

THE GUILD Reporter

Virtual employees:
all work and no pay
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Court, Justice stymie Gannett Star-Bulletin to keep publishing for at least another year

In a one-two punch that threatens to topple Gannett's efforts to close The Honolulu Star-Bulletin, the U.S. Department of Justice has waded into the fray and a U.S. Court of Appeals has twice upheld a lower court decision that keeps the newspaper operating.

Ruling Nov. 15, on a day when many staffers had already cleared out their desks and cubicles in anticipation of the worst, the U.S. Ninth Circuit Court of Appeals wasted little ink in upholding a preliminary injunction that prevents a closure. The tersely worded, one-page decision observed that reversing the preliminary injunction would be appropriate only if the lower court had based its decision "on erroneous legal principles or on clearly erroneous findings of fact."

"It did not," it concluded.

The court's decision was the second time it ruled in the matter, following an emergency request Oct. 20 by the two newspapers seeking to overturn federal judge Alan Kay's order to keep publishing. Although the appeals panel upheld Kay then, too, it also agreed to speed up the formal appeals process and set a deadline of Nov. 10 for submission of all legal briefs. Both the briefing period and the time the court took to reach its

decision were extraordinarily fast.

The Nov. 15 decision electrified the Star-Bulletin—where approximately 100 employees were contemplating job losses—and led to reports at the competing Honolulu Advertiser that suggest Gannett just might deep-six the whole idea. "I can tell you there was a lot of celebrating out here," said Wayne Cahill, the Hawaii Guild's administrative officer. "We're just elated about the news, because it means the Star-Bulletin will be open for at least another year."

Coverage of the decision in the Gannett-owned Honolulu Advertiser, meanwhile, included broad hints from publisher Mike Fisch that Liberty and Gannett might drop the whole matter. "Neither publishing company wants a court trial that includes discovery, which would air all of Gannett's dirty laundry," observes a Guild web site (www.savestarbuletin.org).

At issue is a Sept. 16 announcement by Liberty Newspapers, owner of the Star-Bulletin, that it would stop publishing Oct. 30 in exchange for a \$26.5 million payoff from Gannett. The deal would have terminated a joint operating agreement under which Gannett picks up all the operating expenses of both newspapers and the Star-Bulletin receives guaran-



Flanked by union representatives and Save Our Star-Bulletin plaintiffs at a press conference, SOS spokesman Richard Port Wayne describes the lawsuit that seeks to keep the newspaper publishing. At right, demonstrators supporting the Star-Bulletin include Guild President Lucille Witeck, holding sign.

teed annual payments totaling \$30.5 million through the end of the JOA, in 2012.

Lucrative though that deal might sound for Liberty, principal owner Rupert Phillips apparently decided he'd rather take his money in one lump sum than have

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WashTech uncovers secret Microsoft files

Despite repeated claims that thousands of its workers are employed by outside firms, Microsoft has maintained secret personnel files on contract and vendor employees. Moreover, by denying workers access to these files, the company may be violating a Washington state law.

Existence of the files, initially denied by Microsoft, was disclosed in late October by WashTech, the TNG-CWA local that has been organizing the software company's 6,500 "permatemp" employees. The local anonymously received several printed copies of such files, then electronically verified the existence of thousands more.

Stored on Microsoft's internal e-mail system rather than on a secure computer, the personnel records have mushroomed over

the years as Microsoft increasingly has relied on contingent workers, from approximately 2,300 in 1994-95 to more than 9,300 currently. Each file contains performance feedback from company managers and eligibility ratings that determine if a permatemp can be rehired, including "eligible," "eligible w/feedback," "eligible w/SERIOUS feedback" and "ineligible."

In most cases, WashTech representatives say, Microsoft "does not pass along to the agencies the reasons why a particular individual has been rated as 'ineligible.'"

WashTech organizers met this week with Greg Mowatt, director of the state labor department's employment standards division, and with a representative of the state attorney general's office to

discuss filing a formal complaint. Because Washington's law on personnel files does not apply to independent contractors—which is how Microsoft characterizes its permatemps—the AG's office first must determine whether the permatemps are employees in the legal sense.

The very existence of personnel files strongly suggests an employer-employee relationship, regardless of how Microsoft characterizes the permatemps, so the company's initial response to WashTech's disclosure was to assert that it "does not maintain personnel files for employees of temporary agencies." But after WashTech reproduced some of the files on its web page, the company shifted gears and described the files as proprietary "customer feedback forms."

Microsoft also blocked access to the files after WashTech's disclosure, but the files that have already been disclosed hardly match the company's description. One, for example, reads in part: "Bob [not his real name] was terminated today. I have provided a synopsis of the performance issues below. Bob had a disability (deafness and dyslexia). The perspective on the feedback shared is that he feels that the performance concerns are mostly related to the lack of communication."

State law provides employees the right to inspect their personnel files so they can rebut inaccurate information, but because Microsoft insists its permatemps are not employees, its files have been beyond scrutiny. As a result, some may violate federal law. Another

example unearthed by WashTech, for instance, concerns a woman marked ineligible because she had discussed wages with another employee—an activity protected by the National Labor Relations Act. "It came to my attention that Sally [not her real name] divulged her pay rate to another employee, which to me is not acceptable," wrote the supervisor who black-balled her.

Another manager, concerned about a contract worker who was claiming Microsoft still owed him \$30,000, wrote in the file: "Let's make sure he isn't offered work for some period of time. He is too much of a legal risk." To which a human resources representative responded, "You got your wish (and mine), he is being banned from the company."

Such entries could prove a critical blow against Microsoft's continued insistence that it has no legal responsibilities to its army of contingent employees. "It's a smoking gun," notes WashTech leader Marcus Courtney, "and it's raised a lot of concern at Microsoft."

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Halifax hangs tough for helluva contract

In a "textbook example" of bargaining-unit organizing and cohesiveness, the approximately 100 Guild-represented newsroom employees of The Halifax Chronicle-Herald walked to the edge of a cliff—then stepped back with a contract that TNG Canada leaders are calling one of the best in the country.

Not that the outcome was ever certain for the newly organized unit. By the time mediation talks started Nov. 15, months of negotiations had failed to clear away a mountain of unresolved issues, with the two sides as much as 20% apart on proposed wage scales and the company insisting that managers be allowed to do bargaining unit work. Conciliation talks likewise ended Oct. 21 without substantial progress, and management was signalling its willingness to endure a strike or lockout by training excluded and non-newsroom personnel on its pagination system.

But rather than allowing itself to get beaten down by such intransigence, the local's membership pushed back. A strike vote got an astonishing 99% support, which "should have sent a strong message that our members are committed more than ever to achieving a fair first contract," said local President Rick Conrad. Added TNG Canada Director Arnold Amber, "They had principles and they wouldn't back down. This was a textbook example of how people can organize themselves and then bargain a contract."

Sitting down for two days of mediation the afternoon of Nov. 15, the Guild local wasted little time playing its trump card, at 4:20 p.m. giving the required 48 hours' notice that it would go on strike. "That just blew their game plan away," said TNG Canada Representative David Wilson, a member of the local's bargaining team, of the Chronicle-Herald. And although management initially still dragged its feet, the ticking of the clock focused its energies remarkably: "We made a substantial amount of progress after the first 24 hours," Wilson added.

The resulting agreement, reached less than 12 hours ahead of the threatened strike, is a four-year contract with a 30-month re-opener for everything except wages. Wages, meanwhile, are being boosted significantly—sometimes by 100%—over the next three years: desk editors will end up at \$60,000 a year, compared with annual wages in the \$40,000 to \$50,000 range today. Reporters, "currently all over the place" in terms of compensation, will be paid \$52,000 a year.

The first-time contract also includes "the entire package" of benefits, layoff protection, a jurisdiction clause, subcontracting language, provisions for overtime—so much, in fact, that Amber describes the total package as "probably within the top 15%-20% of all Guild contracts."

