

THE GUILD Reporter

August 13, 2004

A Publication of The Newspaper Guild and The Communications Workers of America • Volume 71, Number 8

#BXNBRNS *****5-DIGIT 48103

(C)

S333 P2

PERIODICALS ACQUISITIONS

PROQUEST INFO AND LEARNING

300 N ZEEB RD # 1346

ANN ARBOR MI 48103-1553



Pressure on for media hearings

By Chris Jennings
TNG-CWA Intern

With a federal court derailing efforts by the Federal Communications Commission to facilitate more media consolidation, TNG-CWA and other communications unions stepped up their opposition campaign with a pair of bi-coastal events.

A Capitol Hill press conference July 20 called for full public hearings on any further attempts to rewrite federal rules on media ownership. The next day, one of a handful of

forums on the issue—of the sort resisted last year by FCC Chairman Michael Powell—was held in Monterey, California. The FCC's two Democrats, Michael Copps and Jonathan Adelstein attended both events, as did John Connolly, president of the American Federation of Television and Radio Artists.

TNG-CWA President Linda Foley, Connolly, and several other union leaders spoke at the Capitol Hill event, which unveiled a survey of media workers reflecting journalists' deep concerns about the debilitating effects of media consolidation. The union

leaders also delivered a letter to FCC chairman Michael Powell, signed by the presidents of a dozen unions representing nearly half-a-million media workers, urging any further rule changes be preceded by a series of field hearings around the country.

"We believe that such a process is the only way for the Commissioners to fully understand and appreciate the public's perspective about their local media and how the proposed rules will exacerbate these legitimate concerns," the letter advised.

Also featured at the Washington press conference were Congressman Maurice

Hinchey and four of his colleagues. Hinchey has introduced the Media Ownership Reform Act of 2004, which is designed to "restore fairness in broadcasting, reduce media concentration, ensure that broadcasters meet their public interest requirements, and promote diversity, localism and competition in American media," according to a press release issued by his staff.

The rule revisions that were blocked June 24 by a U.S. Court of Appeals were adopted after only one field hearing—in Richmond, Va.—and despite approximately

Continued on page 5



Paul Johnston, president of the Monterey County Central Labor Council (left), compares notes with Louie H. Rocha, president of CWA Local 9423, in preparation for the Guild's press conference. Behind them is Erin Poh, staffer for the N. California Media Guild.



A giant Jonathan Adelstein, FCC commissioner, makes a point at the Monterey hearing.

Guild, Reuters face off on off-shoring

Reuters' off-shoring of U.S. editorial jobs—highlighted by an August 9 announcement that it will replace 20 editorial positions in the U.S. and Europe with 60 in India—is raising tensions at its New York headquarters.

On July 19, the Newspaper Guild of New York filed an unfair labor practice charge with the National Labor Relations Board after two Guild representatives were barred from entering the Reuters building on Times Square. Bill O'Meara, the local's secretary-treasurer, and local rep Bob Townsend attempted to attend a meeting for Guild-represented employees working on stories with staffers in Bangalore, India.

On August 10 the local said it would grieve the company's decision to transfer the work of an estimated dozen Guild-covered jobs to Bangalore, contending that it violates at least two contract provisions. Reuters officials said they hoped to achieve "the bulk" of the needed job cuts through attrition and claimed the reassignment of work was "all about efficiency."

Security guards, citing instructions from the company's in-house lawyer, turned away the two Guild staffers July 19 as they separately tried to reach the editorial floor. The Reuters meeting was hosted by Global News editor David Schlesinger, via telephone from London.

Management is expected to cite a meeting with Guild officials three days earlier, at which Schlesinger submitted to questions from the local, as fulfilling its obligation to disclose relevant information. But barring Guild reps from the premises breaks a long-standing practice and raised O'Meara's ire.

"This is an unprecedented, unilateral change in the access that Guild representatives have had to members," O'Meara fumed. "In the past, the Guild has always had unrestricted access to Reuters work locations, but today management decided to ban the Guild from the building, despite the fact that union members had requested our presence."

"We had assured management that we did not intend to disrupt the meeting, but that we needed to monitor what management was telling members," he added. "We will press this charge vigorously with the NLRB."

The earlier teleconference call

had been requested by the Guild to discuss the muddled start of the Bangalore operation. Unit chair Peter Szekely, on the call from Washington, told Schlesinger that his push to have Indian workers write and file stories encroached on work done by Guild represented employees. Szekely said the Guild would monitor the assignments closely to determine if they improperly transfer unit work.

O'Meara told meeting participants that he had rarely heard the unit's editorial members more concerned about an issue.

"I can certainly understand it. I know there is plenty of concern around and I share most of it," Schlesinger responded, claiming that the best job security comes from providing the best possible files for Reuters' clients. Szekely parried with the prescient observation that such management clichés lose their relevance for employees whose jobs appear to be on the verge of being exported.

Although no U.S. editorial jobs

had been off-shored to Bangalore prior to the mid-July meeting, the Aug. 9 announcement confirmed the Guild's worst apprehensions. The 60 new Indian employees, Reuters said, will be responsible for compiling tables, writing company reports based on analysts' research and polling analysts for earnings forecasts. The expanded project builds on a pilot program developed earlier this year, in which half-a-dozen jobs were transferred to Bangalore from Europe.

Left unstated was what kinds of additional work might be exported. During the Guild conference call, for example, Schlesinger was asked if Securities and Exchange Commission filings would be sent to India. "It's an obvious one to look at," he conceded.

"Where does it end, David?" asked Szekely.

"I have no idea where it ends," came the reply. "Whatever it makes sense to do. We're doing work where you can do it best... finding the most efficient place to do work."

Inside this issue



CDN workers get day in court page 3

Many nuances of new OT rules page 4

Moving the convergence ball page 8

50 years and counting . . .

When asked for her favorite Guild memory, 50-year Boston Herald employee Patricia Driscoll laughs. "It was more fun at our 1970 Guild convention in Boston than the Democratic national convention was when it was here!" she exclaims.

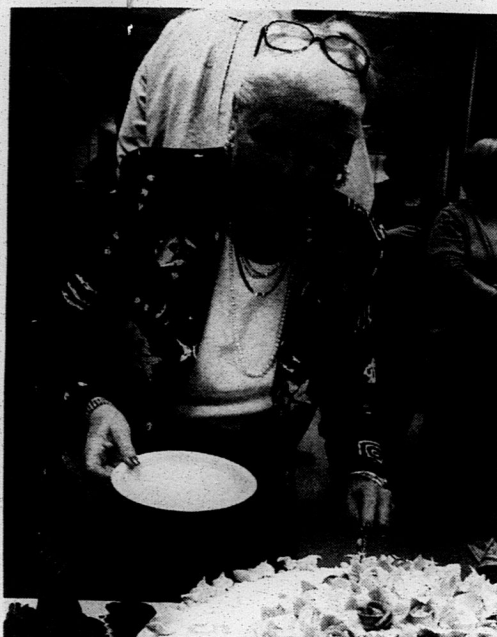
Driscoll is a Dorchester native who began her career in the newspaper industry half a century ago, at the Boston Herald Traveler. Her Guild activism dates back to the late '60s, and by 1970 or so she had joined the election committee for the Herald Traveler unit of the Newspaper Guild of Greater Boston. She went on to hold various commercial unit offices during the '70s, and in 1983 was elected unit chair, a position she held until 1987.

Driscoll's service to the union expanded when she took over as local vice president in 1985, and from 1988 until 1993 she served as local treasurer. She was a fearsome advocate for her coworkers and brought new, inexperienced hires into the Guild, greeting newcomers with a cup of coffee or a bunch of flowers.

"I remember working with colleagues over on Morrissey Boulevard years and years ago, when they were looking at affiliating again with the Guild," Driscoll recalled. "I shared a lot of TNG information with them. . . . It failed then, but I'm so glad they finally made it happen (in 1995)."

As for her years working for the Herald? "I love it!" Driscoll, an automotive classified advertising rep since 1981, exclaimed. "The people are great and I haven't lost my sense of humor. I've never had another job, and never knowing anything else and loving it has kept me here."

"She's our local's treasure," explained local President Lesley Phillips. "Her institutional memory of our



Patricia Driscoll celebrates 50 years

years with this employer is invaluable. And the best part is that no matter what side of the table you're on, she'll treat everyone with such dignity and grace. She really has been as good for us as she has for this company!"

Despite her years of service, Driscoll says she has no immediate plans to retire. "When it stops being fun I'll leave," she said.

[Sheila Halloran contributed to this report.]

