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STIPULATION OF SETTLEMENT

It is hereby agreed this 29th day of November, 1973 that the collective bargaining agreement between the Museum of Modern Art and the Professional and Administrative Staff Association of the Museum of Modern Art, dated July 1, 1971 is extended, as modified below, for the period July 1, 1973 through November 30, 1975.

ARTICLE I

SALARY

A. Staff other than waitresses, employed on the effective dates, shall receive increases in annual salary as follows:

Effective date	Increase
July 1, 1973	5 1/2%
December 1, 1973	5 1/2%
December 1, 1974	6%

B. The hourly rate for waitresses shall be increased as follows:

Effective date	Increase
July 1, 1973	15 c.
December 1, 1973	10 c.
December 1, 1974	15 c.

C. The annual rate for the Senior Conservator title shall be increased by $750.00 effective December 2, 1973 and an additional $750.00 on December 2, 1974. Incumbents shall receive these adjustments in addition to the increases provided by paragraph A, above.

D. Minimum annual salaries shall be as follows:

Effective July 1, 1973, the minimum shall be $5,750. upon hire, which shall be increased to $6,100. after three months of employment.

Effective December 2, 1973, the minimum shall be $6,000. upon hire which shall be increased to $6,600. after six months of employment and to $7,000. after one year of employment.

ARTICLE II

HEALTH BENEFITS

Effective December 1, 1973, the following improvements to the existing benefit program will be provided:

A. Major Medical coverage will be increased from $25,000. to $50,000.

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B. Long Term Disability coverage--after 90 days, 50% of salary to a maximum of $1500. per month, to age 65, in accordance with the terms of the Union Mutual policy, a copy of which will be provided to the Association.

ARTICLE III

EDUCATION BENEFITS

Article III, paragraph (C) shall be amended as follows:

(1) To eliminate eligibility for the research project benefit as an eligibility factor for tuition reimbursement.

(2) To increase the fund referred to in paragraph (C)(2) from $5,000. to $6,000. per year.

(3) To add to the existing language of paragraph (C)(4) "In appropriate cases of financial need, only for employees eligible for reimbursement upon proof of registration, the Museum will, on sufficient advance notice, provide a check payable to the educational institution prior to registration."

ARTICLE VI

CONSULTATION WITH STAFF

Paragraph (A) and (B) shall be amended to read as follows:

A. The Director shall meet with designated representatives of the Association and shall inform the Association representatives of relevant policy matters under consideration, including but not limited to program and staff reductions, Museum hours, and admission charges. Said meetings shall take place, at the minimum, prior to each meeting of the Board of Trustees and appropriate Trustee Committees. With respect to the above matters, the Director shall inform Association representatives of the general range of policy options being considered and the decision of the Trustees. Reasonable advance notice shall be provided to the Association of the tentative items on the agenda of an upcoming Board of Trustees meeting.

B. The Association representatives shall have the right to appear before Trustee Committees to present the Association's position on such relevant policy matters under discussion. The Association representatives shall also have the right to appear before the Board of Trustees in connection with such relevant policy matters.

ARTICLE VIII

JOB DESCRIPTION

It is agreed that new employees hired to fill a PASTA bargaining unit position will be provided with an appropriate job descirption. If and when new or further job descriptions are promulgated by the Museum, employees will be provided with a copy of the appropriate job description. Furthermore, notwithstanding the

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promulgation of new or further job descriptions, the Personnel Review Board referred to in Article VIII Paragraph (b), shall be made a continuing body and in any case which shall come before the Personnel Review Board in which the grievant and a member of the Board are members of the same department, a substitute Board Member from another department shall be appointed.

ARTICLE IV

LEAVES

It is agreed that a maximum of six months child care leave shall be available to a male employee for the sole purpose of remaining at home to care for his newborn child.

MISCELLANEOUS

1. An employee on sabbatical leave or working on an approved research project shall continue to be covered at no expense to the employee by the Museum welfare and pension program.

2. The Association will be provided with a copy of the termination notice to any employee. A copy of any written disciplinary notice shall be furnished to the Association unless the employee requests otherwise.

