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November 19, 2013

Sent Via Email

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Re: Pacific Media Workers Guild, CWA 39521 – Officer Elections – 2013

Dear Elections Committee:

This letter addresses the November 18 letter from Brother and candidate Alex Abella requesting a response as to the validity of the status of members working for Purple Communication in relation to the pending election. Mr. Abella asserts that both “Guild bylaws and Federal labor laws specify that members in good standing are those who have been accepted by the Guild and, under a valid collective bargaining agreement, are currently paying regular dues.”

Let me address federal labor law requirements first, since the Union’s governing documents are required to conform to federal law. Section 401(e) of the LMRDA provides that “every member in good standing shall be eligible to be a candidate and to hold office (subject to... reasonable qualifications uniformly imposed) and shall have the right to vote for or otherwise support the candidate or candidates of his choice, without being subject to any penalty, discipline or improper interference or reprisal of any kind by such organization or any member thereof.” 29 U.S.C. § 481(e). The law prescribes no requirements as to how a Union defines a “member in good standing,” other than that the right to vote and be a candidate must be subject only to “reasonable qualifications uniformly imposed” and set out in the Union’s Constitution and Bylaws. In short, federal labor law does not require that “members in good standing” be limited to members currently paying dues and working under a valid collective bargaining agreement.

Which brings us to a review of the Union’s governing documents. Article XVIII, § 6 of the Newspaper Guild (“TNG”) Constitution provides (in full) that:

Notwithstanding any other provision of this Constitution or the CWA Constitution to the contrary, where TNG-CWA or any Local is organizing

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a new bargaining unit, and the applicable federal or provincial law requires a showing that a certain percentage of employees in the unit are members of TNG-CWA or the Local as a precondition to certification or representation vote, any of said employees who apply shall be admitted as members without payment of initiation fees or dues (or with payment of such minimal amount as may be appropriate under the applicable law) during the organizing campaign. The obligations of such members to pay initiation fees and dues as specified in this constitution or the CWA consistent shall commence upon the execution of the first collective bargaining agreement covering their bargaining unit. Such members shall have all rights, privileges and obligations of membership, except the right to vote in Sector referenda and to participate in Sector conferences.

The Local's new members from Purple Communications organized pursuant to an NLRB election and thus, were subject to minimum "showing of interest" requirements under the NLRA. These members did apply for and were accepted into Local membership. (*See*, Local Executive Committee meeting minutes from January 26, 2013, p. 1, "New Members," attached.) Under these circumstances, the TNG Constitution provides that these members are not obligated to pay initiation fees or dues until the execution of a first contract. Pertinent here, the Constitution mandates that these members *shall* have all rights and privileges of membership, excepting the right to vote and participate in Sector referenda and conferences, which are not at issue here.

In conclusion, the Local's members working at Purple Communications have every right to be a candidate and to vote in the pending election.

Very truly yours,



Sheila K. Sexton

SKS/kmb

Enclosure

cc: Anabelle Garay

Carl Hall

Sara Steffens

Pacific Media Workers Guild Executive Committee meeting 1/26/13

Present: Lucy Flores, Steve Stallone, Carl Hall, Rick Knee, Dan Harper, Kat Anderson, Gloria La Riva, Naomi Adelson, Mary Lou Aranguren, John Altman, Margie Brooks, Laurie Rivard, Marjorie Brooks, Laurie Rivard.

Via GTM: Neisha Lofing, Michael Ferreira, Derrick DePledge, Brandon Scovill, Mary Jane Moore

Via phone: Mirtha Sanchez, Silvia Barden, Joe Kahraman, Russ Cain

Meeting called to order at 10:18 am

Hall introduces members from the PMWG's new unit, Purple Communications, American Sign Language interpreters. Present were Margie Brooks, the vice chair of the Oakland branch, and Laurie Rivard. Mary Jane Moore, national chair, participated by video from Tempe, Arizona. The new unit has organized at four worksites, and supporters at other call centers in the US are closely watching what happens. If we can defeat the anti-union employer campaign, we expect to step up organizing at other sites.