Twin Cities, Bee guilds join forces in McClatchy Council

By Randy Furst
Twin Cities Newspaper Guild

Guild representatives of four newspapers owned by the McClatchy Corp. met in Minneapolis last month to create the McClatchy Council, patterned on TNG-CWA's Knight Ridder and Gannett councils. The councils exchange information and map strategy among Guild-represented locals with a common corporate owner.

McClatchy owns three California papers with Guild contracts—the Sacramento, Modesto and Fresno Bees—and last year bought the Minneapolis Star Tribune, also represented by the Guild. It also owns seven other dailies and now claims to be among the top ten U.S. newspaper companies in total circulation.

The all-day Guild meeting Oct. 16 was initiated by Twin Cities Guild executive officer Mike Sweeney and coordinated by Mike Meyers, Minneapolis unit secretary-treasurer, and Wendy Mejia, who operates the Sacramento Guild office. "We'll be stronger if we work together and stay informed

about how the company is treating workers in California, as well as in Minnesota," Meyers explained.

Guild members attending the meeting agreed that the units at all four newspapers have their work cut out for them. After McClatchy went public in 1988, the tenor of the company changed and it became much more aggressive in its relationship with its unions. Guild members at all three California Bees had to battle for nearly a decade to win contracts, fighting an open-shop environment in which managers wore stickers with a line crossed through the word "union."

The Bees' representatives were greeted with considerably more warmth when they toured the Minneapolis Star Tribune newsroom Oct. 15, as several hundred

Guild members sported stickers that read "Solidarity, Minnesota-California."

The new council elected Clare Noonan of the Modesto Bee as its first president, Stephanie McDade of the Sacramento Bee as vice president and Ann Wilhelmy of the Star Tribune as secretary-treasurer. It also agreed to hold its next meeting in May, in conjunction with the annual McClatchy shareholder meeting, at which it will promote some kind of solidarity action.

"We're looking forward to working together to create fair workplaces," declared Noonan. "There's great power in the members of our Bee Guild working together with the members of the Star Tribune Guild."

Great Lakes group seeks ways to help small locals

Delegates from six TNG/CWA locals in the Great Lakes District Council met Nov. 5-7 in Buffalo and formed a task force to develop ways of assisting smaller locals become more active at the council level. The task force is to recommend ways of increasing membership activity in the locals and of encouraging locals to participate in council meetings and activities. A report is due at the Great Lakes winter meeting in Cincinnati.

Members of the task force, which is being chaired by Larry Vellequette of Toledo, include Ken Fisher of Pittsburgh; Carol Przybyszewski of Erie; and Paula Schleis and Scott Stephens of

Northeast Ohio.

In other action, Great Lakes delegates approved \$300 in donations to the Detroit Newspaper Guild and Detroit area food banks. Delegates also reelected Fisher as president; Przybyszewski as vice president; Vellequette as secretary; and Region 3 Vice President Beverlyann Morris, of Toledo, as treasurer.

The Toledo local was honored with the President's Award for its innovative program of offering free \$10,000 life insurance policies to its members. The award is presented at each Council meeting to a Great Lakes local for outstanding achievement.

In brief . . .

Mercury News agenda: s-t-a-l-l

When the San Jose Newspaper Guild and four other unions went to joint bargaining with the San Jose Mercury News in early September, it was with the expectation that each union's individual issues were about wrapped up and that it was time to talk money. Think again. "The company's agenda can be spelled out in one word: S-T-A-L-L," complain Guild negotiators, who note that all of their major issues are still on the table—more than a year after contract talks began.

It took two years to get court date

Two years after Geneva Allen was fired by the Knoxville News-Sentinel, the NLRB has finally set a hearing date into charges of unfair labor practices—next Feb. 15. The Knoxville Guild has complained that Allen was fired after the union sought to have her position included within the collective bargaining unit.

NLRB upholds Sun accretion

The NLRB has affirmed a regional director's ruling that employees of Sunspot, an on-line venture of the Baltimore Sun, can accrete to the Guild-represented unit. The board ruled that the employer's request for review "raises no substantial issues warranting review."

Journal Register hit by 23 charges

A hearing on a 23-count complaint by the NLRB against Journal Register Co., originally set for Sept. 28, has been rescheduled for Nov. 29 in Providence, R.I. The complaint was filed this past summer, in response to the Guild's unfair labor practice charges over the company's interference in recent organizing drives at the Woonsocket Call.

JRC Council elects officers

The Journal Register Co. Council met Oct. 23-24 in Fall River, Mass., electing new officers by acclamation. Doug Hadden of Pawtucket is the new chair, succeeding Joe Hart of Philadelphia, who did not seek another term. The other officers are Patricia Doxsey of Kingston, vice chair; Judy Baca of

Philadelphia, secretary; and Mary Oswald, also of Philadelphia, treasurer. The council's next meeting will be April 8-9 in Kingston.

Greater Boston units pick officers

Several units of the Newspaper Guild of Greater Boston recently elected officers, as follows: Boston Herald editorial, Chair Tom Mashberg; Vice Chair Terry Murphy; Secretary Laura Brown. Boston Herald commercial, Chair Elaine Harder; Vice Chair Brian Whelan; Secretary Jacque Kirby Collins. New England Construction News, Chair Matty Latini; Vice Chair Carolyn Kelleher; Treasurer Laura Mullen; Secretary Anita Carver; Grievance Chair Gael Stockwell.

Albany Guild gives O'Brien the nod

Tim O'Brien, serving as interim president of the Newspaper Guild of Albany following Melissa Locke's resignation earlier this year, won election to the post Oct. 17. The local's other elected officers include Secretary Adrienne Freeman, Treasurer Theresa LaPoint, First Vice President Audrey Lahoff, Second Vice President Steve Lockrow, Third Vice President Russell Bellamy and Chief Steward Ray Pittyk.

Slow count but a big win in Canada

Although the Guild representation election at Ontario's education television network, TVO/tfo was held May 7, the 111 ballots weren't counted until mid-October. No matter. The Canadian Media Guild won by a 3-to-1 margin and expects to hold a general membership meeting shortly.

Staff shuffle at TNG headquarters

Marian Needham, who for the past two years has been executive secretary of TNG-CWA's contracts committee, has been moved to the newly created position of Director of Contract Administration. Her successor is Debbie Thomas, who was promoted from the position of collective bargaining and research associate. In addition, Larkie Gildersleeve, Director of Research, Information and Technology, has been added to the collective bargaining department.

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Gannett stymied

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it dribbled out over a decade—a decision tantamount to selling Gannett a monopoly. And that, it seems, was more than the Justice Dept.—until now remarkably uninterested in unilateral JOA changes or terminations—could ignore. On Nov. 4 it added the federal government's weight to a suit by Hawaii's attorney general, filing a "friend of the court" brief urging that the preliminary injunction be upheld because the case "may present important questions of the extent of antitrust immunity conferred by the Newspaper Preservation Act and the reach of federal antitrust laws." Those questions, it argued, are best answered in a trial.

In addition to its support of the court order that keeps the Star-Bulletin publishing, the Justice Dept. has issued civil subpoenas

for documents from Gannett and Liberty and apparently is weighing the merits of a separate antitrust challenge to Gannett's plans.

The Court of Appeals decision restrains Liberty or Gannett from taking any steps to close the Star-Bulletin pending a trial in which the state is seeking a permanent injunction. A trial date has not been set yet but is expected this spring. In addition, a separate lawsuit has been filed by a citizens' group called Save Our Star-Bulletin.

Public support for keeping the Star-Bulletin alive has been overwhelming, according to Guild officer Cahill. A petition opposing its closure "has 13,500 signatures and counting," he said, and information picket lines outside the newspaper's offices have been greeted with cheers, waves and enthusiastic horn honking.

Journalist-to-Journalist delayed by visa snafu

The Journalist-to-Journalist program, under which three Bosnian journalists were to visit the U.S. in early November for a seven-week introduction to Western press methods, has been delayed until spring due to difficulties obtaining visas.