3. Employees shall be offered reasonable opportunity to examine those materials in their personnel files relating to their employment by the Museum

4. Article V, paragraph (B) shall be amended by adding a second sentence as follows:

"Where there is a conflict between provisions of the contract and the manual, the contract provision shall govern."

Executed this 22 day of May, 1974

THE MUSEUM OF MODERN ART

/S/

Richard E. Oldenburg

THE PROFESSIONAL AND ADMINISTRATIVE STAFF ASSOCIATION OF THE MUSEUM OF MODERN ART

/S/

Alicia Grant

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The Professional and Administrative Staff Association
of the Museum of Modern Art

To: Members of the Professional and Administrative Staff Association of The Museum of Modern Art

From: Members of the Program Committee and Task Forces, and the Association's Representatives to the Bargaining Discussions

Date: March 31, 1971

Re: Report on Bargaining Discussions

This report summarizes the bargaining discussions held to date with the Director and his Committee, as well as commenting upon and clarifying Mr. Hightower's March 29 memorandum to the staff, "Discussion with the Staff Association," and the March 23 draft of his proposed recommendations to the Trustee Personnel Committee attached thereto.

At the first session, held Tuesday, March 23, Mr. Hightower presented copies of this draft proposal and summarized its contents. The Association's representatives stated that the demands in its letter of January 11 had been put forward as a departure point for bargaining and were therefore subject to considerable revision as a result of ensuing discussions; however, the goal was to arrive at a mutually agreed upon set of proposals to be submitted for their acceptance to the Trustees and to the Association, respectively -- the final purpose being to arrive at a written commitment binding upon both sides. In the light of this, they found the Director's draft of his proposed recommendations lacking in specificity, except in a few areas (such as benefits); and they respectfully requested an opportunity before the next meeting to study these proposals more carefully, while at the same time urging the Director to make his proposals more detailed and more directly responsive to the demands.

At the second session on Friday, March 26, Jane Fluegel on behalf of the Association's representatives reiterated the necessity for more specific, detailed responses to our demands, so that the discussions might be less general and more meaningful.

It was decided to begin with discussing salaries as the most urgent priority and also the opening section of the demand letter. There were some preliminary queries and criticisms in regard to the Cresap, McCormick & Paget report of April 1970, "A Salary Program for The Museum Staff," which as an outcome of the Task Force discussions had been circulated by the Director to the entire staff, with the explanation that it had been adopted in principle by the Trustees last spring and, with some modifications explained in the report of the Task Force on Salaries, had already begun to be implemented. (Those who have not seen the latter report may obtain a copy on request.) It was shortly decided by the Association representatives and their counsel not to continue

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further haggling over details of the Cresap, McCormick & Paget report's methodology and conclusions, but rather, in order to reach an agreement more expeditiously, to accept in principle its structure and proceed from that point on. They therefore put forward the following proposals:

1. That, reflecting the rise in cost of living in New York since the Cresap, McCormick & Paget report was compiled in 1969, the minimum for all salary grades proposed in that report be increased by 10 percent -- with, however, the minimum in no case to be less than $7,000.

2. That each staff member be brought up to this adjusted minimum for his grade, retroactive to January 1, 1971.

3. That the Administration having stated that its effective minimum for any grade was no longer $4,180, but had recently been raised to $5,200 -- i.e., by 24 percent, it was therefore proposed that a corresponding 24 percent increase be applied to incumbents in all grades, retroactive to January 1, 1971 or raised to minimum of the adjusted grade, whichever is higher. There was, however, to be credit against this 24 percent for any adjustments already made by the Museum in raising salaries to the recommended minimums.

4. Since general dissatisfaction has been expressed by staff members, in and outside of the Association, to the grading in the Cresap, McCormick & Paget report, it was proposed that a Reclassification Board be established, both to create more uniform and rational grades and corresponding salary ranges, and to hear individual appeals regarding reclassification. It was proposed that this board be made up of one designee of the Museum, one of the Association, and one to be mutually agreed upon.

