiated pact. Modic, McCormick, NEAD vice president Gail Latham and TNG asst. counsel David Cohen crafted the proposal.

The agreement brought to a



BILL GARLOW/News Employees Assn. of Dayton-TNG

PART OF DAYTON ORGANIZING COMMITTEE PREPARING FOR MAY 18 VOTE

In background facing camera, from right: Gail Latham, NEAD-TNG vice president; Rob Modic, NEAD-TNG president; Nate Madison, organizing committee chairperson.

speedy conclusion a process that could have included up to three weeks of hearings and then weeks or months of deliberation by the NLRB on disputed positions.

The Guild, after studying the schedules of the "stringers" over a three-month period, said they were the equivalent of regular part-timers by virtue of the work they did, primarily reporting for Daily News metro and neighborhood sections, McCormick said.

After discussion on the stringers, both sides agreed that "individuals who perform work for the editorial department . . . on part or all of a minimum of 15 days in any calendar quarter" were eligible for union representation.

In addition to inclusion of the stringers and part-time reporters, copy editors, photographers and clerks, the agreement included the following stipulations:

✓ Six full-timers who were excluded from NEAD will be included in the new unit. They include features asst. managing editor, asst. copy desk chief, asst. chief photographer, one deputy metro editor and two formerly confidential secretaries.

✓ Six other full-timers will remain out of the unit and will not vote, but their positions will become Guild-covered as current job-holders vacate the positions. They include the Sunday editor, editorial cartoonist, features editor, sports editor, associate

editorial page editor and "action line" editor/reader representative, whose position will be split upon departure of the job-holder. The "action line" editor will be a Guild position; the reader representative will not.

✓ Seven positions (five asst. metro editors, two asst. features editors) remain undecided. Ballots of people in those positions will be segregated and will be counted only if they could affect the outcome, after the NLRB regional director rules on employees' voting eligibility.

✓ A second organization, formed March 1 and called the Editorial Assn., will be included on the ballot. If none of the three choices (Guild, association, "no union") wins a majority of the votes cast, a runoff of the top two will be held.

NEAD had existed as an unaffiliated union for about 40 years before its members voted for Guild affiliation in 1986.

Top to rise by \$69 at Albany daily

Albany, N.Y.—A new, three-year contract between the Albany Times Union and the Albany Guild provides annual 4 percent raises that boost the top minimum by \$69.55 for key-classification jobs, to \$626.75 in August 1990.

Other provisions of the contract, covering about 320 people on the 90,000-circulation Hearst paper, include raises retroactive to Aug. 4, 1988, an extra day's pay for employees using no sick leave for one year and removal of a five-day cap on night and "lobster" shift differentials.

Agreement was reached after

marathon bargaining sessions in early April and came as the local was making strike preparations, according to Albany Guild President Tim Schick.

The membership overwhelmingly ratified the pact in a secret ballot April 16.

The key top minimum—covering reporters, photographers, copy readers, artists, district managers and the head librarian—was increased by \$22.30 retroactively, to \$579.50, and goes to \$602.65 this August and to \$626.75 a year later.

The starting rate for the jobs was raised by \$12.65 retroactively, to \$328.30, and goes to \$341.40 and \$355.05 for the second and third years of the agreement.

The flat-rate top minimum was raised by \$22.95 retroactively, to \$596.80, for the copy desk chief, slot person, and wire, news, sports and regional editors. The rate increases to \$620.70 this August and to \$645.50 next August.

Top minimum for outside sales and advertising makeup persons was raised by \$21.40 retroactively, to \$556.40, and goes to \$578.65 and \$601.80 for the next two years.

Top for cashiers, asst. librarians, and advertising sales assts. and makeup persons was raised by

\$17.70 retroactively, to \$460.60, and goes to \$479.05 and \$498.20 this August and next August, respectively.

Top for classified inside salespersons, advertising receptionist, office managers and credit collectors was raised retroactively by \$15.15, to \$394.15, and goes to \$409.95 and \$426.30 in the next two steps.

An agreement also was made to set up a joint committee with Guild and employer representatives on investments for a pension fund that currently is about \$2 million overfunded.

The contract provides for fully funded health maintenance organization insurance, but Blue Cross subscribers will be paying the difference between that coverage and the highest-priced HMO plan.

The mileage reimbursement rate for use of private automobiles for company work was increased an average 1.9 cents to 19.5 cents.

Language in the contract was also rewritten to be "gender neutral."

The company also agreed to establish a 401(k) savings plan to be funded by tax-exempt employee contributions withheld by the employer.



Western District Council, spring meeting, April 29-30, Sacramento.
Southern Council of Guild Locals, spring meeting, May 5, Courtyard Inn, Victoria.
Canadian District Council, spring meeting, May 6-7, Courtyard Inn, Victoria.
Great Lakes, Midwest and Southern District Councils, joint spring meeting, May 13-14, Sheraton Memphis, Memphis.
Middle-Atlantic District Council, spring meeting, May 20-21 (tentative), Wilkes-Barre, Pa.
Int'l Executive Board, pre-convention meeting, June 16-17, Desmond Americana Hotel, Albany, N.Y.

56th Annual Convention, June 19-23, Desmond Americana Hotel, Albany.
Int'l Executive Board, post-convention meeting, June 23, Desmond Americana Hotel, Albany.
Int'l Executive Board, fall meeting, Oct. 23-25, TNG headquarters, Silver Spring.
Western District Council, fall meeting, Oct. 28-29, Eugene, Ore.
Midwest District Council, fall meeting, Nov. 11-12, Denver.
57th Annual Convention, June 25-29, 1990, New York City.
58th Annual Convention, Montreal, 1991.
59th Annual Convention, Chicago, 1992.

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The Guild Reporter



JAMES M. CESNIK, Editor

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