Although candidates for the TNG-CWA program had been identified and host newspapers recruited, a bureaucratic tangle of red tape prevented the Bosnians from leaving their country. They were to have arrived Nov. 8 for a week's introduction to various social, government and labor institutions, followed by five weeks of

working at various newsrooms and a final three or four days of activities teaching the basics of trade unionism.

"The difficulties we've been having simply prove the urgent need for the Journalist to Journalist program," said TNG-CWA President Linda Foley. "But we are more committed than ever to the program and its goals and are looking forward to successfully completing this first session of the Journalist to Journalist program in March. We also are looking forward to an ongoing program that will assist many more of the region's journalists in the future."

SEEKING LOCAL UNION REPRESENTATIVE

The Newspaper Guild of Greater Philadelphia, TNG/CWA 38010, a dynamic, fast-paced local of 1,600 members, is seeking a second local representative who is experienced in negotiations, grievance-handling, organizing and union mobilization. The successful candidate will possess excellent communications skills, a working knowledge of labor law and a demonstrated ability to work with diverse groups, including community organizations and other labor unions. The candidate should have computer skills and the creativity to handle challenges in a changing workplace.

The local representative (other unions call this position a business agent) must be willing to drive to and assist our units in Delaware, New Jersey and Pennsylvania. The rep will report to the administrative officer and be a part of a seven-member staff at the local headquarters in Philadelphia.

Salary commensurate with experience. Generous benefits. Applicants should send resume and cover letter by January 7, 2000 to:

Search Committee
The Newspaper Guild, TNG/CWA 38010
1329 Buttonwood St.
Philadelphia, Pa. 19123
FAX: 215-928-9177



BILL BAYER/HUDSON COUNTY NEWSPAPER GUILD

Liberty's doorstep

TNG-CWA President Linda Foley (fourth from right) and her husband, Monty, pose for a group shot with members and officers of the Hudson County Newspaper Guild. Foley journeyed to New Jersey for the local's annual picnic, held this year at Liberty State Park, to discuss union

issues between the hot dogs and hamburgers. Also shown, left to right: Marty Murphy, unit chairman; Earl Morgan, vice president; Wayne Witkowski and his wife, Kathy; Ron Leir, president of the local; Akim Perez, night supervisor for the production department; Treasurer Steve Kalcanides; Bob Larkins; Linda Foley and Monty; and Stan Eason and his godson, Diamond Britton.

N.Y. Guild turns up heat under Reuters Settles at Consumers Union, El Diario

Fed up with contract negotiations that have dragged on for almost two years, Guild-represented Reuters employees in the U.S. held a one-day byline and photo-credit strike Oct. 21. The protest, in which approximately 250 employees participated, is part of an escalating series of actions that have included picketing and a strike vote.

The extent to which the two sides are apart became more evident Nov. 4, at the first on-the-record negotiating session since March 8, when both sides agreed to a news blackout. But instead of expediting talks, the blackout apparently served no purpose except to conceal the lack of progress: although Reuters now has fewer proposals on the table, "the worst ones are still there," according to the Guild's web site.

Among the most egregious of management's demands is its effort to end a long-standing commitment to reassign reporters if their jobs are moved, subcontracted or eliminated. Another company proposal would allow the layoff of any employee hired after Jan. 1, 1989 without first exhausting all other options, a provision that current contract language extends to all employees.

Other company proposals would lengthen the workweek without increasing pay, place new hires on a permanently lower pay scale and increase health benefit costs for all employees.

But not all the news out of New York is *Sturm und Drang*, as the Guild ended two other exceptionally prolonged contract fights, at Consumers Union and El Diario/La Prensa. Specifically:

- The five-year contract with Consumers Union, retroactive to Jan. 1, 1998, includes annual wage increases of 3%, 3.25%, 3.25%, 4% and 4%, although the last increase includes a 1% merit pool. The settlement also includes a partially retroactive restoration of a 0.5% cut in the 401 (k) match that management imposed a few years ago, raising the company's contribution to 2% from 1.5%.

The unit also beat back the company's effort to take control of the pension plan. Instead, a new investment policy will channel about half of the fund's assets to socially responsible funds, to be picked by trustees for each party.

- The settlement at El Diario/La Prensa took even longer to achieve, following several years of demonstrations and in-your-face confrontations by angry workers. In the end, however, the unit "maintained and improved our job security, defeated the company's miserable wage offer and overcame management's attempt to slash vacations, paid sick leave, holidays and a long list of other benefits," according to a unit bulletin.

The new contract includes lump-sum bonuses for employees hired at any time since 1996, plus wage increases of 3% effective July 1, 1999 and in July of 2000 and 2001. Other gains include an improved life-insurance plan and improvements in the advertising sales commission plan. Givebacks include acceptance of a two-tiered approach to vacations, holidays and sick leave, with new hires required to work longer before gaining the same time off as existing employees.

UNION REPRESENTATIVE

Buffalo local seeking labor administrator. Newspaper background and computer knowledge a plus. Must have demonstrated and significant experience in contract administration and enforcement. Responsible, along with part-time clerk, for running day-to-day office operations. Represent a multi-departmental membership of 350 people. Competitive salary and benefits. EOE.

Send resume to:

Search Committee
Buffalo Newspaper Guild-CWA
120 Delaware Avenue
Suite 420
Buffalo, NY 14202



RAY CROWELL/WASHINGTON-BALTIMORE GUILD

The TNG-CWA Executive Council meets for the first time since it took office at the CWA convention, last July. Looking on from the sidelines, at right, are New York Guild President Barry Lipton and his secretary-treasurer, Bill O'Meara; and Guild Reporter editor Andy Zipser.

For leaner Exec Council, an equally trim agenda

The first meeting of a newly trim TNG-CWA Executive Council—reduced by three positions, with another two scheduled for elimination within two years—had an equally trim agenda, long on reports and internal restructuring but short on items requiring action.

One exception was a finance committee recommendation rejecting a request for additional compensation for eight Detroit workers who chose not to return to jobs in the bargaining unit. While the Detroit Newspaper Guild justified the request as a means of funding a mobilization campaign among returned workers, committee members questioned the effectiveness of using locked-out workers to reach employees inside the Detroit News and Free Press.

Moreover, the committee noted, the Guild has never paid strike benefits to members who have been offered their jobs back. The eight workers had been advised in July that their lock-out benefits would end in four months. The Executive Council accepted the recommendation 11 to 2, Arnold Amber and Percy Hatfield dissenting; Bernie Lunzer abstained.

In other business, the council:

- Reorganized its committee structure, combining organizing, mobilizing and communications into one committee; and collective bargaining, human rights and research, information and technology into a second. The two other committees are finance and administration; and structure and policy.
- Accepted a recommendation that the Guild's building in Silver Spring, MD, be placed on the market with an asking price of \$2.7 million.
- Agreed to send letters to all locals with outstanding Defense Fund loans to determine what repayments can be made. An audit of the fund for fiscal year '98-'99 shows a balance of \$2.8 million, including loans receivable from Guild locals of \$369,000.

The council also received a status report on the legal services program showing continued strong acceptance by Guild locals. For the six months ending Oct. 18 the program had received 40 new requests for services, bringing the total to date to 138. Of those, 124 have been accepted, eight were rejected and six are under consideration.

Four years later, Detroit Journal prints last issue

Four years to the day after publishing its first issue, the Detroit Sunday Journal was to go to press for the last time Nov. 21, marking one of the longest runs of any Guild strike paper.

Launched as an alternative news source for readers of the Detroit Free Press and Detroit News, the Sunday Journal was staffed by volunteers from the six striking unions and hit a peak circulation of 300,000. But recent declines in advertising and circulation, together with a loss of staff as former strikers have been recalled to work or forced to find paying jobs elsewhere, convinced the Metropolitan Council of Newspaper Unions the time had come to bow out.

"The idea that striking newspaper workers could produce such a quality product for such a long period of time in a market controlled jointly by two giant media corporations is nothing short of miraculous," observed TNG-CWA President Linda Foley. "The Journal's very existence proved that Gannett and Knight-Ridder made a huge mistake when they forced their talented workforce on strike and then refused to take them back."