The Administration's representatives replied that these proposals would be completely impossible, because they would result in increasing the Museum's operating deficit by $500,000 for the current fiscal year, and $1 million during the coming one. It was stated that the Director was proposing to the Trustee Personnel Committee at its forthcoming meeting on April 8 that it recommend an allocation of $300,000 for salary increases in the fiscal year beginning July 1, 1971; however, it was stressed that even this recommendation would be subject to review by the Finance Committee, in the light of the total budget, before being submitted for approval to the Board of Trustees, which alone has the power to commit funds.

Here it should be explained regarding the $300,000 that this sum is equal to the difference between the payroll total of $3.9 million at the onset of the current fiscal year, when the staff (including union members) totaled 530, and the present payroll of $3.6 for the staff which now numbers 444. Secondly, the $300,000 is being apportioned among the Museum's departments and their respective staffs by taking 6 percent of the total of the present salaries of all members of the

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department, excepting that of the department head -- this 6 percent amount then being recommended for distribution among the various members of his department, at his discretion, as their increases for the coming year. It must be pointed out that this in fact departs from the procedures recommended by the Cresap, McCormick & Paget report in several respects:

1) Since the 6 percent must be used simultaneously, both to raise salaries of those receiving less than the recommended minimum to the minimum for their range, and for merit increments, each person's increase thereby becomes dependent upon those granted all other members of his department, irrespective of the quality of his own performance which may merit an increase.

2) If a staff member has for years been receiving a salary below the minimum, raising him now to that bare minimum means his forfeiture of whatever merit increments within that range would normally have been entitled to receive during those years. It should be noted also that 32 percent of the non-union staff surveyed were found by the Cresap, McCormick & Paget report to be below the minimums they recommended for the respective grades.

3) While the Cresap, McCormick & Paget report recommended periodic review of all ranges in the light of prevailing circumstances, for the Museum to put their minimums into effect now disregards the subsequent 18 month rise in living costs in New York. (Actually, in some cases the minimums would not be put into effect until July 1, 1971, in other cases not until January 1, 1972, and in the case of recent employees, on their anniversary dates whenever they might fall.)

In this connection it should be mentioned that the heading "Curatorial ranges in effect at The Museum of Modern Art" in the Addendum to the March 23 draft of the Director's proposed recommendations to the Trustee Personnel Committee is, as of present date, inaccurate. The minimums may perhaps be those <u>proposed</u> for adoption but are by no means <u>currently</u> in effect for all incumbents of the stipulated titles.

The Administration's representatives rejected entirely the proposal to establish a Reclassification Board, on the basis that this would be an interference with the right of department heads, individually and collectively, to make sole determination regarding salaries in accordance with their own evaluation of each employee's performance.

In view of the above position on the part of the Administration's representatives, it seemed obvious that no meaningful bargaining on salaries could take place, since all the Association's successive proposals were being met with an inflexible stand (apparently taken in advance of the Task Force sessions or the current discussion). The Association's representatives and counsel therefore proposed that the impasse on salaries be referred to an outside arbitrater for decision.

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Should he determine that in the light of the deficit or other budgetary problems the Museum could not in fact meet any of the Association's proposals, as set forth or as they might be further modified, the Association would be bound to desist from its demands. Should the arbitrater decide, however, that the Museum should modify its own proposals, his decision would be correspondingly binding upon the Museum.

The Administration's representatives declared categorically that they could not accede to any concept that the Board of Trustees could under any circumstances be bound by outside judgment or authority. The Association's representatives therefore decided that since all its attempts at good-faith bargaining on the matter of salaries had been completely frustrated, there was no point in discussing it other demands, which however significant they might be were of less urgent priority. The meeting was therefore adjourned sine die.

* * * * * * * * * * *

This report was presented to the membership of the Association on Wednesday, March 31. The following resolution was passed at that meeting:

"Resolved, that the Bargaining Committee be mandated to meet with an appropriate committee of the Trustees to demand establishment of a Museum Bargaining Committee empowered to negotiate and reach agreement with the Association on the terms of a contract based on the Association demand letter of 11 January 1971.
"Failing the establishment of such a committee, the Bargaining Committee be mandated to report to the Association no later than April 7, 1971, with a plan of action for a strike of the Association. The Association reiterates its demand that the settlement which will ultimately be reached be made retroactive to 1 January 1971."