MATTHEW WEST/NEWSPAPER GUILD OF GREATER BOSTON

Unity conference a smash

By Debbie Thomas
TNG-CWA Human Rights Director

From the Guild's perspective, UNITY 2004—a quadrennial gathering of four minority journalists' groups—was a resounding success.

Held Aug. 4-8 at the Washington, D.C. convention center under the theme, "A Powerful Alliance, a Force for Change," the media and career expo drew more than 8,000 delegates, the largest U.S. gathering of minority journalists ever. Delegates represented the National Association of Black Journalists, the Native American Journalists Association, the Asian-American Journalists Association and the National Association of Hispanic Journalists.

UNITY: Journalists of Color, was started more than 13 years ago to advance the presence,

growth and leadership of minority journalists. Its goals include:

- Stemming the exodus of people of color from the industry through fairer promotion practices, more representative media leadership and development of role models.

- Improving coverage of people of color by dispelling stereotypes and myths, and by increasing the understanding of other cultures.

- Educating mainstream media on the value and importance of diversity and ensuring inclusion of people of color in diversity discussions and decisions.

- Serving as a working model of diversity and inclusiveness, to promote UNITY's collective agendas and the agendas of its member organizations.

- Establishing these issues as a public priority by sending a message to the news industry and to the American public.

Guild members were able to attend sessions such as "Convergence in Action," "Journalists Under Fire: War, Disaster and Danger," or "Media Consolidation and Its Impact on Journalism." The latter, in addition to having representatives from several large media chains, included TNG-CWA President Linda Foley and Guild member Juan Gonzalez, president

of the National Association of Hispanic Journalists.

FCC Commissioner Michael J. Copps summed up the problems of consolidation in his opening remarks. "In a news survey of you (delegates) and your colleagues, over three-quarters of you cited such harms from media consolidation as less diversity of viewpoint in local news, a decline in news quality, less community coverage and increasing corporate bias in news reporting," he said. "I believe that diversity of viewpoint diminishes as diversity of ownership and diversity of management jobs diminish."

This being Washington, there was no shortage of politics and political candidates. Democratic presidential nominee John Kerry challenged the group to report accurately on what he called "the most important election of our generation." George Bush defended his record on diversity by observing, "I've got a diverse administration" and adding: "Hopefully, that sets an example for people when it comes to hiring, including news organizations."

Most major newspapers maintained booths at the convention, often staffed by Guild members, who also assisted in producing UNITYNEWS, a student paper.

Dow Jones contract OK'd

Bringing an end to 16 months of negotiations, TNG-CWA-represented employees of Dow Jones overwhelmingly voted to accept a new 45-month contract. Ballots were counted Aug. 9, with 64% of eligible IAPE Local 1096 members voting. The final tally was 836 yes to 96 no.

IAPE members had rejected a tentative agreement in January by

a similarly lopsided margin, 850 to 167, and followed up with several job actions that were unprecedented for Dow Jones, including a highly successful, byline strike at The Wall Street Journal and Barron's. The actions succeeded in doubling the signing bonus, to \$2,000, and in reducing health care premiums that IAPE members will be paying for the first time.

Guild briefs . . .

Olympics delay Olympic hearing

An arbitration regarding meal and expense allowances for Canadian Broadcasting Corp. employees working at the Olympic Games in Athens has been postponed, until after the games are concluded. After initially agreeing to appear before an arbitrator in late July, the CBC said it wouldn't be able to proceed because its witnesses were unavailable—they're all in Greece. The hearing has been rescheduled to September 22 and 23.

Do as we preach, not as we practice

Guild-represented employees of the Amsterdam News in New York have been hitting the streets to drum up support for a fair labor contract, but not without mixed feelings. While the newspaper historically champions working people and rails against economic injustice, when it comes to contract bargaining management is singing a different tune, demanding major concessions on health care, no wage increase in the first year and wage re-openers in the second and third years of a three-year contract.

Globe employees ratify contract

Members of the Boston Newspaper Guild voted 578-90 on Aug. 5 to ratify a five-year contract, ending negotiations that took nearly three-and-a-half years to complete. The local represents more 1,100 employees of the Boston Globe.

Point Park course on labor relations

Point Park University is providing another lesson—as if one were needed—on the inadequacy of federal labor law: having "lost" both a union representation election and an appeal to the National Labor Relations Board, the administration has sent a letter to the Pittsburgh Guild declaring it simply won't bargain a contract. The local has filed an unfair labor practice charge in response, but look for continued efforts by the institution of higher learning to sidestep legal requirements. The new faculty unit, meanwhile, plans to elect officers Sept. 8.

Canadian Guild applies for 45

The Canadian Media Guild has applied to the Canada Industrial Relations Board to represent approximately 45 employees of specialty channels VisionTV and One: the Body, Mind and Spirit Channel. The Guild planned a membership meeting in mid-August to discuss the next steps in the process.

CBC lays off 9 in maritime cities

At least nine CBC television employees in the Atlantic region were laid off Aug. 5, including four technicians, two producers and one administrative assistant in Halifax, plus one announcer/host/anchor in Saint John and one director in Fredericton. Seven of the positions are held by permanent employees and two by people on contract. The CBC's regional director of TV in the Atlantic region, Ron Crocker, blames the layoffs on "the increasing costs of doing business."

WashTech local wins first contract

WashTech-represented technicians at Peninsula School District #401 in Gig Harbor, Washington, ratified a first contract July 6. The bargaining team, led by network administrator Andy Dodge, won a three-year contract that ends permatemping and includes general wage increases between 2.5% and 4%, annual cost of living increases, a three-step grievance policy with binding arbitration, a union shop and job security provisions.



Unit chair Andy Dodge

Recent deaths

Henry McIlvaine "Mac" Parsons, an experimental psychologist and prolific author, died July 16 in Huntington, Long Island. He was 92. A specialist in behavior analysis, Parsons got his professional start as a reporter for the New York Herald Tribune—and, briefly, as an organizer for the New York Newspaper Guild.

Cecil L. Munson, an author and former Sunday editor of the Battle Creek Enquirer, died June 25 in Washington, D.C. He was 93. A past president of the American Newspaper Guild local in Battle Creek, Munson also worked for the two Indiana newspapers.

Bill Friel, a Guild activist in several states and long-time trustee of the Northern California Media Guild's pension plan, died June 15 in San Francisco. He was 82. Friel worked for newspapers in Nevada and Hawaii as a sportswriter, feature writer and editor before retiring from the Oakland Tribune in 1983.

ADDRESS CHANGE, SUBSCRIPTION INFORMATION

The Guild Reporter (ISSN: 00175404) (CPC # 1469371) is issued monthly, generally at four-week intervals, at 501 Third St. NW, 2nd Floor, Washington, D.C. 20001.

Periodicals postage paid in Washington, D.C., and additional mailing offices. Printed in the U.S.

Postmaster: Send address changes to: The Guild Reporter, c/o Grace Corner, Communications Workers of America, 501 Third St. NW, Washington, D.C. 20001

Address changes also can be e-mailed to: dyesmloforms@cwa-union.org.

Subscription: \$20 a year in U.S. and Canada, \$30 a year overseas. Send subscription orders to: Tina Harrison, TNG-CWA, 501 Third Street, NW, Washington, DC 20001

Single copies: \$1.50

Chinese News employees in court—at last!

By Bruce Meachum
TNG-CWA Staff Representative

With an apology on behalf of the National Labor Relations Board, Administrative Law Judge Clifford H. Anderson kicked off a two-week hearing July 19 over dozens of alleged unfair labor practices committed by the Chinese Daily News. Region 21 counsel Ami Silverman spent the next six-and-a-half days presenting the voluminous evidence that supports the complaints, some dating back nearly four years.

Seven current and three former employees, all under subpoena, testified against the company.

"Justice delayed is justice denied," acknowledged Anderson, apologizing for the board's indefensible delay in issuing a ruling on company objections to the successful union election, held in March 2001.

Following the election, the CDN filed an objection with the NLRB's Region 21. After weeks of hearings, the region determined that the election was legal and should be upheld. The company appealed that decision to the five-member board in Washington, D.C. in October 2001. That's where the issue has moldered ever since.

The ULP hearing, held in Los Angeles, involves 34 separate

instances in which the CDN allegedly violated federal labor law by coercing employees to reject the union and by retaliating against them for union activity and participating in board procedures. One additional charge was dropped during the hearing.

While acknowledging that the board's delay puts the parties in a difficult situation, Anderson urged both sides to consider a settlement of the charges rather than endure a lengthy hearing in which the testimony was bound to increase tensions and hard feelings. Ensuing settlement discussions were short and unproductive.