Agenda

M/S/C/U to approve agenda with addition of a discussion of CFI staffing.

Minutes

M/S/C/U to approve the Minutes of the meetings of 12/1/12

New Members

M/S/C/U to accept and welcome new members, including 50 from CFI from 2012, 14 from the media units and 200 from four locations (Oakland, San Diego, Temp and Denver) in Purple Communications.

President's Report

Lofing reported she has been working with the TNG International in DC to get extended SIF funding for the Local's Valley, BANG-East Bay and Chronicle open shop mobilizing. We have signed up about 20 members in the SFC ad department, and hope to increase our visibility and support in the other two units to support negotiations.

Treasurer's Report

Harper reported good news and bad news. The good news is that the Local ended last year with a \$72,000 surplus. The bad news is that the Local has half a million dollar pension liability. The rent the Local is paying (\$3,000 per month) is going into the reserve fund, totaling \$36,000 for the last year.

Hall reported that he is still trying to get the \$446,000 liability reduced to around \$350,000. He noted the plan to pay it off has already been approved by the Representative Assembly,

using the San Jose reserve and securing a low interest loan against the building. The Local can handle it and pay off the debt in three to five years.

Hall also noted the Local's finances are now on a new software system (Sage) which has required a lot of time to implement. Wendy Mejia is now producing the monthly income statements, and worked with our auditor to get our Dept of Labor and IRS filings done on time.

Staff Reports

Hall reported that he will go to the next CFI meeting March 2 to present a special analysis and breakdown on revenue and expenses. He said he has asked TNG International Rep Darren Carroll to look at questions about our staff, financing and structure. In response to questions emailed to EC members by CFI President Ferreira, Hall noted that local bylaws assign the duty of hiring and overseeing staff to the Executive Officer, subject to review by the Executive Committee.

The EC/RA last year sets the number of positions. Last year, we authorized six regular field staff, including the Executive Officer. Jobs are to be filled subject to budget constraints and assigned where needed. At this time we have the following staff:

Hall - Executive Officer, SF
Garay - CFI Region 2, part-time, SF
Scovill - CFI Region 2 and 3, fulltime, Sacramento
Barden - CFI Region 1 and 4, fulltime, LA
Kahraman - CFI Region 1 and 4, LA, part-time

We also use two independent contractors regularly:

Bruce Meachum - CFI and Purple Communications
Kat Anderson - SF Special Projects (partly grant-funded student/freelance assignments)

Unfilled position:

Administrative officer/local rep in SF for all our media and other units. That position will be posted after the pension situation is reviewed and our current budget outlook gets clearer.

Meachum is assigned to Purple Communications bargaining. However, we will need to revisit staffing for this large new unit. We are seeking TNG assistance now.

Barden said that while it is great to have Kahraman on board in Southern California, he is only working three days a week and that is not enough to get all the work done. She added that the Region's last bargaining meeting was in November, but noted that with a change in administration the unit wants to wait to go back to the table till they have had a chance to build a good relationship with the new administration.

Confirmation of Convention Plan

Local delegates previously elected for TNG Sector Conference and/or CWA Convention will be Gates, Hall, Ferreira and Rosen Lum. Cabanatuan goes at International expense as a TNG

Vice President with a small part to be paid by the Local. Barden may attend as president of WDC, expenses paid by WDC per capita funds.

All were elected at a previous membership meeting.

M/S/C/U to send those named.

NAJIT Conference

Scovill proposed that two or three CFI members attend the National Association of Judicial Interpreters and Translators (NAJIT), the largest organization of court interpreters. He noted that CFI has had a "bumpy" relationship with the organization that includes employers and a board that is half anti-union. But the industry looks to the organization and CFI is already approved to give a workshop on how to organize interpreters into a collective bargaining unit. Scovill and Ferreira have been invited to present at the meeting. We are seeking a SIF grant to cover the cost of third delegate.