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PROFESSIONAL AND ADMINISTRATIVE STAFF ASSOCIATION OF THE MUSEUM OF MODERN ART

August 12, 1971
For Immediate Release

PROFESSIONAL AND ADMINISTRATIVE STAFF ASSOCIATION OF THE MUSEUM OF MODERN ART VOTES STRIKE ACTION

By a three-to-one majority, members of the Professional and Administrative Staff Association (PASTA) of the Museum of Modern Art voted on Monday, August 9, to declare a strike. Immediate cause of this action was that during the course of negotiations for a contract involving among other things salaries, job security, and consultation in policy decisions, the Museum's Administration late last week announced its intention of abolishing some 36 positions in the Association's bargaining unit of 200-odd employees. Sixteen staff members were in fact immediately given notice of termination of employment, in some cases to be effective August 20. The union accordingly voted to strike prior to that date unless the dismissals were rescinded pending completion of negotiations. It further mandated its bargaining team and program committee in any event to set a strike date no later than September 17, if no acceptable contract had been proposed by the Museum to the Association before that date. However, no matter at which date the union goes out on strike, it has declared its intention of remaining out until the entire contract has been negotiated.

The Museum had already indicated that because of its deficit it planned substantial cutbacks in program and staff during the current fiscal year, ending June 30, 1972. The bargaining team had asked that no notices of dismissal

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be given until it had the opportunity to consider carefully: 1) the number and nature of the positions to be abolished, in the light of their impact on the Museum's program; 2) the relation between the projected reduction in program and the proposed staff lay-offs; and 3) the financial data which the Museum claimed as its basis for curtailment of program and staff. As the Museum's counsel, Michael J. Horowitz, explained in a letter sent last week to members of the Association, this request had been made in order that the bargaining team's consideration of the proposed reductions might be evaluated on a factual basis, rather than focusing on the specific individuals slated for dismissal. Such deliberation was precluded by the Museum's unilateral action, which precipitated the union's decision to strike.

The Administration has indicated that if the bargaining team would propose a job-security clause satisfactory to them, they might consider extending the lay-off date of August 20. They have made it clear that they would consider a proposal acceptable only if it allowed them freedom to effect dismissals at their sole discretion, without regard for the job-security provisions outlined in the demand letter; and they also would give no assurance that there would be no additional lay-offs besides those already announced. These total fifty-three--in addition to the 36 members of the Staff Association's bargaining unit, six in other unions at the Museum and eleven in non-union positions.

Those already given notice of dismissal include Virginia Allen and Margaret Potter, Associate Curators of Painting and Sculpture; Mildred Constantine, Special Assistant to the Director and formerly Associate Curator in the Department of Architecture and Design, who has been on the staff since 1949; Eila Kokkinen, Assistant Curator, Joan Rosenbaum, Curatorial Assistant, and Emily Fuller, Secretary, Department of Drawings; Jean Lenauer, Technical Director, William Perry, Music Director, and Geraldine Cunningham, Cataloguer-Librarian, Department of Film; Peter Schwartz, Associate Director, Corporate

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Relations; Patricia Jobling, Supervisor, Audio-visual Archives; Suzanne Raices, Coordinator of the High School Program and of Group Visits; Geoffrey Brown, Writer, attached to the Director's Office; and Irene Wojciechowski, Celia Hernandez, and Violet Sanchez, Department of Finance. Two among these--Virginia Allen and Patricia Jobling--are members of the union's bargaining team, and the latter is also chairman of its program committee, the Association's highest elective office. In addition to this, Emily Fuller and Jean Lenauer were among the employees who were given notice of dismissal for budgetary reasons last December, in spite of a written promise to the staff made two months before by the Director, John B. Hightower, that no such lay-offs were contemplated. A strike voted at that time was revoked when the Museum gave its written agreement "to retain on its payroll in other jobs those scheduled for lay-off on December 31, 1970, who wish to remain, until an agreement has been reached with the Association as to the propriety of the lay-offs or until a collective bargaining agreement has been negotiated between the Museum and the Association, whichever is earlier." The breaking of this agreement and the Museum's action in attempting to effect dismissals during the course of negotiations for a contract constitute unfair labor practices, in the opinion of the union and its counsel, Michael J. Horowitz, and constitute grounds for filing a complaint with the National Labor Relations Board. The Museum's decision regarding lay-offs is all the more reprehensible in view of the fact that it had refused to grant to a number of employees raises already budgeted as of July 1, on the pretext that it could not do so pending the negotiation of a union contract.