Ironically, news of the shutdown was splashed across the top of the Free Press' business section Nov. 10. The article noted that closing the Sunday Journal "may be a signal that talks between Detroit's daily newspapers and

their unions are making progress toward new contracts." Continued publication of the Sunday Journal has been a major irritant for the dailies' managements, who contend the unions can't legally represent workers at their papers while simultaneously publishing a competing newspaper.

Whether this is more than idle musing can't be ascertained, as all parties to the dispute have been sworn to secrecy by a federal mediator while talks continue. If those talks fail, however, there is now a hammer awaiting them: the U.S. Court of Appeals has scheduled oral arguments in the main unfair labor practice case against Detroit Newspapers for May 4. The National Labor Relations Board is asking the court to enforce its unanimous order—issued more than a year ago—that all former strikers be returned to their jobs.

In focusing on local news with an emphasis on labor issues, the Sunday Journal received several national awards, including the Media & Democracy Congress Media Hero of the Year Award, the Working Group Joady Award, the Progressive Leadership Award from the Metro Times and the Metro N.Y. Labor Communications Council Communicator of the Year Award.

Meanwhile, the reader and advertiser boycott of the two Detroit dailies will continue until new contracts are ratified.

OBITUARIES

J. William Blatz, who for more than four decades was a mover and shaper of the Newspaper Guild's policies, programs and leadership, died Nov. 14 at the age of 81.

Blatz was a Guild member almost from the beginning, joining the upstart young union in 1937 while working as an "office boy," sports writer, and telegraph and copy editor for Scripps-Howard's Columbus (Ohio) Citizen. He rose quickly to various leadership positions, serving as his local's president, treasurer and executive secretary, and finally decided in 1946 to make the Guild his life's work when he became an international rep. Five years later, he joined TNG's headquarters staff as director of organizing.

But Blatz's biggest impact on the Guild came after 1969, when he was named its first director of field operations and earned the nickname "Mr. Outside." He continued in that position until his retirement in late 1988, when he announced that his only major disappointment had been his inability to make employers "perceive the Guild as a force for good in the industry" rather than one that should be fought.

But whatever second thoughts Blatz might have had, those who knew him say he was one of the Guild's giants. "Outside of Heywood Brown, there are few individuals in this 'union of individuals' who by themselves shaped the Guild's destiny," observed TNG-CWA President Linda Foley. "His vision, energy and intellect were an inspiration to all of us who knew him and all the Guild members who will succeed him."

Added Eric Geist, today's director of field operations: "One thing I learned in the six years Bill Blatz was my boss was how to look at a problem or situation from many different angles. Bill Blatz thought 'outside the box' long before it was an admired quality in a person."

He is survived by his wife, Betty; sons, J. William Jr. and Bruce; and daughter, Barbara. In lieu of flowers, contributions in his memory may be made to Hope Children's Home, P. O. Box 27789, Tampa, Florida 33622.

Richard Brandow, a former member of the Newspaper Guild's International Executive Board, died Nov. 9 after a long battle with

cancer. He was 62.

A life-long resident of Brooklyn, Brandow worked at the New York Daily News from 1957 until 1998 and for much of that time served as a Guild representative. "Co-workers remember him as a giant of a man, whose imposing frame, at 6'4", was matched only by the size of his compassionate heart," said New York Guild President Barry Lipton.

Larry Hatfield, who served on the old IEB with Brandow and currently is an at-large TNG-CWA vice president, recalled that he and Brandow frequently were at odds on issues, "but however he voted, Richie's bottom line was the welfare of the member."

As chief rewrite editor for the San Francisco Examiner, Hatfield added, "I am called on to write obits of famous people. Richard Brandow wasn't famous but I would have been proud to write his obit if I had been in New York. This gentle man stood tall for all of us and while I know his friends mourn him, I hope Guild members everywhere will join me in saying, 'Thanks, Mr. Brandow.'"

Brandow is survived by his wife, Rose Mary (Rennie), and

children, Richard, Robert, Terryanne, Melody and Elaine; brothers, James and Frank; and sister, Mary Young.

John M. (Jack) Eshleman, a Newspaper Guild member since 1937 who was pilloried by the anti-communist hysteria of the Eisenhower years, died Nov. 5 of apparent cardiac complications after recent surgery. He was 85.

In 1957, Eshleman—then a reporter for the San Francisco Examiner—refused to answer questions posed by the House Un-American Activities Committee about his past political activities or about his associates. For that he was fired, and although the Guild pursued his grievance through arbitration, the arbitrator ruled that because of the "question mark" left by Eshleman's silence in the context of "the menace of communism," the firing was for just and sufficient cause.

According to an obituary in the San Francisco Examiner, Eshleman's career was devastated by his dismissal. But by the mid-'60s the unrepentant iconoclast had developed a new career in the labor press, at various times edit-

ing the East Bay Labor Journal, The Journeyman and other papers in San Francisco and the North Bay. He also was first chairman of the former retirees' unit of the Northern California Newspaper Guild and was active in numerous environmental, political and retirees' organizations.

Survivors include his son, Alan, of Berkeley, and daughter, Ann, of Ashland, Ore.

David Moser, one of the driving forces behind the successful vote by employees of The Leader-Post in Regina, Saskatchewan, to be represented by TNG-CWA, died October 16 of a heart attack. Ironically, his death came at a strike-vote meeting of his local. He was 49.

A Leader-Post employee since 1984, Moser was most noted for his comprehensive coverage of amateur sports. He is survived by his wife, Barb, and two children, Jessica and Eric, on whose behalf TNG-Canada has set up a trust fund. Contributions may be sent to:

The Jessica and Eric Moser Trust Fund, c/o Merrill Lynch, #2100—1881 Scarth St., Regina, SK, S4P 4K9; Att: Beth Miller.

Labor round-up

Sweeney blasts China's WTO entry

An eleventh-hour agreement between the U.S. and China, paving the way for China's acceptance by the World Trade Organization just ahead of its Seattle talks (see story at right), was excoriated by AFL-CIO president John Sweeney as "a grave mistake" and "disgustingly hypocritical." Sweeney criticized China's continued persecution of labor leaders and worker activists and its use of child and slave labor, calling it "a rogue nation that decorates itself with human rights abuses as if they were medals."

CWA scores first US Airways contract

After two years of talks and despite a US Airways court challenge of CWA's representation election, the two sides have reached a tentative agreement for a first contract covering 10,600 passenger service employees. The five-year contract is expected to boost hourly top pay to more than \$20.90 next June and reportedly meets all major bargaining goals, including strong job security provisions, retirement improvements and significant employer contributions to family health benefits for part-timers.

Ix-nay on MCI WorldCom-Sprint merger

A proposed merger between MCI WorldCom and Sprint is freighted with at least seven major problems, according to a CWA analysis that is being presented on Capitol Hill. In addition to its anti-competitive effect on long-distance, Internet and international service, the deal would result in widespread layoffs; a possible drain of resources from Sprint's local telephone operations; further exacerbation of Sprint's poor labor relations; and elimination of competition in federal telecommunications contracts.

Avondale Shipyards battle near an end

The six-year battle over union representation at Avondale Shipyards, in New Orleans, is near an end following the new management's agreement to card-check recognition. Although the shipyard's workers voted in 1993 to unionize, then-CEO Alfred Bossier spent millions—much of it in taxpayer dollars from U.S. Navy contracts—in court battles to avoid recognizing the election results. All that changed in August, however, when Litton Industries—which already operates a unionized shipyard, in nearby Pascagoula, Miss.—bought Avondale and Bossier stepped down.

Follow the money . . . the money . . .

As another Congress packs it in after scuttling yet another anemic stab at campaign finance reform, the Center for Responsive Politics reports that Big Business outspent Big Labor by more than 11-to-1 in the 1998 election cycle. By its reckoning, business interests contributed \$666.6 million to candidates and parties, compared with the \$60.8 million contributed by working families through their unions. Apparently that wasn't enough of a margin, however, as the U.S. Chamber of Commerce has announced "an unprecedented expansion" of its efforts to elect more pro-business candidates.