M/S/C/U to send two CFI members and a third one if the Local can get subsidy for it.

Arbitration Authorization

M/S/C/U with one abstention (DePledge) to authorize arbitration on a reporter's termination, involving charge of insubordination and social media issues, arising from the Modesto Bee.

Bargaining Updates

Hilo

Hall reported that the Hilo unit voted overwhelmingly against the employer's offer of a two-year extension of the contract. DePledge noted that the company had asked for the vote and the unit did it as a courtesy. He added that he feared the outcome will not be positive.

Chronicle

Hall reported that negotiations seem to be nearing final stages, focusing on health care. He said there is a good chance the Chronicle members will be merged into the Hearst corporate plan, eliminating our admin contract and along with it a Guild staff position. This will cost the Local about \$10,000 per month as early as June or July. At the same time the Guild staff and staff at the California Labor Federation will be forced to find alternative means of health coverage. We expect to remain in the current health plans, at the same cost, through the end of calendar 2013. The Chronicle unit is fighting for better terms.

La Riva asked how changes in the Chron health plan would affect early retirees. Hall responded that if the company offer to put Guild members in the Hearst plan is accepted, the early retirees would not be offered coverage through Hearst. They will need to find another source of coverage until they get onto Medicare. Litigation is possible. We have consulted Guild counsel.

As of September there was \$1.7 million in the Guild H&W Trust reserve that has to be spent on members' health care. It is possible that after closing down, assuming a continued monthly deficit of about \$100,000, the fund could have about \$600,000 left to put into "transition assistance" for members facing higher costs migrating into the Hearst plan.

Right now Chronicle unit members are being informed of the huge pay cut moving to the Hearst plan would require. They have to decide whether to accept it or take action.

Knee offered the Freelance Unit's help for the Chronicle workers.

East Bay BANG

The unit is returning to the bargaining table, and will set a meeting with the employer in a few weeks to discuss the central issue of parity with terms at the affiliated San Jose Mercury News unit. Meanwhile, Merc members are gearing up for contract talks in June, seeking a pay increase.

McClatchy

Steffens is leading the negotiations. The employer is consolidating copy desk operations in Sacramento for the Modesto paper and proposes to create a separate copy desk bargaining unit. Hall said he has proposed consolidating all the Bees into one unit of the Local, which would still allow for three (or perhaps four) labor contracts. There are 350 members at the three units, but dues-paying membership has dwindled.

Bay City News Service

Anderson is helping with negotiations. They hope to avoid concessions and are seeking pay increases along the same lines as were achieved in the last three-year contract.

CFI

Adelson reported that there may soon be an agreement in Region 2.

Scovill reported that Region 2's action may help Region 3. The unit will have a comprehensive proposal on the table in the next couple of days. The employer withdrew a proposal to cut wages and implied another onerous proposal may go away if talks on issues important to them are approached. There is talk about expanding unit work to include video remote interpreting.

Madison Street Press

La Riva said the Madison Street Press unit has a new agreement. In the past the employer has always paid increases in health care, but that went up by 10% this year. The agreement includes a 5-6% increase for members and a bigger severance.

M/S/C/U to ratify the new agreement

M/S/C/U to extend the meeting another 15 minutes

Ferriera raised concerns about staffing and support for CFI within the PMWG. They will be further discussed at the CFI Board meeting in Costa Mesa on March 3. Hall and Mejia are working on financial details to help ground the discussion.

Stallone presented the awards PMWG won in the International Labor Communications Association's annual media contest and forgot to thank Anderson for all her work in assembling the entries. (So he thanks her now!)

Harper is going on a trip to Colombia in defense of union activists there who face the world's worst labor repression, including many murders of unionists.

M/S/C/U to grant Harper status as a representative of PMWG. Hall to draft a letter he can bring along.

M/S/C/U to adjourn.

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