The Professional and Administrative Staff Association of The Museum of Modern Art was formed in June 1970 "to provide a forum for the expression of ideas among the members of the staff, to establish a constructive body that

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will have a voice in matters that concern and affect the Museum; to improve the economic, professional, and working conditions." On January 11, 1971, a demand letter was submitted on behalf of the Association to the Museum's Director, John B. Hightower. It covered not only salaries, traditional benefits such as insurance, sick leave, vacations, job security, working conditions, and grievance procedures, but also educational benefits, and particularly the right of Association members to participate in the decision-making process on questions of Museum policy.

The Administration indicated its willingness to discuss these demands but refused to enter into true good-faith bargaining until the Association became certified as bargaining agent for the staff members it claimed to represent. Accordingly, in April the Association voted to accept an invitation from the Distributive Workers of America and became Local 1, Museum Division, DWA. In an election held June 4 under the supervision of the National Labor Relations Board an overwhelming majority of some 200 members of the bargaining unit voted to have the union represent them in collective bargaining with the Administration. Formal negotiations toward a binding contract on the basis of the demand letter began therefore late in June. In its salary demands, the bargaining team has stressed the necessity of raising the Museum's present minimum wage of $4,700 for full-time employees to $7,000, and of recognizing by substantial salary increases the seniority of staff members who despite many years of employment are still grossly underpaid.

The Professional and Administrative Staff Association is the first group of such employees in any American museum either to affiliate with a union or to obtain certification under a national or state labor relations board. Its bargaining unit includes members of the curatorial staff, conservators, registrars, members of the Publications Department, Finance Department, and of other

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program and service departments, as well as operational personnel such as the sales staff in the Museum's bookstores, receptionists, and waitresses in the Penthouse Restaurant. Excluded are approximately 50 persons in positions deemed managerial, supervisory, or of a confidential nature, and others among the Museum's over 400 employees, such as guards, projectionists, electricians, and warehouse men, who are represented by other unions.

* *

For additional information contact Patricia Jobling (956-2689) or Jane Fluegel (956-7208).

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The Museum of Modern Art

To The Entire Staff

From John B. Hightower

Date August 4, 1971

Re

The subjects described in the attached memorandum on a subject of great importance to all are currently being negotiated with the Staff Association. Further comment on the status of these negotiations will be forthcoming from the Museum and the Staff Association Negotiating Committee.

Discussions will also be held in due course with the other unions whose members will be affected.

an Ad Hoc Committee after consultation with members of the curatorial staff. The Trustees have given considerable attention to these matters and understand completely the gravity of the decisions that must be made, and it is their firm belief that action albeit extremely regrettable and difficult is necessary at this time if the Museum is to be strengthened for the future.

As many of you may recall, the Ad Hoc Committee recommended that first claims on the Museum's capacities be assigned to: (1) preserving the works in its collections and making them visible; (2) mounting exhibitions; (3) producing publications; and (4) providing an educational program. "In order to accomplish these priorities," the Committee's report concluded, "not only must Museum operations be as economically efficient as possible, including cost reductions wherever possible, but total income must also be increased."

Under the guidance of the newly-formed Trustee Development Committee, active campaigns are now underway to increase substantially the endowment of the Museum and to raise significantly the level of annual giving. But even if these objectives, as now estimated, are fully achieved, and combined with such added savings as the possible renting-out of our office building at 27 West 53rd Street as well as a severe cutback in special events held by the Museum, they cannot alone eliminate the projected deficits or secure the Museum's future. A curtailment of the Museum's program, until our financial problems are solved, is also essential.