A scab is a scab is—well, a scab

Sticks and stones may break your bones, but being called a scab is not necessarily libelous—especially if the name fits. Or that, at least, was the conclusion reached by a federal appeals panel in a \$280 million libel suit filed by dozens of former Eastern Air Lines pilots against the Air Line Pilots Association, which in 1989 had distributed 50,000 leaflets identifying more than 2,000 strike-breaking pilots as "The Scabs of Eastern." Although they didn't dispute they had crossed picket lines, the plaintiffs argued that the strike violated ALPA's constitution because it had never been approved by a secret ballot. The panel, on the other hand, ruled that "the truth or falsity of the label 'scab' turns not on a highly formalistic, legal analysis" but rather on common sense: were the pilots working on non-union terms? Yes, because they crossed a picket line—and that made them scabs.

Wage gains remain steady

Wage data compiled by the Bureau of National Affairs for the first 44 weeks of 1999 show a weighted average increase in newly negotiated contracts of 3.3% and a median wage gain in nonmanufacturing contracts of 3.1%.

Seattle brawl marks next big protest wave

When the last great brawl of the millennium occurs at the end of this month, it will be raising the curtain on the next major source of civic protest: world trade and its effect on labor and the environment. But aside from highlighting the dangers of unfettered capital, it also may illuminate cracks developing within the house of labor itself.

Anywhere upwards of 50,000 demonstrators are projected to descend on Seattle the week of Nov. 29, when the World Trade Organization holds its next round of ministerial talks. Precisely what would be on the official agenda remained in some dispute as The Guild Reporter went to press: although the main focus was to be on services and agriculture, the U.S. and its trading partners increasingly are at odds on farm subsidies and e-commerce, fraying the consensus that seemed attainable only a few months ago.

But for most of the protesters, an issue more compelling than tariffs or taxes is the WTO's silence on various social goals, such as environmental protection, workers' rights or cultural diversity. Because international trade has been seen as primarily relevant to commercial interests, non-corporate interests have been shut out of the decision-making. And because an important element of any corporate deal-making is secrecy, such decisions have been made behind closed doors—then presented as a complex *fait accompli* of strategic compromises that will unravel if not accepted as a total package.

Now the forces that have been beating on the boardroom door are threatening to break it down. Unions throughout the United States and Canada are sending delegations by the bus-load. Greenpeace has been training volunteers to scale buildings with protest banners and the atmosphere has become so charged that authorities are making preparations for a possible biological or chemical terrorist attack—even

though there's been no hint that any such attack is being planned.

In an apparent effort to defuse some of this tension, the White House at the end of October agreed to support a "working group" on trade and labor standards. The development was quickly lauded by the AFL-CIO, which called it "a small yet significant" accomplishment and said it would broadly support the administration's agenda at the talks. But, it added, "we must push for much more and fight hard to make the WTO a more democratic and accountable institution."

Yet even that very small and tentative foot in the door is too much for some—and hardly enough for others. U.S. trade representative Charlene Barshefsky immediately set about reassuring the WTO's developing countries that the working group is relatively meaningless. "This is not a negotiating group," she told the foreign media. "It is instead an analytic working group" whose research would show that open trade tends to increase wealth.

For the unions whose members have been most adversely affected by free trade, on the other hand, the AFL-CIO's decision to back U.S. negotiators in exchange for such a small concession was heretical. United Auto Workers President Stephen P. Yokich, resigning from an AFL-CIO panel in protest, blasted the federation's move as "yet another sign of a serious failure to understand the significance of trade issues for our entire economy and especially for the industrial sector." Both Yokich and Teamsters leader James Hoffa, who likewise protested the AFL-CIO's decision, also opposed the federation's endorsement of Al Gore for president because of Gore's trade views.

Although the AFL-CIO said it still supports the demonstrations in Seattle, the U.S. Chamber of Commerce quickly claimed labor's position has been undercut by its fresh support of Clinton's trade agenda.

Pacifica firings continue, and so do repercussions

How long does it take to lose a job? At the Pacifica radio network, about 30 seconds. That's how long it took national news director Dan Coughlin to read a news report that got him dismissed, then "reassigned" to a newly created—if ambiguously defined—task force on programming and governance.

The report, in its entirety, was as follows:

"Sixteen affiliates of the Pacifica Radio network today boycotted Pacifica programming to show their concern about the handling of a labor-management dispute at Pacifica station KPFA in Berkeley.

"This summer more than 100 people were arrested and thousands took to the streets at the oldest-listener sponsored station in the country to protest Pacifica staffing decisions. Hurt during the dispute was Pacifica satellite distribution system, which provides programming to some 63 stations nationwide.

"The sixteen Pacifica affiliates in eleven states called for the network to adopt new open accountable governance, and to continue to support community-based journalism which, they said, had made Pacifica great."

Coughlin's dismissal Oct. 30 was only the latest in a series of confrontations between Pacifica chair Mary Frances Berry and executive director Lynn Chadwick, on one hand, and listeners and staff of the network's five stations on the other. While Berry has pushed for greater administrative control of the largely autonomous stations and more mainstream programming, her opponents accuse her of autocratic methods and a repudiation of Pacifica's founding principles.

Ironically, while one of Berry's justifications for her initiatives has been that she is trying to bring more diversity to the network, her actions have driven away many of its racial minority staffers. News of Coughlin's removal, for example, prompted national

news anchor Verna Avery Brown to decline to go on the air. Brown is the only African-American national news anchor in public broadcasting.

Likewise, Berry's intolerance for disagreement was on display again Nov. 10, when the national radio show CounterSpin tried to report Coughlin's "reassignment" on the network's Washington, D.C.-based station, WPFM-FM. Seconds into the short item, a "musical interlude" interrupted the report and continued for nearly a minute. CounterSpin, a show of media analysis and criticism, is prepared by FAIR, an acronym for an organization of media criticism called Fairness and Accuracy in Reporting.

In a further example of maladroitness, the Coughlin affair unfolded as the Pacifica Foundation's board met in Houston in a belated effort to mend fences. Although it did approve a resolution not to sell any Pacifica stations, the board would not strike down a "no dirty laundry" policy that prohibits on-air discussion of the network's disputes. That provoked sharp denunciations from a group of more than 100 protesters, which in turn elicited a lecture from Berry in which she both recited a list of her accomplishments on behalf of ethnic minorities and chided her audience. "Sometimes there is an incredible arrogance in the progressive community," she declared.

Berry, however, also has been criticized for arrogance. Indeed, a recent article in the on-line magazine Salon, "There's something about Mary," notes that Berry (who is black) has a history of divisive management practices while using the race card to silence her critics.

"What's striking is the fact that the Civil Rights Commission she chairs has also been mired in controversy and management woes in the last decade—but few liberals have bothered to raise their voices about her management practices there," the article observes.

The mysterious case of the vanishing employees

By Andy Zipser
Editor, The Guild Reporter

First of two parts.

What's in a name, you ask? How much difference is there in calling someone a "supervisor" or a "manager"? What does it matter if the person working at your side is "leased" or "temporary," an "independent contractor" or a "contingent" employee?

Only this: slap the wrong label on employees and you smother their most substantial protection against arbitrary and capricious employers.

That's not mere hyperbole, as increasing numbers of TNG-CWA locals are learning. As reported in last month's Guild Reporter, for example, the NLRB recently ruled that the Detroit Free Press had improperly removed 26 employees from Guild jurisdiction. The Free Press' sleight-of-hand rationalization for its unilateral decision? The employees were all assistant or deputy editors, with the implication that they therefore had serious management duties.

Or consider a recent alert by the Canadian Media Guild regarding a rapid increase in the use of temporary employees. "In some locations, the number of temporary employees exceeds that of permanent staff," the alert observes. Not only does that mean full-time permanent positions aren't being posted, but the temporaries often "do not progress through the salary scales on an annual basis, as they should."

And, of course, there's the high-profile example of the permatemps at Microsoft (and other high-tech ventures). Unwilling participants in a corporate shell game, they are exploited by a company that denies any responsibility as an employer but exercises all of an employer's prerogatives, including maintenance of secret personnel files (see related story, page 1).