The ULPs being processed in the current hearing represent only a fraction of the total number filed against the CDN. Pending charges include additional allegations of coercion and retaliation, as well as numerous charges over the company's failure to bargain over changes in wages, hours and working conditions. The failure-to-bargain charges are being held in abeyance by Region 21 until the NLRB issues a final ruling on the election.

Because the CDN was unable to complete its defense presentation by the end of the allotted two weeks, three additional trial days, Sept. 29 through Oct. 1, have been scheduled.



Who's the cheapest of 'em all?

How low can they go? That's what the Newspaper Guild of Rochester, Local 17, decided to find out by sponsoring its "Is Your Boss Cheaper Than Ours?" contest.

The competition was designed to root out any employer in the Rochester, NY area paying less than the 21 cents-a-mile the Gannett-owned Democrat and Chronicle reimburses employees using their personal cars on company business. Announced with a picket and local media coverage July 21, the contest included \$50 worth of gas to any person providing proof of an even more miserly mileage reimbursement policy.

Results were almost instantaneous. Two days before the contest was scheduled to

start—and the same day the contest was announced internally at the newspaper—management announced a pending increase in the rate, to 23 cents a mile in August, with a likely jump to 25 cents a mile in January.

But since even a nickel increase would still leave the rate significantly below the taxable reimbursement rate of nearly 40 cents a mile, the local went ahead with the contest, anyway.

Management contends that the increase had been in the works all along, anyway, and that the Guild's contest had nothing to do with its announcement. The Guild's \$50, meanwhile, seems secure: no one has come forward yet with a lesser reimbursement, whether the rate be 21 cents, 23 cents or 25 cents a mile.

Top St. Louis officers face four charges

Recording secretary seeks TNG-CWA supervision of local

By Andy Zipser
Editor, The Guild Reporter

Aggrieved at the sudden and allegedly secretive manner in which contract negotiations were wrapped up with the St. Louis Post-Dispatch, the St. Louis Newspaper Guild's recording secretary has filed charges against the local's two top officers and is seeking to have them suspended and fined.

The four charges, laid out July 13 in an affidavit signed by Tretha Kathryn David, also conclude with a request that the local be placed "under the direct supervision of The Newspaper Guild-CWA until democratic processes are restored."

Named as defendants are Tim O'Neil, president of the St. Louis Guild since 1994; Jeff Gordon, the local's first vice-president; Rich Hughes, chairman of the Post-Dispatch unit; and Herb Goodrick, who retired in January as the local's executive secretary. Although Goodrick's successor, Jim Light, is mentioned prominently in the complaint, he is not a TNG-CWA member and is not listed as a defendant.

Because of David's office, and because one of the charged parties is the local's president, the complaint is being handled by the office of CWA Secretary-Treasurer Barbara Easterling, as prescribed in Article XX of the CWA Constitution.

In response to Easterling's determination that David's complaint meets constitutional requirements, the CWA executive board appointed District 6 representative Mark Franken to investigate David's charges—

and to prosecute them if he concludes they have merit. Franken confirmed that he received the assignment around July 26, but 10 days later still had not seen the charges.

Specifically, David is charging:

- That contract negotiations were captured by a small group of insiders, who bargained in secret and publicly announced a tentative agreement had been reached before the full bargaining committee had been apprised of the details.

- That the 9-7 bargaining committee vote recommending the tentative agreement to the membership was improper because Light, a non-Guild member, and Goodrick, a Guild retiree, voted with the majority.

- That members received only 13 days' notice of the general membership meeting at which a ratification vote would be taken, instead of the 15 required by the local's by-laws—with some members still waiting to receive a copy of the proposed contract three days prior to the vote.

- That members were required to vote in person, disenfranchising those on vacation, and that requests for absentee ballots were rebuffed with an apparently erroneous claim that the TNG Constitution prohibits absentee balloting; the ban is on proxy voting.

The various charges, David contends, violate the CWA and Guild constitutions and the local's by-laws, and "tend to bring the union into disrepute."

O'Neil and Gordon, while declining to respond to the details of the charges until they have been interviewed by Franken, deny that there was any impropriety. "I don't think they're valid," O'Neil said of the

charges against him. "I'm fairly confident that if things are looked at fairly here that we'll be okay."

"We followed the rules that are in place," added Gordon, in commenting on the lack of absentee ballots. "There's tradition to follow, and there's a reason why things were done this way."

Both officers blamed the filing of the charges on a small group of unit members who are unhappy with contract provisions affecting the newspaper's advertising and circulation departments.

David's complaint caps a lengthy and often confused bargaining history that arguably was exacerbated by the unit's long period between negotiations: the last time Post-Dispatch employees negotiated a contract was in 1994. That agreement expired Jan. 9, 2003, setting the stage for the Pulitzer-owned company to take a shotgun approach to contract talks with a slew of concessionary demands. When unit members voted this past February, at company insistence, on a contract proposal that the union's bargaining committee said should be rejected, the 337-17 vote was exceeded in one-sidedness only by an earlier 353-15 strike authorization vote.

But whatever militance was on display this past winter seemed to melt with the change of seasons. With scant or no progress at the bargaining table, the union bargaining committee consented to smaller, off-the-record talks, with the Post-Dispatch unit represented by the four defendants in David's complaint. Also included was Jim Light, then newly hired as the local's executive officer,

who described the talks to that point as "a circus" because of all the people involved.

On May 20, the union distributed a bargaining bulletin explaining that the informal talks had failed to break the logjam and were being ended, with full bargaining sessions to resume June 1. But three days later, on May 23, bargaining committee members—including David—were told that a tentative agreement had in fact been reached over the weekend. A second bargaining bulletin was issued May 24, advising unit members that an agreement had been reached, that a general membership meeting was tentatively set for June 6 and that O'Neil, Gordon and Light "strongly endorsed" the agreement.

The bargaining committee did not learn the details until the following evening, May 25. Its 9-7 decision to recommend acceptance turned on the votes of Goodrick and Light—neither of whom should have been allowed to vote, David contends—and otherwise would have ended in a 7-7 tie, defeating a committee endorsement. And that, she says, would have made a difference.

"Had it gone to the membership with a recommendation to vote it down, I think that would have affected the outcome, yes," she said. "I think the members were looking to the bargaining committee for guidance and would have voted accordingly."

Instead, a membership meeting June 6 ended with a 245-108 vote to accept the five-year package, despite some objections over the process. "I really think the Guild leadership went around the subcommittee," complained reporter Greg Cancelade, a bargaining committee member.

New OT rules: more hours, less pay

By Carol A. Wood
Newspaper Guild of New York

A law professor once hired by the Clinton administration to research "white-collar" employee exemptions to the Fair Labor Standards Act has concluded that regulatory changes taking effect August 23 favor employers over employees, despite recent steps to soften its provisions.

L. Camille Hébert, law professor at Ohio State University, used her research to compare the rule changes proposed in 2003 by the Bush Labor Department with previous practice in the 1970s and 1990s. She concluded that the new rules are biased against workers in ways that are inconsistent with the congressional and regulatory intent behind the 1938 FLSA. "If congressional intent has changed, then Congress should make the decision, not the regulators," she said during a recent phone interview.

The new law creates numerous

insidious and difficult-to-explain exemptions to overtime protection, which could erode overtime rights for years to come.

Historically, the 1938 Fair Labor Standards Act has determined which workers are entitled to overtime pay by categorizing them as "nonexempt" (that is, entitled to overtime pay) or "exempt" (not entitled to overtime pay). To be found exempt on an executive, administrative, or professional basis, an employee must be paid a salary, receive a certain rate of pay and have duties that meet certain conditions. "The theory behind the exemptions has been that these employees do not need the protections of the overtime requirements because of their higher base pay and their greater job security," Hébert explained. Exempt employees' work has been seen as incapable of being divided and distributed among numerous employees, and its value to the employer unrelated to the number of hours worked.

One of the conditions for exemption, the salary level test, was last updated in 1975 and grossly in need of adjustment. But rather than simply index that test for inflation, the new rule fundamentally alters all three tests in ways that markedly favor employers, with other gifts tossed in for good measure.

• **The duties test:** According to the original FLSA, workers earning below a certain salary level were evaluated according to a "long-duties" test, whose standards for exemptions were generally hard to meet. Higher paid workers, in contrast, were subjected to a less-stringent "short-duties" test, and thus more frequently found exempt from overtime, according to Hébert's research.

However, the new DOL rules have merged the two duties tests into a single "standard duties" test that effectively lowers the criteria for exemption overall. This change

"risks allowing relatively poorly paid, low-level administrative and management employees to be taken advantage of by their employers, by being forced to work uncompensated and unlimited overtime," Hébert warned last year.