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The Museum of Modern Art

To The Entire Staff

From John B. Hightower

Date August 4, 1971

It is clearly no secret to anyone that The Museum of Modern Art has been and still is in critical financial difficulty. It is also no comfort that other institutions throughout the country are in similar circumstances. We have been operating at a deficit since 1966-67, when the loss was $128,000. In subsequent years the deficit has been increasing at such a rate that it quite literally jeopardizes the essential character of the institution. The projected deficit for our current fiscal year is $1,300,000. If we do nothing to arrest and reverse this trend, the Museum will, by 1978, be spending half again as much money as it receives and have no alternative to closing its doors. The solution is simple and obvious, but not at all easy: we must increase our income and reduce our expenses. The purpose of this memorandum is to report to you how we propose to achieve these objectives through steps consistent with the priorities approved by the Board of Trustees, following recommendations made by an Ad Hoc Committee after consultation with members of the curatorial staff. The Trustees have given considerable attention to these matters and understand completely the gravity of the decisions that must be made, and it is their firm belief that action albeit extremely regrettable and difficult is necessary at this time if the Museum is to be strengthened for the future.

As many of you may recall, the Ad Hoc Committee recommended that first claims on the Museum's capacities be assigned to: (1) preserving the works in its collections and making them visible; (2) mounting exhibitions; (3) producing publications; and (4) providing an educational program. "In order to accomplish these priorities," the Committee's report concluded, "not only must Museum operations be as economically efficient as possible, including cost reductions wherever possible, but total income must also be increased."

Under the guidance of the newly-formed Trustee Development Committee, active campaigns are now underway to increase substantially the endowment of the Museum and to raise significantly the level of annual giving. But even if these objectives, as now estimated, are fully achieved, and combined with such added savings as the possible renting-out of our office building at 27 West 53rd Street as well as a severe cutback in special events held by the Museum, they cannot alone eliminate the projected deficits or secure the Museum's future. A curtailment of the Museum's program, until our financial problems are solved, is also essential.

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Towards this end, I have been consulting for some time with a number of people in our curatorial and service departments. Their cooperation and their counsel have been invaluable. As a result of these discussions, I am convinced that, while many of our activities will have to be reduced in scope and volume, the Museum will remain the lively and influential force in the world of modern art that it has always been. The reductions to be put into effect have been broadly conceived and carefully formulated to provide for maximum effectiveness throughout the Museum's programs. Careful consideration has been given to maintaining those activities and services, such as archives, conservation, library and basic cataloguing, which are frequently less visible to the public but which must be recognized as essential to the Museum.

As you all know, steps have already been taken to reduce the hectic pace of our temporary exhibition schedule and focus more thoughtfully on exactly what our 53rd Street and travelling exhibitions, both national and international, should be in order to fulfill the purposes of our charter. The collective thinking of a great many members of the staff has been extremely helpful in making this decision one that can result in more effective use of our resources. There have also been carefully thought out suggestions that there may actually be advantages to reducing the number of temporary exhibitions - by as much as 50% to 75% of the present schedule.

A reinstallation of our permanent collection is being planned, and discussions are now underway with a number of the staff concerning the direction this should take and how it can most effectively be accomplished. One of the objectives is to put our collection to greater use, as has been done recently with such shows as The Artist as Adversary and Ways of Looking.

A refocusing of our educational aims and programs is also being undertaken in consultation with the newly formed Trustee Education Committee as well as appropriate staff members and committees. Meanwhile, some of our existing extension activities will have to be reduced until a comprehensive program can be planned and adopted. Other areas of our operations that are services to members either corporate or individual, but which do not substantially increase our income, such as the Newsletter and the Art Advisory Program, will be suspended for the time-being. In addition to the restructuring of the Painting and Sculpture Department, which was announced last month, some program and service departments will be consolidated. These program reductions, if they are to be effective moves to strengthen the Museum's ability in continuing to pursue its basic priorities, must lead to reductions in the current program staff and future reductions in such service areas as registration, custodial, finance, and administration.