These and other abuses are hardly unique to the newspaper industry. The surprise is that they have become so commonplace in a segment of the workforce that was supposed to be immune from such manipulation. Once regarded as a step up the workforce evolutionary ladder, professional and office jobs have turned out to have a host of their own drawbacks, from computer-related maladies to longer work hours to increased stress. But at least there was a perceived trade-off: because white-collar workers are more dependent on brains than brawn, they weren't supposed to be replaceable—at least not without a lot of trouble and expense.

As it turns out, however, the "just-in-time" model that revolutionized manufacturing can be applied to most white-collar jobs, too. Why carry a lot of expensive personnel if you can plug in employees as needed, then set them aside when they're not? For a low-tech but increasingly monopolistic newspaper industry aspiring to high-tech profit margins, one sure way to inflate the bottom line is to squeeze operating costs—and there is no cost bigger than wages and salaries.

But how? How to circumvent a couple of Depression-era pieces of legislation, notably the Fair Labor Standards and the National Labor Relations acts, which pump up employee costs with their quaint definitions of a work-week, over-time pay and employ-

ees' rights to organize and negotiate contracts? How does an employer get to a point where employees can be treated with the same impersonal efficiency as any other piece of equipment?

Well, if you can't change the rules of the game, change the definitions. In particular, deconstruct the word "employee," erasing first one aspect of the word's definition and then another until it verges on meaninglessness. Without employees, the virtual employer is free to do just about anything he or she wishes. Anything at all.

BECAUSE THE NATIONAL LABOR RELATIONS ACT and related laws limit their protection to "employees," an employer with working "non-employees" can be excused from all sorts of bothersome requirements, like workers' compensation and federal withholding taxes. And because a non-employee can't seek the collective bargaining strength of a union, there's no real need for employers to indulge in sick leave, medical insurance, vacations or other drags on earnings.

As the economic logic of such an approach has become more compelling, the non-employee share of the workforce—encompassing independent contractors, leased workers and permatemps—has grown to as much as 30%. Another substantial proportion of workers has been elevated by the shakiest kind of logic into the ranks of employer-designated "supervisors" and "managers," who also are exempt from NLRA coverage. Last but not least, the notion of "workers" has been eliminated altogether by recasting some employees as graduate students or interns—not real workers but workers-in-training, paid by-and-large not with cash but with the fragile promise of future employment.

The rise of this virtual workforce has paralleled the overall shift of the U.S. economy toward professional and information-processing jobs with good reason: the jobs on which the new economy rests are more expensive than the old blue-collar variety. Over the decade ending in 2006, for example, professional specialty employment is expected to grow by 4.8 million workers—an increase of almost 27%, or roughly double overall workforce growth. Technicians and related support positions will swell by more than 20%, while executive, administrative, marketing and sales occupations likewise will grow faster than average.

These are not the kinds of jobs that can be filled at \$5.25 an hour, or even twice that amount. The economy's army of hamburger flippers and janitors can be kept in check through low wages and lousy working conditions, both of which contribute to rapid turnover, and more highly paid manufacturing jobs can be exported overseas. But how is an employer to keep control over the rapidly

growing ranks of highly paid and presumably more indispensable white-collar workers?

One opening was created decades ago, by the Taft-Hartley Act, which excluded "independent contractors" from NLRA coverage—but failed to provide a crisp definition of the excluded class. That vacuum was subsequently filled by the U.S. Supreme Court, which has evolved more than a dozen tests—none of which receives more weight than any other—to determine who is and is not an independent contractor. The laundry list includes such variables as the job skills required, the duration of the working relationship, the method of payment, the worker's tax treatment, whether the worker is free to accept other assignments, where the work is done and with whose equipment—such a smorgasbord, in other words, that no one worker can confidently predict how the court may decide in his or her case. Or as the court itself acknowledged, there is "no shorthand formula or magic phrase that can be applied

increased use of "leased" or "temporary" workers, introducing an intermediary into the employer-employee relationship. Once limited primarily to clerical workers, this practice has been expanded to the most sophisticated professions, including engineers, architects, computer programmers and lawyers. In the most egregious cases, some employers have transferred their entire payrolls to a staffing agency, only to "lease" them back—with the agency administering the payroll, maintaining employment records and providing benefits, if any. More often, workers are hired first by a staffing agency, then parceled out to client employers.

As staffing agencies are quick to point out, some temporary workers come to them by choice and are seeking the same kind of flexibility their employers want. But many temps are there because they can't find another job and hope this is a route to landing full-time work. Such "opportunity" comes at a high price tag: although an



to find the answer, but all of the incidents of the relationship must be assessed and weighed with no one factor being decisive."

The slippery nature of that definition rarely benefits employees, who are forced to establish their status while standing on a spinning platform of changing logic and definitions. The Alice-in-Wonderland quality of their task was underscored all too dramatically—if unintentionally—by the NLRB in a case known as Roadway Package System, in which the board noted that not only "is no one factor decisive, but the same set of factors that was decisive in one case may be unperceptive when balanced against a different set of opposing factors."

Not loose enough? Then consider the board's further observation that although "the same factor may be present in different cases, it may be entitled to unequal weight in each because the factual background leads to an analysis that makes that factor more meaningful in one case than the other."

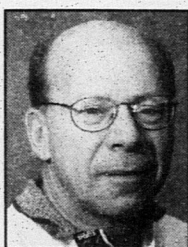
A second end-run around the NLRA—and an ironic counterpoint to employers who argue that unions are an unnecessary third party in the workplace—has been the

elite stratum of temp employees may get higher wages than their full-time co-workers, most temps don't—and few get benefits like vacations, sick-leave, pension plans or significant medical benefits.

One of the most publicized examples of the temp shell-game has been at Microsoft, which for years has hired as much as a third of its workforce from a small group of staffing agencies. Caught in a perpetual revolving door, these so-called "temps" finish one Microsoft assignment—sometimes after several years—only to return to the staffing agency for a second Microsoft job, and on and on. The sham quality of this relationship has been underscored most dramatically by those permatemps who found jobs at Microsoft on their own, but then were told by their prospective supervisors to report to the staffing agency anyway.

Next month: The insidious proliferation of "supervisors" and "managers" who don't supervise and don't manage.

Research assistance for this report was provided by the AFL-CIO's Dept. for Professional Employees.



LOOKING AHEAD

Shhh . . . Can you hear this?

By Arnold Amber, Director, TNG Canada

Listen to this—it may do you a lot of good. During the past few weeks I have been involved in four different training courses, two for TNG Canada and two for my employer, the Canadian Broadcasting Corporation. The union courses were about organizing new locals and how to negotiate better contracts. Those at the CBC dealt with how editors should work with reporters in vetting their stories, and how producers should run a television control room.

As widely diverse as those subjects are, there was one key skill that we tried to teach in all of them: the need to *really listen* to the people with whom you're dealing and to what's happening around you.

In organizing, the bad union recruiter talks a lot and tells prospective members what's wrong in their workplace. The good organizer listens carefully to determine what issues are important for the workers, and listens even harder to understand local conditions in planning the organizing drive.

In negotiations, a good bargaining team listens to its members and to what management is really saying across the table in planning its strategy and tactics to get a good contract.