• **The salary level test:** Similarly, the Labor Department has replaced the two previous salary thresholds with a single salary level of \$455 per week, a slight improvement from the \$425 it originally proposed. Indexed for inflation, however, the threshold is far below the 1975 levels, which would have been \$480 per week for workers facing the long-duties test and \$774 per week for workers facing the short-duties test, according to Hébert. Lowering the salary threshold will result in more workers being denied overtime pay.

• **The salary basis test:** Employees paid by the hour are entitled to overtime premium pay—time and a half for more than 40 hours per week—while those who are salaried are not. Fundamentally, that distinction hasn't changed under the new DOL rules—but the number of exemptions has.

Previously, an employer who docked a salaried employee's pay for hours missed would have been required to classify the employee as hourly and to pay her overtime in all future pay periods. The new rules require an employer to pay overtime only for the period in which improper deductions were made—that is, during pay periods when the employer believes the employee worked fewer hours than normal—and thus in which no overtime hours were likely worked. But if the same employee toils more than 40 hours per week in subsequent periods, the employer may continue to classify him as "salaried" and legally refuse to pay him for the additional hours. This provision suggests that once an employer succeeds in classifying an employee as "salaried"—a process made easier by the new rules—the employer may dock the employee's paycheck during short weeks but refuse to pay overtime during long weeks.

Another provision permits employers to maintain exempt status for improperly docked workers, provided that the employer has established "a clearly communicated" policy and "a complaint mechanism." This provision appears to take the burden of compliance off the shoulders of employers and place it on those of employees. In essence, employees—supposedly the parties in need of protection—are charged with policing and enforcing labor laws.

"I believe the new 'docking' rules will make it increasingly easy for employers to violate the rules and still not cause the loss of the exemption," Hébert wrote in an e-mail. "It concerns me that employers who do not play by the rules still are able to invoke the exemptions."

• **The new salary cap:** The DOL's first proposal would have established \$65,000 as the annual wage cap beyond which workers

would be regarded as "highly compensated" and automatically exempted from overtime pay. After significant public outcry, the department raised the cap to \$100,000. While numerous workers' advocates, including the Guild, have expressed relief at this change, it should be noted that no salary cap existed previously. In addition, the DOL has continued its historical practice of not indexing pay levels to keep pace with inflation.

Ross Eisenbrey of the Economic Policy Institute, a liberal think tank, pointed out yet another loophole that could benefit employers. "To get to the \$100,000 level does not require that you be paid a guaranteed salary," he said. "You could be working 4,000 hours a year rather than 2,000—a \$50,000 person being forced to work twice the hours, or more."

The bottom line to all this? The Department of Labor claims the new rules will strengthen overtime protection for 6.7 million workers, including 1.3 million white-collar salaried workers earning up to the \$23,660 threshold. Although pro-labor groups dispute these figures, DOL press releases until May crowed that such workers "will gain up to \$375 million in additional earnings each year." The department didn't specify whether it meant the entire group of 6.7 million, or just the 1.3 million white-collar workers; but either way, the sums involved—\$56 or \$250 per person—are trivial when spread across 2,000 hours per person per year. (The department eliminated this claim from more recent press releases.)

The rule changes are broadly favored by employers' groups, which praise the new rules for raising the number of workers receiving overtime, while professing that they won't have much of an impact on white-collar workers. Employers who took undue advantage of any loopholes "would face substantial morale problems, and employees would leave," the National Association of Manufacturers argues on its web site. "The fact is that employers rarely 'just do the minimum' in order to comply with the law. If they did, no one would earn more than minimum wage."

But such arguments find little resonance with some rank-and-file workers. "That sounds nice, but the reality is that it will save them a lot of money," said John Shostrom, a copy editor and Guild shop steward at Sports Illustrated. "Frankly, management would be foolish if they wanted rules that would cost them money. But it's disingenuous for them to say they're doing it for the benefit of their workers."

"Why is everyone on the management side in favor of these rules, and everyone in labor is against them?" asked Shostrom. "The old *qui bono*—who benefits—is a pretty infallible guide to legislation."

Wood, a copy editor with *Standard & Poor's* in New York, serves on her local's executive committee.



First visitor

Heywood Broun peers over the shoulder of Florencia Ortega, third from right, at the Guild's new quarters. Ortega is press director of the Industrial Syndicate of Panama and visited TNG-CWA in late July with her translator, Edgar Navard, at extreme right. Also pictured are (l to r) Eric Geist, director of field operations; Bernie

Lunzer, secretary-treasurer; Linda Foley, president; Broun's Underwood typewriter; and Debbie Thomas, human rights director. Although still housed in the CWA headquarters building in Washington, D.C., the Guild moved in June from cramped quarters on the second floor to much roomier, refurbished offices on the sixth floor.

Manchester has a contract

Following a number of off-the-record meetings in June and July, the Manchester Newspaper Guild reached a tentative contract settlement with The Union Leader that was ratified by the membership July 28.

The agreement caps nearly two years of bargaining that the company attempted to end prematurely last November, when it made its "final" offer. Shrugging off the implied threat, union members instead stepped up their mobilization campaign and succeeded in winning some concessions while beating back the most onerous demands.

The result is a three-year contract, effective Jan. 1, 2003, with a front-loaded 7.75% cumulative wage hike of 3.25% in the first year, 2.5% in the second and 2% in the third. In addition, several scales were increased prior to the wage hikes, including clerks, typists, switchboard operators, receptionists, accounting coordinators and computer technicians.

Management withdrew its attempt to substantially change the union-leave provision and dropped its efforts to make major changes in part-time language,

with one minor exception. In exchange, the local withdrew its arbitrations over managers and correspondents doing unit work and an arbitration over advertising members not being paid a higher rate of pay when doing out-of-classification work; other arbitrations, however, are continuing.

Other details include:

• The company's contributions to the Newspaper Guild International Pension Fund increase by more than \$5 a week; the result will be that someone retiring at age 65 with 35 years of service will get more than \$1,950 a month.

• Life insurance is increased to \$30,000, from \$25,000.

• Weekly health insurance co-pays for employees increase by \$2, to \$11 a week for family and \$7 a week for individual coverage.

The agreement also permits voluntary flextime scheduling in advertising and creates a new job classification paying 75% of the current base rate for display advertising sales reps. Existing ad sales staff is being grandfathered and continues at the higher rate.

Guild pushes for more hearings

Continued from page 1

two million postcards, e-mails and other communications opposing the changes. The Monterey forum therefore was a tangible example of the kind of process media consolidation opponents are demanding.

More than 500 Californians turned out for the event, even though it was located—in the words of Paul Johnston, executive director of the Monterey Bay Central Labor Council—in the “most affluent, least accessible, isolated corner of our county.” Copps, Adelstein and Kathleen Abernathy, who in showing up broke ranks with her Republican counterparts, heard more than five hours of public statements regarding local media coverage. Corporate managers and defiant teenagers alike received their two minutes with the microphone.

Although a number of people applauded the generous donations of local media stations to community charities, the public statements were overwhelmingly critical of the growing corporate control over local media coverage. Union leaders were particularly vocal about the issue.

A few hours before the hearing, the Northern California Media Workers Guild organized a press conference in Monterey at which AFTRA President Connolly discussed the poll results released the previous day. Johnston, who headed the press conference, also objected to the lack of local media coverage on issues affecting groups such as labor unions and immigrant families.

The Northern California Guild also staged a rally near the entrance to the hearing at the Monterey Conference Center to drum up support for workers' rights. Art Pulaski, president of the California Labor Federation,

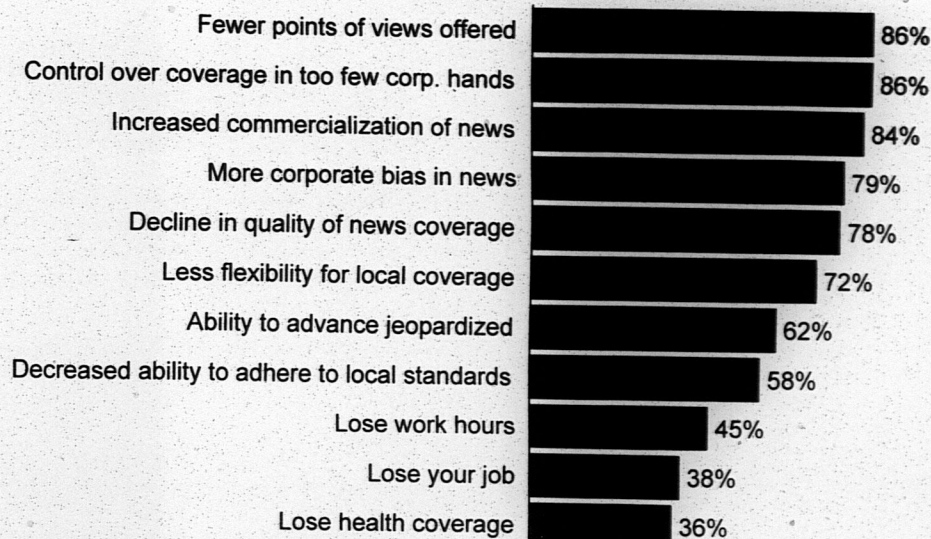
said the FCC has a responsibility to properly regulate local media and to mitigate the growing corporate control over media. Jeff Perlstein, director of Free Press, a San Francisco-based media reform group, decried the FCC's deregulation agenda and urged the gathering crowd to testify that night at the hearing.