It is a difficult task for me to have to report reductions in the current level of our programming. On the other hand, it has been extremely gratifying to have had so much thoughtful consideration from so many of you in arriving at these decisions, particularly those regarding the temporary exhibition program. Some of these decisions will be painful to carry out. But they also represent an opportunity to assess, under the pressure of conditions shared by many other cultural institutions across the country, our capacity to meet the aesthetic and intellectual demands made of us within the practical context of the conditions we face.

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SPECIFIC PROGRAM REDUCTIONS

1. Temporary Exhibition Program

Reduce temporary exhibition program on 53rd Street by at least 50% with no more than four major shows annually.

EFFECTIVE DATE: October 1972

2. Travelling Exhibitions

Reduce national and international travelling exhibition program by as much as 50%; increase fees.

EFFECTIVE DATE: 25% during 1971-72

An additional 25% of current level during 1972-73

3. Loans From The Collection

Increase fees based on actual costs even though it may in turn reduce loans to other institutions.

EFFECTIVE DATE: Immediately

4. International Study Center

Consolidate administrative and coordinating functions of the International Study Center under Director's Office.

EFFECTIVE DATE: Immediately

A. Public School Program

Continue Public School Program under Director's Office.

EFFECTIVE DATE: Immediately

B. Group Visits

Transfer administrative requirements of Group Visits to Public Information.

EFFECTIVE DATE: Immediately

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5. Special Events

Reduce Special Events to absolute minimum even when subsidized.

EFFECTIVE DATE: Immediately

6. Newsletter and Calendar

Suspend Members' Newsletter indefinitely; transfer compiling and editing of Calendar to Public Information.

EFFECTIVE DATE: Immediately

7. Art Advisory Service

Suspend indefinitely all Art Advisory Service.

EFFECTIVE DATE: Immediately (Announcement to Corporate Members schedule for week of August 10, 1971.)

8. Audio-Visual Archive

Consolidate functions of Audio-Visual Archive under Rights and Reproductions.

EFFECTIVE DATE: Immediately

9. Photo Lab

Reduce photographic services and consolidate administrative functions under Rights and Reproductions.

EFFECTIVE DATE: Immediately

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THE PROFESSIONAL AND ADMINISTRATIVE STAFF ASSOCIATION
OF THE MUSEUM OF MODERN ART
DWA, MUSEUM DIVISION, LOCAL NO. 1

To: The entire staff
From: The Bargaining Team and Program Committee
Date: August 9, 1971
Re: Strike Vote

By a 3-to-1 majority, the members of the bargaining unit of the Association in a secret ballot have mandated the Bargaining Team and Program Committee to set a strike date no later than September 17, if by that date no complete and acceptable contract has been proposed by the Museum to the Association.

Further, the Bargaining Team and Program Committee are mandated to set a date for a strike before August 20, if the Administration fails to rescind its notifications to all individuals whom it proposes to lay off and fails to allow them to remain on staff, pending the negotiation of a contract.

We have a very short time in which to prepare for a strike, and a great deal of work is required to make it effective. Therefore, all members of the bargaining unit (and other staff members who are in sympathy with our cause) are urged to volunteer to work with one of the following committees:

1) ARTIST RELATIONS
2) PARTY
3) PICKETING AND SLOGANS
4) PUBLICITY
5) STRIKE FUND

Please telephone Mikki Carpenter (ext. 2689) to let her know on which committee you will serve.

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THE PROFESSIONAL AND ADMINISTRATIVE STAFF ASSOCIATION

April 16, 1971

Mr. John B. Hightower, Director
The Museum of Modern Art
11 West 53rd Street
New York, New York 10019

Dear Mr. Hightower:

The Professional and Administrative Staff Association is shocked and outraged to have received on the same day your letter of April 12, addressed to Jane Fluegel as Chairman of the Program Committee, and your memorandum of April 13 to the Office Staff. In your memorandum to us of October 30, you indicated your willingness to recognize the Association as spokesman for its members, while making the point -- the validity of which we acknowledge -- that the Association was not to be regarded as representing the entire staff. We have scrupulously tried to preserve this distinction but respectfully submit that you yourself are consistently violating it, by confusing your replies to communications addressed to you by the Association with memoranda you address to the entire staff.