In our workplaces, the same holds true. The desk editor who doesn't listen to the reporter is doomed, and vice versa. So, too, are control room producers who do not

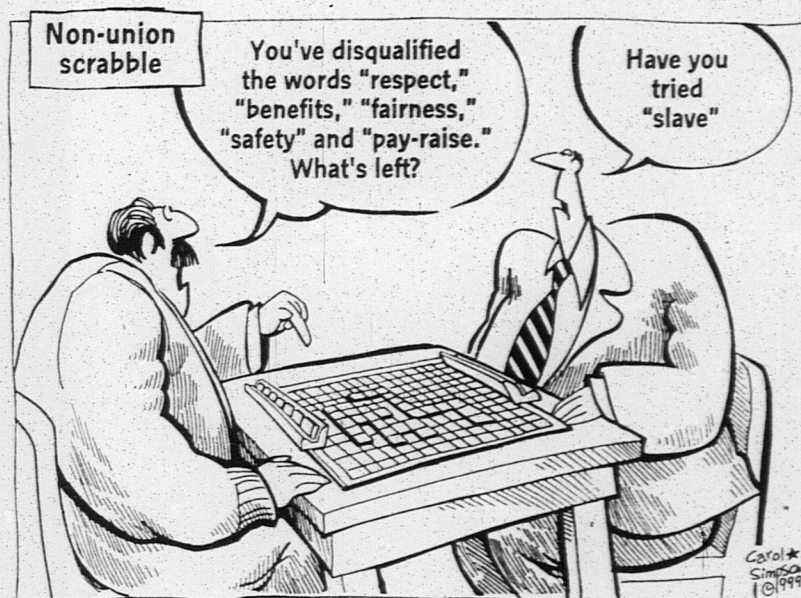
develop the skill of listening both to the people working around them and to the program that is being broadcast.

All of us can think of examples of how important listening to our colleagues (and bosses) is to achieve success and to develop good relationships. Yet all the way back to our school days, the art and importance of listening has been minimized.

Although we were all taught how to speak properly, read well and write correctly, the critical element of communication that often was not taught in school was good listening technique. Research conducted by Dr. Lyman Steil, a listening expert, indicates that most of us generally listen at only 45% of our capacity. This figure drops greatly when people, either at work or in personal situations, are involved in a dispute and rather than listening, spend all their time, attention and energy getting ready to jump in with what they want to say in rebuttal.

Research has also shown that, at work, we need to spend more time listening than we do on any other communication activity. In recent years, many people have interpreted the need for more and better communication to mean that they have to talk more. Listening, the equally important part, is often misunderstood or ignored.

Good listening doesn't necessarily mean agreeing. It does mean giving respect to



other people and learning their point of view, information, attitude and intentions. In every area of union work—particularly in dealing with members' problems and representing them against management—good listening is a must.

Because of this last point, I believe we have to do much better at developing our ability to listen. And that may be easier than you think, thanks to the development of "active listening," which has been getting good results.

The purpose of active listening is not just to hear the other person but to fully understand the message that is being sent. A good active listening course identifies all the mistakes most of must make in creating blocks to good listening. It also explains how good listening fits into all of our per-

sonal communication packages and is replete with instruction and tips on how to listen well.

If I needed any encouragement in my quest to bring good listening habits to our union, I got it many times over at the recent meeting of TNG Canada's Representative Council. Shelagh Pulo, the newly elected president of our Peterborough local and a social worker, made a compelling argument that in any future organizing and negotiation courses we should spend much more time on teaching good listening techniques.

We liked her intervention so much that we decided to hold a seminar on the subject at our next Representative Council meeting, in the spring. A good way, I think, to start a new century of union work.

Thank you for listening to me.

Deregulation is trendy—except for unions

By Dr. Elaine Bernard

There is one remarkable exception to the deregulatory trend in the United States. While politicians happily hack away at regulation, protective legislation, standards and government's ability to act on behalf of the whole community, one organization seems to be singled out for further containment—unions.

There have been, of course, some attempts at workplace deregulation designed to weaken worker protection and workplace anti-discrimination legislation. But no one is talking about deregulating unions. One can only assume that the proponents of "free enterprise" are very concerned about "free labor" and are prepared to use the power of the state to prevent "free collective bargaining."

Through the courts (which increasingly have seen their role as that of interpreting labor legislation) and the National Labor Relations Board, the state has played a heavy-handed role in undermining workers' basic civil rights to form unions, to collectively bargain with employers, to extend solidarity and take concerted activity with other workers, and ultimately to go on strike and apply other economic sanctions against a recalcitrant employer.

Our labor law isn't just bad because the enforcement is weak and the penalties on employers for violating workers' organizing and union rights are minuscule—though this is certainly true. Rather, U.S. labor law is faulty because it denies a majority of workers their basic right to organize and collectively bargain. Consider, for a moment, the following features of U.S. labor law:

- The first and most basic assumption of labor law is that the "natural" state of the workplace is union-free. What a strange assumption for a democracy! Shouldn't the default position be that the natural state of the workplace is organized, with workers having a collective voice—and the responsibility, fundamental to a democracy, of participating in decisions that affect them?

- Most labor law consists of barriers over which workers must climb in order to organize—that is, to gain the right to be "certified" by the NLRB as a union and as the "sole bargaining agent" for a group of employees. And with each year, due to endless decisions by the NLRB and the courts, these barriers are getting higher and higher.

Through a series of decisions, the courts have determined that the employer has the right to exclude union organizers from company property. The courts have permitted the employer to have a say in the workers' decisions about whether or not to form a union, even permitting management to organize captive audience meetings at which employees are harangued about the evils of unionization. And while there are illegal firings in one out of four organizing drives, the worst penalty an employer will face is to reinstate the fired employee—in many cases, months after the organizing drive has been defeated.

- Workers are guaranteed the right to strike—but this right is severely limited, both by labor law and because of court decisions. For example, because of the Supreme Court's "MacKay Radio" decision, employers are permitted to "permanently replace" striking private-sector workers, effectively denying them the right to strike.

- The state, through the NLRB, reserves for itself the right to determine what constitutes an "appropriate bargaining unit." Workers are thereby severely limited in their ability to exercise their freedom of association, the human right that underlies the right to organize. You can organize—but the state will tell you with whom. This has resulted in a tendency toward the weakest and least solidaristic community possible, in which white collar workers are separated from blue, front office from back office, full-time from part-time and skilled from unskilled.

- There is a ban on "solidarity strikes" and "secondary picketing." Freedom of association means that you should be able to call on your co-workers in another plant or office to extend solidarity and engage in a solidarity strike or other solidarity economic action. Labor law seeks to contain economic action to the immediate (primary) employer.

- Labor law only applies to "employees" as defined by the National Labor Relations

Act—and its definition excludes lots and lots of workers (see related story, facing page). All sorts of people are not considered "employees" under the act, including most public sector workers, private sector university professors and almost anyone who supervises anything.

Few people today remember that when the NLRA—the cornerstone of U.S. labor law—was adopted by Congress in 1935, its purpose was not simply to provide a procedural mechanism to end workplace strife. Rather, this monumental piece of New Deal legislation had a far more ambitious mission: To promote workplace democracy. Unions were to be encouraged, not simply tolerated.

Needless to say, it has been a long time since we've heard any president or administration, much less Congress, talk about promoting workplace democracy. In fact, the very term has come to seem like a contradiction in terms.

[Dr. Elaine Bernard is director of the Harvard University Trade Union Program, which is attended each year by the winner of the TNG-CWA Irving Leuchter Memorial Scholarship. The deadline for next year's scholarship applicants is Dec. 1.]

By TNG Convention action, letters to the editor 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. (Next deadline: December 10.)

AND THESE ARE THE GOOD TIMES . . .

Salary gains treading water

The good-news/bad-news message of the 1998 Annual Survey of Journalism & Mass Communication Graduates is that reporters' wages are up—but not nearly enough. And that more minority job seekers are finding newspaper jobs—but again, not nearly enough.