Connolly was a scheduled speaker on one of the two panels at the hearing, where he argued that local media content increasingly is dictated by ratings and circulation. Local interests must be balanced against “corporate hunger” and “the altar of the bottom line,” he said. These influences, imperil media workers' rights, he added, and market forces alone are insufficient to protect those rights.

During the public comment portion of the hearing, the labor federation's Pulaski affirmed the dangers of an uncontrolled market and pushed for the FCC to “regulate local accountability.” He also argued that big-business media stations try to “lie and dissuade” the public on political issues. It will be impossible for workers and citizens to win any victories against these companies without “regulation of the misinformation they give to voters,” he contended.

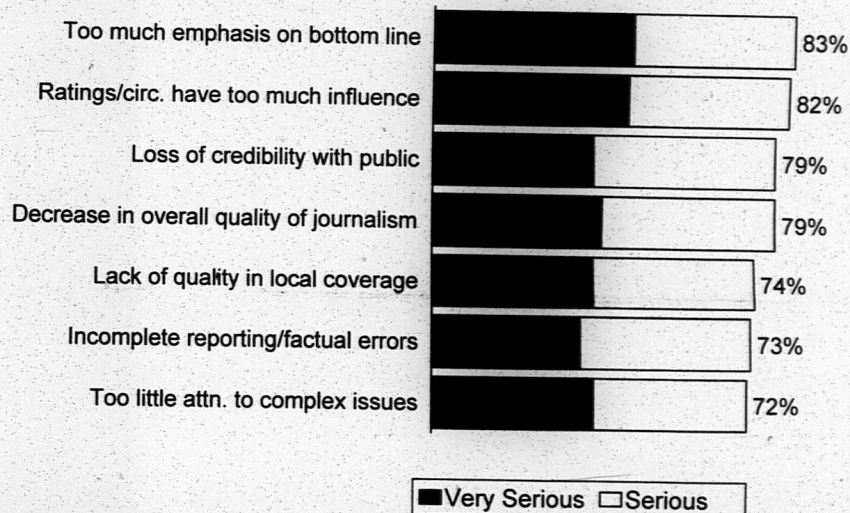
Peter Quick, a member of the Executive Board of Local 817 Service Employees International Union, also denounced the corporate bias in labor news coverage. A recent labor march for universal health care in Salinas received “scant, superficial sound-bite coverage with absolutely no opportunity to meaningfully present our view,” he charged. The “business view” in local news coverage tends to focus on “labor costs, labor unrest, and wage pressure,” he added. “They present unions as if we are, by definition, a burden on business.”

Effects of further consolidation on the media industry



*Percentage saying each "will happen."

Most serious problems currently facing the media



Media consolidation gets two thumbs down

Butressing its opposition to further media consolidation, The Newspaper Guild-CWA joined three other unions to underwrite a survey of media workers themselves. The result, unveiled at a Capitol Hill press conference July 20, corroborates what the unions have been telling the Federal Communications Commission for nearly two years: greater media concentration is bad for journalists, bad for journalism and bad for the public.

The telephone poll of 400 media workers was conducted Feb. 21-29 by Lauer Research Inc. and has a margin of error of plus or minus 4.9%. Three-quarters of the respondents have worked in media for more than 10 years; roughly a fourth of those surveyed described themselves as freelancers, daily hires or temporary workers, reflecting the growing marginalization of jobs in the industry.

Among the poll's key findings:

- Nearly eight out of ten participants said there has been a lowering of journalism standards, with 83% agreeing that the most serious problem facing the industry is too much emphasis on the bottom line.
- More than two-thirds (69%) believe that corporate owners already have too much influence over news coverage. As a result of a growing bottom-line emphasis, 62% reported a growth in entertainment coverage at the expense of hard news, while 57% saw increased coverage of the weather and scandals.
- Other top concerns include the influence of rat-

ings or circulation on coverage and programming (82%); a loss of credibility with the public (79%); a declining quality of community coverage (74%); incomplete reporting and errors (73%), and too little focus on complex issues (72%).

- Many survey participants cited understaffing (73%) and lack of time and resources to do a professional job (68%) as trends that are threatening quality news reporting today. More than half said that employee morale has worsened in the past two years.

- Nearly eight out of ten survey participants predicted a negative impact if the Federal Communications Commission is allowed by Congress and the courts to further loosen restrictions over single-company market domination and cross-ownership of TV, radio and newspaper outlets.

The research firm interviewed producers, reporters, editors, anchors, writers, artists and technicians working in print, television, radio and internet communications. The sample was scientifically drawn from a universe of 41,000 media workers represented by the Guild, the National Association of Broadcast Employees and Technicians-CWA, the American Federation of Television and Radio Artists and the Writers Guild of America, East.

A full copy of the media workers poll and remarks has been put on the internet by the AFL-CIO Department for Professional Employees, which may be visited at www.dpeaflcio.org/news.



Portland Newspaper Guild
LOCAL 128

Administrative Officer

The Portland (Maine) Newspaper Guild is seeking its first Administrative Officer. This is a 20-hour/week position. Applicant must have excellent communication, organizational, writing and conflict-resolution skills. Experience in the newspaper industry, and with bargaining, grievance handling, and labor law a plus, as is familiarity with The Newspaper Guild system. Benefits, salary negotiable. No phone calls please. Send resume by September 10 to:

The Portland Newspaper Guild, Local 128
Attention: A.O. Hiring Committee, P.O. Box 576
Portland, Maine 04112

Please see: www.local128.org for more information.
Equal Opportunity Employer

News round-up

Economic 'soft patch' getting swampy

The U.S. economy grew at an annual rate of just 3% in the spring, a dramatic slowdown from the rapid pace of the past year, and consumer spending fell to the weakest rate since the slowdown of 2001. Growth in the first quarter was clocked at 4.5%, and the consensus was for a 3.8% rate in the second. Slower economic growth reversed a brief uptick in job creation that started late last year: only 32,000 jobs were added to the economy nationwide in July, or roughly 10% of the monthly level forecast by the Bush administration when it argued on behalf of its tax cuts in early 2003. The disappointing June numbers were accompanied by a revised downward gain of only 78,000 jobs in June and a downward revision for May, to 208,000.

Unprecedented two-year drop in income

The overall income Americans reported to the government shrank for two consecutive years, for the first time since the modern tax system was introduced during World War II, according to a report from the Internal Revenue Service. The total adjusted gross income on tax returns fell 5.1% from 2000 to 2002; because of population growth, average incomes declined even more, by 5.7%—and when adjusted for inflation, the income of all Americans fell 9.2% from 2000 to 2002. Before the recent drop, the last time reported incomes fell for even one year was in 1953. One group bucking the trend? The chief executives of the 1,429 largest publicly held U.S. corporations, who received a 15% increase in their compensation in 2003, according to The Corporate Library, a Portland, Maine-based research firm.

Layoffs more frequent, aftermath worse

The layoff rate reached 8.7% of all adult jobholders, or 11.4 million men and women age 20 or older, during the first three years of the Bush administration—the second-highest rate on record, according to a report published at the end of July by the Bureau of Labor Statistics. The new survey added to the statistical evidence that layoffs are more frequent now, in both good times and bad, than in similar cycles in the past. Moreover, 56.9% of those who were re-employed after a layoff also said they were earning less in their new jobs than in the jobs they had lost, compared with 46.6% from 1991 through 1993, a similar period of recession followed by weak recovery.

Middle class economics keep eroding

Most U.S. working families have endured steady economic erosion over the past 20 years, according to "Regaining Control of Our Destiny: A Working Families' Agenda for America," a new report from the MIT Workplace Center and MIT Institute for Work & Employment Research. Currently, two-parent families are working the equivalent of two full-time jobs, or about 3,800 hours per year. A separate report shows recent job growth has been insufficient to raise most states' employment to the pre-recession levels of early 2001. In 47 states, unemployment rates are higher now than when the recession began, according to an analysis by the Economic Policy Institute.

