

POST GUILD UNIT

FORUM...



The Washington-Baltimore Newspaper Guild, Local 32035, TNG-CWA

July 29, 2008

Radio and Onion Unfair Labor Practice Results

An administrative law judge has rejected claims by the general counsel of the National Labor Relations Board that the Washington Post violated labor law when it refused to bargain over the participation of Guild employees in the now-defunct Washington Post Radio and the Onion satiric paper.

During an NLRB investigation, the NLRB general counsel agreed with the Guild that the Post had violated labor law. The Post responded by turning to outside counsel to mount a vigorous defense.

Last fall, the NLRB General Counsel and the Guild's attorney argued in seven days of trial that the Post violated federal labor law when it refused to negotiate mid-contract over the terms of the work performed for the radio and the satirical paper. The judge rejected that claim in a ruling issued July 18.

Administrative Law Judge Richard A. Scully did, however, agree with the general counsel, ruling that the Post had violated federal labor laws "by failing to furnish all of the information requested by the Union relating to Washington Post Radio and the Onion."

The judge also found that the Guild had made a convincing case that the new duties amounted to significant extra work, and that the union had tried to work out an equitable compensation system with the Post.

In the end, the case turned on seemingly obscure language about mid-term bargaining that was inserted into the 1995 contract – language the Guild had fought to keep out.

A ruling in the Guild's favor could have resulted in a payout for employees involved in these entities.

Guild leaders at the Post and the Guild executive council are studying the ruling. Any appeal would be to the full NLRB Board.

The ruling is a reminder that some battles during contract talks over seemingly arcane language are necessary. And although the Judge's ruling is a setback for the Guild, the Guild has fought successfully, contract after contract, to keep other unfavorable language out of the contract.

Whatever the case, we are far better off than our non-union brethren, who have no contract or voice.

The rights that are guaranteed us in our labor contract will be crucial to ensuring that employees get a fair shake as the Post continues to evolve, and in particular, as the merger between the newspaper and the Web moves forward.

Don't forget to complete and/or turn in your 2008 Guild Bargaining Survey by Friday, August 8. The survey can be taken online at wbng.org or on paper in the July 21 Guild Forum. Please return the paper surveys to one of the following:

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