Conducted by the journalism school at the University of Georgia, the survey found that last year's j-school graduates who went to work for daily newspapers

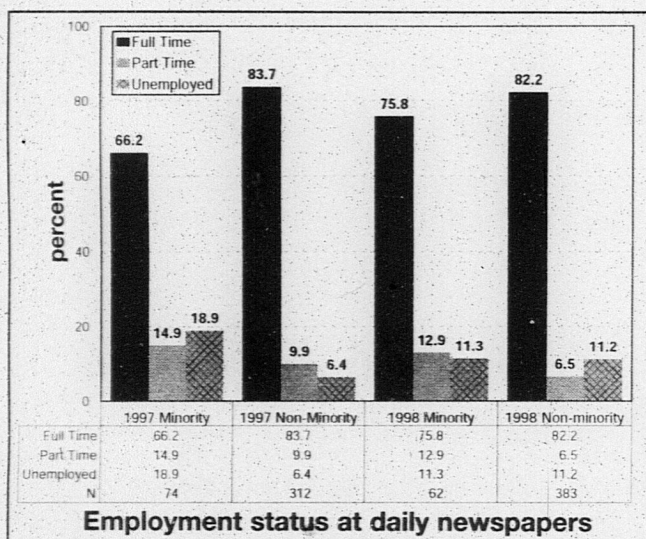
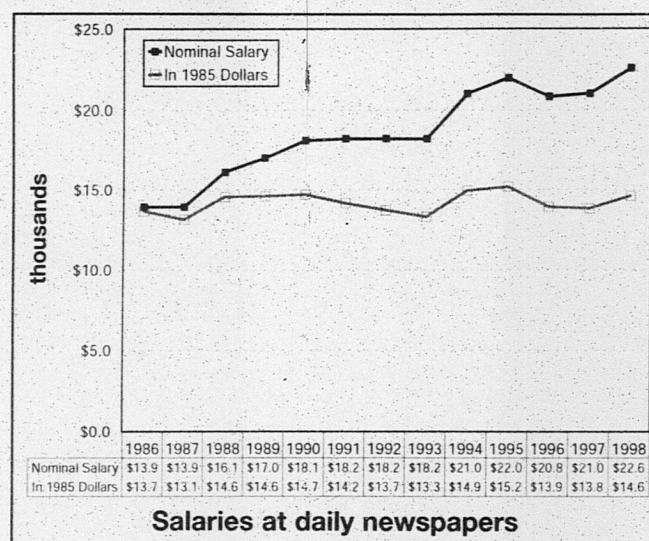
were paid an average annual salary of \$22,600, up from \$21,000 in 1997. When adjusted for inflation, however, that's less than in 1995—or, for that matter, than in 1990. It is, moreover, hardly competitive with starting salaries for other college graduates. Liberal arts graduates in 1998, for example, received average job offers of \$27,267 a year, according to estimates by the National Association of Colleges and Employers. Economics and

finance graduates were reported to be getting offers averaging \$33,691 a year.

Meanwhile, minority college graduates seeking work at daily newspapers also had it better last year, with 75.8% finding full-time work, compared with 66.2% in 1997. But despite an alleged commitment by the newspaper industry to recruit more minority employees, last year's statistics still lag those of non-minorities, 82.2% of whom landed full-time jobs.

These and other findings—available in full at www.grady.uga.edu/annualsurvey/—were derived by the Henry W. Grady College of Journalism and Mass Communication from more than 2,000 questionnaires returned by graduates of 97 journalism programs around the U.S. What they suggest is that the mass media in general, and newspapers in particular, have an increasingly tenuous hold on employees who view them as mere stepping stones to other jobs.

After less than a year on the job, 30% of the respondents said they wished they had prepared for another career; another 5.5% said they never intended to go into journalism or communication in the first place. The biggest com-



plaints? Low salaries and difficulty in finding a job—but there are other drawbacks. Approximately 20% of respondents with full-time jobs do not have medical insurance plans paid either in whole or in part by their employers. And two-thirds of those working for dailies and other media say they're required to work overtime without additional compensation.

But the most telling statistic may be the survey's finding that 80% of its respondents expect to

switch occupations, causing it to ask, "Can a field with so little commitment of its new employees be very sanguine about the future of its workforce?"

Tellingly, fewer than 4% of the respondents said they belonged to a union—although their annual salaries were \$1,000 higher than those of their non-unionized counterparts. The other bright spot? Web publishing, where graduates reported an annual median salary of \$30,000.

Broun Award issues call for entries

The annual call for entries for the Heywood Broun Award competition has been issued, with a deadline of Jan. 28, 2000 for work published between Jan. 1 and Dec. 31, 1999. The award recognizes only one winner, who receives a plaque and a check for \$5,000, although special recognition may be given to runners-up.

Named in memory of columnist, bon vivant and Guild founder Heywood Broun, the award honors stories and series that champion the underdog or that help right a wrong or correct an injustice. Last year's winner, for example, was Jerry Mitchell, a reporter for The Clarion-Ledger in Jackson, Mississippi, for work that led to the murder conviction of racist Sam Bowers. Bowers was responsible for the firebombing death of NAACP leader Vernon Dahmer more than 30 years ago, but had escaped punishment after four trials

because of hung juries. Mitchell's stories, which introduced fresh evidence and new witnesses, convinced a fifth jury that Bowers was indeed guilty.

Special recognition last year was given to a two-part series in the Philadelphia Inquirer that exposed the police department's "creative crime accounting"; and to a Canadian Broadcasting Corp. television account of child prostitution in Saskatoon.

Rules for entering the competition are available from the TNG-CWA office in Washington, D.C. but remain unchanged from previous years. There is no entry form and no entry fee; print entries should be mounted on 11" by 17" paper and submitted in triplicate, together with a brief, single-page summary of the work and a separate description of the circumstances under which the work was done and its

results. Supporting documentation also may be submitted.

Broadcast entries must be audio or video (VHS format) tapes with final scripts or summaries.

Unlike many other competitions, the Broun Award encourages reporters to enter on their own behalf and does not have a requirement that editors or publishers "sponsor" entries. Indeed, the judges traditionally frown on "gang entries" submitted by newspaper contest mills, and entries by publications per se or on behalf of an entire staff are ineligible. Moreover, while entries by reporting teams are permitted, first consideration is given to entries on behalf of individuals or teams of no more than two. Managers and free-lancers likewise are not eligible to participate.

The winner will be announced in later March or early April; the awards luncheon has been scheduled for May 2.

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501 Third St., NW, Suite 250
Washington, D.C. 20001-2797
Telephone: (202) 434-7177 FAX: (202) 434-1472
E-mail: azipser@cwa-union.org

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President: LINDA K. FOLEY
Secretary-Treasurer: BERNIE LUZZER
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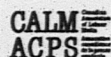
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Marjoline Botsford,
Joanne Scheel



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DAYBOOK

New York and Southern
District Councils,
Nov. 20-21, New York City

Broun Awards entry
deadline, Jan. 28

TNG-CWA new officers'
training, Feb. 18-21,
George Meany Center

New England District Council,
Feb. 26-27, Fall River, MA

Working Women Conference
2000, March 11-12, Chicago

CWA National Civil Rights &
Equity Conference,
March 23-26, Las Vegas

TNG-CWA Executive Council,
April 30-May 1, Washington

CWA National-Legislative
Political Conference,
June 18-21, Washington

CWA Annual Convention,
Aug. 28-29, Anaheim, CA

FROM THE MORGUE

Fifty years ago this month:

The Guild's executive board authorizes a \$5,000 contribution to striking steelworkers—plus an additional \$5,000 "if needed"—to support a fight "to end the double standard, which provides fat pensions on a non-contributory basis to high-paid steel executives while delaying modest pensions to the workers." . . . The Newspaper Guild of Denver charges the Denver Post with labor espionage and discrimination in a two-year campaign to bust the union . . . Detroit Free Press reporter Merrill Lanker gets paid time-and-a-half for sleeping in a flop house while researching a story on skid row.

Twenty-five years ago this month:

A Detroit arbitrator rules that printers have a contractual right to key copy into the Detroit News' computer—except for copy created by newsroom employees on "cathode-ray-terminal typewriters" . . . The Guild's International Executive Board holds its first meeting ever in Quebec . . . Stockholders of the Knight and Ridder chains approve a merger of the two companies, shedding their broadcast holdings in the process.

Ten years ago this month:

On a 4-4 vote without comment, the U.S. Supreme Court allows the Detroit News and Detroit Free Press to merge non-editorial functions under the Newspaper Preservation Act . . . Richard Mellon Scaife, publisher of the Sacramento Union, agrees to pay \$2 million to Guild and printers' union members to resolve long-standing disputes over wages and benefits—and to sell the paper.