NLRB reverses itself on grad employees

In another attack on workers' rights, the Republican majority on the National Labor Relations Board on July 13 ruled 3-2 that graduate employees at private universities are students, not workers, and therefore not entitled to the protections of federal labor law. The decision, in a case brought by Brown University in Providence, R.I., reversed a four-year-old unanimous decision favoring graduate employees at New York University. Graduate employees at private universities now join 32 million other U.S. workers—including independent contractors and more than 300,000 agricultural workers—who are not protected by federal labor law, according to a September 2002 analysis by the General Accounting Office.

Microsoft reticent on offshored jobs

While Microsoft readily announced it would pay out \$30 billion in stock dividends, it was far more bashful in acknowledging that it has twice as many employees in India as it had reported in June. The company now employs nearly 2,000 workers in India, as shown in internal company documents obtained by TNG local WashTech. Meanwhile, the Seattle Times reported that Microsoft is building an office park in Hyderabad which could house several thousand employees, arousing suspicion among Microsoft employees in Redmond that their jobs someday may be on the endangered list.

NLRB still wrapping up Detroit detritus

The National Labor Relations Board is slowly but surely working its way through the aftermath of the bitter Detroit newspaper strike. In its latest ruling, on June 30, it ordered the papers and their joint publishing agency to give back-pay to nine strikers who had been fired "without an honest belief they engaged in serious picket line misconduct or where the strikers had not in fact committed the acts" the papers used to justify firing them.—Press Associates, Inc.

Another Guild member making good

Visit www.gwu.edu/~erpapers/workers to see Eleanor Roosevelt's letters, speeches, quotes—and a copy of her Guild membership card.

Wal-Mart drive illustrates Canada's labor-law edge

Stories by Mark Gruenberg
Press Associates, Inc.

The United Food and Commercial Workers has broken the Wal-Mart blockade, winning certification Aug. 3 to represent 160-170 workers at the retailer's supercenter in Jonquiere, Quebec. The Quebec Labour Relations Board scheduled an Aug. 20 hearing to decide exactly how many workers—and which ones—UFCW will represent, following a successful card-check campaign.

The fact that the Arkansas-based retailer's only union-represented employees are Canadians is not surprising. While Wal-Mart has been relentless in crushing any sign of labor organizing in the U.S.—going so far as to eliminate all in-store butchers when one small group of meat-cutters voted union in Texas—Canadian labor law creates much more of a level playing field.

Some of the biggest differences between the two countries are explained by Michael Fraser, UFCW's national director for Canada:

Canadian labor law is enacted by the provinces, not by Parliament, whereas U.S. labor law is crafted by Congress. "The federal labor code covers a few key areas such as banks, monetary policy and transportation, but other labor legislation is under provincial jurisdiction," Fraser says—and, as a result, more responsive to local demands.

Card-check recognition is automatic in Canada. "In Ontario, if you get 100%, you present it to the Labour Board and they schedule a vote within seven days. In Quebec, recognition is automatic if you demonstrate signed cards from 50% plus one of the members in the (projected) bargaining unit," Fraser says. And if an employer wants to challenge who should be in the bargaining unit, that comes later—after a vote.

Threats, lies, firings and harassment are banned—although other delaying tactics remain possible. In Saskatchewan, for example, a Wal-Mart lawsuit claims that one section of provincial labor law violates the Canadian Charter of Rights and Freedoms (the Canadian Constitution) because it prohibits the firm from intimidating and firing pro-union workers. "That's a little arrogant," Fraser observes dryly.

In U.S., card-check under frontal legislative assault

After labor and its congressional Democratic allies started a drive last December to enhance the legal status of card-check recognition, the Bush-appointed GOP majority on the National Labor Relations Board responded with a "review" that threatens to make the procedure less meaningful. But now, in a move that symbolizes Washington's sharp partisan divisions over labor's role and future, a group of Radical Right congressional Republicans has upped the ante by seeking to ban card check altogether.

The Democrats, led by Rep. George Miller (D-Calif.) and Sen. Edward M. Kennedy (D-Mass.), want to make it easier for workers to organize and join unions, following the intent of original U.S. labor law, passed in 1935. The Republicans, led by Reps. Charlie Norwood (R-Ga.) and John Boehner (R-Ohio); don't. The GOP opposed the 1935 act and has since pushed through laws that weaken and limit it.

The present battleground is the GOP-run House Education and the Workforce Committee. Boehner is its chair and Miller its top Democrat—and future chair, if Democrats win the House this November.

The battle pits two pieces of legislation: H.R. 4343, which author Norwood has named "The Secret Ballot Protection Act," versus the Employee Free Choice Act (H.R. 3619 and S. 1925), sponsored by Miller and Kennedy and based on legislation originally written by the late Sen. Paul Wellstone (D-Minn.).

Norwood's bill literally would outlaw card-check, leaving NLRB-supervised elections as the only route to union victory at worksites. "There's simply no

Canadian provincial labor laws do permit firms to communicate with workers during an organizing drive by providing factual answers to workers' questions, Fraser says—but that's all. "In all the provinces, there are sections of the law that say an employee has a right to form a union without intimidation from either the employer or the union," he notes.

If the employer breaks Canadian provincial labor law, the penalty is immediate certification of the union.

"If you can demonstrate that the company has violated that principle (of non-intimidation), there will be recourse," Fraser notes. That includes sections of labor law requiring automatic certification, regardless of the percentage of signed cards, in cases in which employers intimidate or fire unionists. In British Columbia, the Labour Board punished Wal-Mart for breaking the law by ordering it to permit local union reps to go into each department and meet with employees for half an hour.

Once a union is certified, the employer must bargain. If the employer stalls or refuses, the provincial labor board may step in and impose a contract.

"In Quebec, Saskatchewan and Manitoba, there's a requirement that both sides have to bargain in good faith. In Quebec, if we can show they're attempting to delay and stall and not do so, the Quebec board can step in and impose an agreement," Fraser says. While there's no specific number of days unions must wait before complaining about bad-faith bargaining, "The general rule is that once you get to eight or nine months, you go to the board," he adds.

You have to make a last try, with provincial help, to avoid a strike or a lockout. Canadian provincial labor laws require both sides to seek "automatic conciliation" with a provincial mediator before taking such drastic actions.

For all its advantages, Canadian labor law has its flaws. As in the U.S., for example, a fired Canadian unionist can get only back pay minus substitute earnings. There are no triple damages. Enforcement is up to the provinces, and often uneven. Still, Fraser concludes, the differences are significant enough that any U.S. union "would be happy to be under the worst of our labor laws here."

good reason why workers should have their right to a fair and secret ballot election replaced with a practice that brings threats, arm-twisting, intimidation, and shakedowns from big union bosses," Norwood charged, in explaining why his law is needed.

Miller's bill, meanwhile, would establish card check as the prime alternative to the NLRB's slow, employer-pressured election process. It would require employers to automatically recognize a union that gets a majority of its employees to sign authorization cards, a step that employers currently may take, but at their own discretion.

"In an NLRB election, which can often take several months or more, the employer is free to wage a campaign where employees are intimidated, threatened, spied upon, harassed and—in a quarter of all cases—fired, to suppress the formation of a union," observed Nancy Schiffer, the AFL-CIO's associate general counsel, at an April 22 hearing on Miller's bill.

Miller's bill also would enact other labor law reforms, including outlawing captive-audience meetings, imposing heavy fines on labor law-breakers and mandating first-contract arbitration if the two sides can't reach an agreement.

But whether the battle will get beyond the ideologically polarized House panel is uncertain because of a crowded congressional schedule. Norwood gained 40 House co-sponsors of his bill, including Boehner, after its introduction May 12. Miller has more than 200 co-sponsors in the House, and Kennedy has signed on more than 30 senators, but said that he doesn't expect it to pass until 2005.—PAI



LOOKING AHEAD

We must aim higher than the bottom line

By Linda Foley, President

It's become a cliché, but every time I hear it in a discussion about media, I cringe. And I heard it again last week.

I was one of six panelists speaking on the effects of media ownership and consolidation at Unity, the convention bringing together journalists of color. "The bottom line is..." began a panelist representing Gannett management.

When my turn came to speak, I jumped on what the poor guy had probably viewed as a throw-away transitional phrase. "The problem is there's too much emphasis on the 'bottom line,'" I rejoined.

That, at least, seems to be what people who work in the media are saying. In February, The Newspaper Guild-CWA—along with the American Federation of Television & Radio Artists (AFTRA); the Writers Guild of America, East; and the National Association of Broadcasting Employees and Technicians (NABET-CWA)—conducted a scientific poll of our members working in the news industry. And according to 83% of the respondents, the most serious problem facing the industry is too much emphasis on "the bottom line."

Journalists surveyed a few months later by the Pew Center's Project for Excellence in Journalism also overwhelmingly cited too much attention to "the bottom line" as the No. 1 cause for concern about their craft.

As both surveys revealed, it's easy to point to any number of problems that flow from "bottom line" management. Among them are understaffing (cited by 73% in our survey as a major problem), lack of time to do a professional job (68%), reduced morale (53%), declining community coverage (74%) and other worrisome trends all too familiar to those who work each day at the media conglomerates.

But the general public gets a different story. On those rare occasions when the news media report on their own crisis of credibility, emphasis on "the bottom line" never comes up. Instead, the focus usually is on allegedly unethical or biased reporting, often singling out individual stories or reporters. Once caught, the so-called "bad apples" are jettisoned and banished from the industry so the news business can again proclaim its purity and dedication to truth, jus-

tice and the American Way.

Problem is, it keeps happening, and the increasing numbers of "bad apples" are leading the public to suspect that the whole news media barrel may be rotten. The public may be right.

Consider that within the past two months, three media companies with major newspaper holdings have been caught in circulation scams. Belo Corp. is the latest to be accused of using phony circulation numbers at its flagship, the Dallas Morning News. But this comes on the heels of earlier revelations of cooked circulation numbers at the Tribune Co.'s Newsday and Hoy on Long Island and by Hollinger International at the Chicago Sun-Times.

Hollinger was already defending itself from a bevy of major securities fraud allegations against founder and majority shareholder Conrad Black when the circulation scam came to light. Regular readers of the Guild Reporter will recall that Belo Corp., owner of the Providence Journal, where it battled the Guild over a contract renewal for four years, was found guilty of more than two dozen violations of U.S.

labor law during the course of that struggle. Tribune Co., meanwhile, not only rammed a substandard contract settlement down the throats of Guild members at the Baltimore Sun last year by threatening to permanently replace them if they went on strike for something better, but also recently rewarded the L.A. Times news staff, which won five Pulitzer Prizes this year, with 20 layoffs. (They were "underperforming," corporate headquarters said.)

Illegally boosting circulation numbers, securities fraud, union-busting, laying off workers—all of those relate to... "the bottom line." They are, unfortunately, systemic and increasingly widespread practices that will erode the public's trust in the news media faster than you can say "Jayson Blair."

At the Unity panel discussion, four representatives of media corporations stressed that their companies must respond to market forces. We all know that in the marketplace of goods and commodities, forces will drive any corporation toward "the bottom line." But in the marketplace of ideas, where media corporations have been charged with the responsibility of informing the public, they must aim higher.

Eroding public trust "faster than you can say 'Jayson Blair.'"

LETTERS

To the Editor,

I was surprised at seeing the front-page headline, "Guild acquires first college unit" in the July 16 issue of The Guild Reporter. The Washington-Baltimore local has represented the George Meany Center for decades. The Meany Center created the National Labor College in 1997, and we represent its academic faculty as well as its library and archival staff. The National Labor College has granted 500 degrees since its inception, and this

winter received accreditation by the Middle States Commission on Higher Education. It's all the more surprising that the mistaken milestone wasn't caught, since TNG headquarters uses the Meany Center for its annual New Officers Seminar.

—Mark Pattison, Treasurer
Washington-Baltimore Guild

[Even more surprising: the editor is the recipient of one of those 500 degrees. Oops.]

The mission of The Guild Reporter, approved May, 2004 by the TNG-CWA Executive Council, is as follows: "As stated in the TNG-CWA Constitution, 'It shall be the duty of The Guild Reporter to promote in every legitimate way the policies of TNG-CWA.' The Guild Reporter belongs to the rank-and-file membership of TNG-CWA.

"Guild Reporter content will be of interest to the

members, and its first priority will be current news affecting the locals. The members of this union expect The Guild Reporter to inform, motivate and challenge its readers.

"To maintain its journalistic integrity and traditions, The Guild Reporter must never become a personal political platform or be misused for internal political purposes by the elected leadership of TNG-CWA."

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: Sept. 3.)



Mass media ignoring legal attack on labor

By David Swanson
ILCA Media Coordinator

While illegal violations of the right to organize a union are routinely underreported by the corporate media, the past 60 days have witnessed the underreporting of a serious new threat—this one raised by the National Labor Relations Board itself.

On June 7, the NLRB ruled, 3-2 along party lines, that it would review the legitimacy of card-check campaigns for union representation. The main alternative to card check is an election, a process overseen by the NLRB that often drags on for years, as employers hire sophisticated union-busting consultants, company lawyers throw up procedural roadblocks and workers become too frightened or discouraged to persevere. Such campaigns are so effective, a survey of 400 NLRB election campaigns in the late 1990s found that 36% of workers voting against union representation credited employer pressure with determining their vote.

Unions confronted by corporate hijacking of elections have relied increasingly on card check, which has been legal since 1935, as an alternative. If the NLRB now makes card check illegal or severely limits its exercise, the right to organize effectively will cease to exist for millions of American workers who have told pollsters they would like to have a union at their workplace—if only they were given the opportunity to choose one.

A major new threat to union organizing should be a major media story in its own right. But this story also is closely connected to the current presidential campaign, itself the biggest media story at the moment. If the NLRB doesn't rule this year and John Kerry is elected, a reconstituted NLRB would be far more likely to affirm card check than the present board. Moreover, Kerry has written to CEOs in support of card check and is a co-sponsor of the Employee Free Choice Act, which requires union recognition—rather than leaving recognition to an employer's discretion—when a majority of workers submit cards.

The EFCA, introduced late last year,

also would permit either an employer or a union to take a first-contract negotiation to binding arbitration, and would impose stronger penalties for anti-union discrimination. It is opposed by a Republican bill that would eliminate the use of card check. None of this activity has received significant media coverage.

While a Nexis search for "Catherine Zeta-Jones" turns up 957 articles during the past 30 days, a search for NLRB and "card check" turns up 55 articles during the past 60 days. Of these, many address particular union organizing drives rather than the NLRB's general review of card check, several are letters to editors, and several more are repeats of the same articles. The unique articles squarely addressing the issue are few and generally very short. This search found no articles at all from most major newspapers, and short articles on inside pages of business sections from a handful of others. While this search found nothing from the New York Times, the Times on July 4 did mention Kerry's support for card check (without mentioning the NLRB) deep in an article claiming that the U.S. economy is doing well and that Kerry's health care plan is expensive.

The good news is that both the Associated Press and Reuters produced articles on the NLRB's decision. The bad news is that the articles left much to be desired. The AP's lead referred to this as a "case that could force unions to abandon recruiting strategies that allow them to bypass elections in the workplace." The third sentence asserted that the National Right to Work Legal Defense Foundation "is representing the dissatisfied workers, who complained they were unionized despite their opposition," but never mentioned who supports the foundation. Among its benefactors: the John M. Olin Foundation, which grew out of a family business manufacturing chemicals and munitions and which contributed \$1.8 million to the NRTWLDF.

NRTWLDF also has received \$155,000 from the Shelby Cullom Davis Foundation, \$35,000 from the Castle Rock Foundation (itself funded by the Adolph Coors

Continued on page 8

SECTOR CONFERENCE:

'Convergence' topics dominate agenda

The soul-searching that began at a winter retreat outside Baltimore, dubbed "Convergence II," will continue at the annual sector conference in Anaheim, where delegates will be asked to expand on the work of five committees that grew out of January's brainstorming.

Approximately 70 Guild activists have been working with TNG-CWA officers and staff members to expand on areas identified at Convergence II as critical to the union's growth: collective bargaining, coordination of union efforts within newspaper chains, membership involvement, political activity and the Guild's image. Conference delegates will be asked to participate in a workshop with one of the five groups to review its work, critique, brainstorm and provide fresh ideas.

Although no legislative action regarding the work groups will be taken in Anaheim, each group will craft specific suggestions after the conference for the executive council's consideration. The council will present a plan for implementing various proposals at next year's sector conference, to be held in May in Victoria, British Columbia.

Among the ideas emerging from the work groups to date:

- **Collective bargaining**—Possibly the most active of the five groups, this committee has developed a comprehensive set of proposals calling for standardized, local-based training of novice negotiators, as well as more advanced training at nationally central-

ized locations; creation of a "collective bargaining toolbox"; ongoing and continuous mobilization training at each local, even in mid-contract; and the development of more sophisticated economic pressure tactics.

The collective bargaining toolbox, envisioned as "a resource in preparing for and engaging in collective bargaining," would include examples of contract surveys; relevant reference books and manuals; research starting points, such as SEC and FCC filings and sources for industry and economic trends; sample information requests; a list of tactics that worked—and failed—at various Guild locations; and bargaining timelines and checklists.

The group's report also attempts to "take a fresh look" at economic pressure tactics, from strikes to circulation and advertising boycotts to shareholder or investor actions.

- **Chain coordination**—Using the Knight-Ridder council and the YourMedia project (which reports on the CanWest, Hollinger and Irving chains) as templates, the chain coordination work group has been developing a framework for the structure and function of a chain caucus and is calling for establishment of a national database on chains at TNG-CWA headquarters.

The group also is recommending adoption of a policy that "directs locals to provide TNG information on the former employers of new members, and the destination newspapers of those who leave our shops, to allow the Guild to build a data-

base of organizing possibilities at non-represented chain properties."

- **Membership involvement**—Starting from the premise that unions build power through the involvement of their members, this group has been researching three possible initiatives: development of a model "new member" packet that locals would give to new hires; researching how other unions maintain membership involvement between contract negotiations; and finding a charitable cause the Guild can rally around, much like CWA does on behalf of pediatric AIDS.

On the latter point, the group has reasoned that "the most logical cause for the Newspaper Guild to become involved with is literacy." But with so many other groups already focused on the issue, "the challenge lies in finding a unique way for our membership to make a difference."

One possibility: work with Newspapers in Education programs that are already in place. Another: develop local speakers' bureaus to bring newspaper workers into schools to speak about journalism, or even to tutor. A third possibility: create and distribute literacy booklets that showcase Guild members' work in current events, sports and culture. Such booklets would feature articles written by Guild members, along with information about the writer, how he or she became a newspaper worker and what it's like working for a newspaper.

- **Political activity**—Much of this work group's report focuses on a May 22 multi-

council meeting in Washington, at which politicians and Guild members explored the various implications of newspaper workers becoming politically active. Among the session's conclusions: that there is a need for increased Guild activism, especially on political issues such as media convergence and overtime; that TNG-CWA should not endorse political candidates, but that locals might; and that the Guild should promote voter registration.

The work group also has started exploring a related topic arising out of the multicouncil session, "the rise of so-called 'ethics policies' promulgated by newspapers around the country," and is allotting time at the sector conference for further discussion of the subject.

- **Guild image**—Lacking a trustworthy sense of how Guild members view their own union, or how they might want the Guild's image to be modified, the image work group has compiled a membership survey to assess perceptions and solicit ideas. The group is also urging that similar information be solicited through structured group discussions, such as district council meetings.

The group also is proposing that the Guild develop a marketing strategy to make clear that the union represents a wide variety of workers, not just journalists; and that it revisit the question of what the union calls itself, especially as the Guild "expands its membership beyond the realm of traditional newspaper" jobs.

Card-check spun as way to avoid democracy

Continued from page 7

Foundation), \$25,000 from the Jacqueline Hume Foundation and \$9,500 from the Roe Foundation. One has to wonder why a group that sells itself as fighting for the little guy needs all this money from very big guys.

The AP article also cited anonymous "critics" who "say that the voluntary recognition method allows union organizers to bully workers into signing union authorization cards because companies often grant unlimited access to the workplace." This claim was included despite extensive documentation of employer coercion in

the NLRB election process.

The relatively few major daily newspapers that covered the issue displayed similar bias. The Detroit Free Press, for example, began an article with admirable clarity: "The National Labor Relations Board sent a strong signal this week what a second term for President George W. Bush in the White House might look like. In what could be a blow to the United Auto Workers and other unions, the Republican-majority NLRB said it would decide whether to curtail a union's ability to organize workers through a simplified process known as neutrality and card-check agree-

ments." But the article then presented the anti-card check case before exploring arguments in favor of the practice, which affected what other readers saw: the version of this article printed by the Richmond Times Dispatch, for example, did not include the pro-card check opinion.

The Chicago Tribune was the largest newspaper to report the story, and it began its prejudicial explanation of card check this way: "The so-called card-check process has become popular among unions as they have sought ways to avoid the regular secret ballot system carried out by the NLRB."

A column by Robert Novak turned reality upside-down, claiming that "both Kerry and Edwards have joined Sen. Edward M. Kennedy in urging the National Labor Relations Board to adopt card check instead of secret ballots." Novak also relied on the same unnamed "critics" as the Associated Press, writing that "Critics say that method results in coercion of workers by union organizers."

The Chattanooga Times Free Press added an editorial for good measure that began: "Workers at a given company are entitled to form or not to form a union. But it is common sense that if they vote on

unionizing, it should be by secret ballot. That would reduce undue pressure either by management or by union backers to vote one way or the other. Sadly, what is obviously the right method is not always used."

Nexis found no editorials in support of keeping card check legal. Remarkably, Nexis does include 563 articles from the past 60 days mentioning the "liberal media."

The International Labor Communications Association is an AFL-CIO affiliate; it may be visited at www.ilcaonline.org

THE GUILD
Reporter

Official publication of
The Newspaper Guild-CWA (AFL-CIO, CLC)
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

(See box on page 2 for change of address notification)

Volume 71, Number 8

AUGUST 13, 2004

President: LINDA K. FOLEY
Secretary-Treasurer: BERNIE LUNZER
TNG-CWA Chairperson: CAROL D. ROTHMAN
Director, TNG Canada: ARNOLD AMBER

Regional Vice Presidents:
Region 1—Lesley Phillips
Region 2—Connie Knox
Region 3—Scott Stephens
Region 4—Lucille Wittek
Region 5—Peter Szekely
Region 6—Kathleen DeLuca
Canada East—Percy Hatfield
Canada West—Scott Edmonds

Director of Field Operations,
Administrative Assistant:
Eric D. Geist

Administrative Assistant:
Kathleen Price

Human Rights Director:
Deborah W. Thomas

Editor: Andy Zipser

Director,
Contract Administration:
Kathleen Mulvey Brennan

Executive Secretary,
Contract Committee:
Carrie Biggs-Adams

Membership Coordinator:
Bruce R. Nelson

Administrative Staff:
Scott Bush,
Gwendolyn Doggett,
Dominique Edmondson,
Malinka Franklin,
Tina Harrison

Staff Representatives:

Michael R. Burrell,
Darren Carroll,
Linda Carley,

Leo J. Ducharme,
Bruce Meachum,
Marian V. Needham,

Jim Schaufelbil,
Jay Schmitz

TNG Canada

Representatives:

David Esposti, David Wilson,

Dan Zeidler

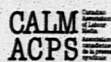
TNG Canada

Administrative Staff:

Marjolaine Botsford,

Joanne Scheel

(Articles may be reproduced freely in any non-profit publication, providing source is credited.)



Printed by Mount Vernon Printing Co.

DAYBOOK

TNG Sector Conference,
Aug. 26-28, Anaheim, CA

CWA Annual Minority Caucus,
Aug. 26-29, Anaheim, CA

CWA Annual Convention,
Aug. 30-31, Anaheim, CA

Labor Day: Sept. 6. The first
Labor Day parade was 1882.

Western District Council,
Oct. 23-24, Hawaii

CWA Safety-Health Conference,
Oct. 24-27, Baltimore, MD

Great Lakes District Council,
Nov. 6-7, Detroit, MI

CWA Legislative-Political Conf.,
March 6-9, Washington, DC

TNG Sector Conference,
May 5-8, 2005, Victoria, BC

CWA Annual Convention,
Aug. 29-31, 2005, Chicago

FROM THE MORGUE

Seventy years ago:

The Associated Press agrees to institute a five-day workweek, following the precedent set by larger U.S. newspapers. . . . The first strike vote taken by any Guild unit, by employees of the Jewish Daily Bulletin-Jewish Telegraphic Agency, forces an agreement that institutes a 40-hour week and reinstates three fired staff members. . . . Tardy national dues payments result in delayed publication of The Guild Reporter.

Fifty years ago this month:

By convention action, the Guild declares that members of the Communist Party "or any person who consistently adheres to the policies and actions" of the party or of "any similar subversive organization" are ineligible for Guild membership. . . . Actress Kim Novak greets the Guild's executive vice president, Ralph B. Novak, at the annual convention, held in Los Angeles. . . . Fortune magazine speculates that the four-day workweek will become the standard within 25 years—and much sooner for some industries, including printing.

Twenty-five years ago this month:

Guild President Charles Perlik assures ITU convention delegates that the Guild is still committed to a merger of the two unions—even though nearly two years of talks have failed to forge an agreement. . . . William Loeb, publisher of the Manchester Union Leader, turns over three-quarters of the paper to a trust benefitting his employees. . . . A union coalition asks the U.S. government to study possible health hazards of video display terminals.

Vol. 71

Iss. 9

SEP 10

2004