It is, of course, your prerogative as Director to send memoranda to the staff at large whenever you choose. We completely fail to understand, however, how you can justify having presented to the Trustee Personnel Committee on April 9 your proposal regarding the revision of grading for non-union positions at the Museum, and thereafter presenting this proposal to the staff, as having been approved by that Committee, when actually, this constitutes your own counter proposal to one made by the Association's Bargaining Team at the session held Friday, March 26. In it, we proposed that in view of the museumwide dissatisfaction with the Cresap, McCormick and Paget grading system, a Reclassification Board be established, composed of one designee of the Museum, one of the Association, and one mutually agreed upon. Its purposes should be the creation of more uniform grades and corresponding salary ranges, and the hearing of individual appeals regarding reclassification.

Our proposal was rejected out of hand by you and others of the Museum's Bargaining Team, and this intractable attitude prevented a free flow of suggestions or any possible modifications regarding it. We believe that in accordance with the procedure adopted at our first discussions on March 23, any proposal you had regarding reclassification should properly have been brought up and discussed during the bargaining sessions; then, with whatever modifications might have been agreed upon, it should

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have been transmitted simultaneously, as our teams' joint proposal, to the Trustee Personnel Committee and to the Staff Association for their approval, before being forwarded to the Board of Trustees. We consider it highly improper, therefore, that you chose to take unilateral action and present "your" proposal to the Trustee Personnel Committee and subsequently to the entire office staff.

As to the substantive nature of your proposal, we doubt that the staff will be content to fill out yet another questionnaire and follow essentially the same procedure as before. This will not correct the inequities and injustices inherent in the present grading system. Furthermore, in our opinion, the Cresap, McCormick and Paget system is based on such completely erroneous premises and is so replete with absurdities as to be beyond salvaging. For example, on the basis of the three criteria "knowledge and skills", "complexity and difficulty", and "overall significance," the job of Manager of the Restaurant outranks that of Associate Curator; for some titles (such as Curatorial Assistant and Assistant Curator), there are no fewer than seven grades; finally, while the U.S. Civil Service in its General Schedule recognizes only eighteen grades for all classified government positions (including those of the Smithsonian Institution), almost twice as many -- thirty-five -- are contained in the Cresap, McCormick and Paget grading system!

To return to your letter to Miss Fluegel: We, too, are eager to resume our sessions at the earliest possible date. We cannot do so, however, without far more specific assurances than are contained in your letter that these will result in joint proposals that can be submitted to the Association and relevant Trustee Committees, with the purpose of culminating in a binding, written agreement between the Museum and the Association. When we agreed to the general procedure outlined in Mr. Van Dyke's memorandum, it was our understanding that clause 3A, written into it at our first meeting on March 23, stipulated that after receiving the Task Force reports you would use the time intervening between their submission and resumption of the bargaining-team sessions to discuss the contents of those reports with members of the staff, including department heads, and with appropriate Trustees. It had been our clear understanding that you would thus have come to the discussions already empowered to make firm commitments or meaningful modifications in the various proposals. Instead, we were told that any conclusions reached at our sessions could be regarded only as highly tentative. While we of course recognize that the Trustee Personnel Committee and Finance Committee must ultimately approve our joint proposals, as must the Staff Association also, we are unwilling to resume any discussions as inconclusive as the former ones.

We must respectfully remind you also that we have had no definite reply to the Resolution passed by the membership of the Association on Wednesday, March 31, followimg suspension of the discussions: "Resolved, that the Bargaining Committee be mandated to meet with an appropriate committee of the

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Trustees to demand establishment of a Museum Bargaining Committee empowered to negotiate and reach agreement with the Association on the terms of a contract based on the Association demand letter of January 11, 1971." We appreciate the opportunity given Association representatives to meet with Mrs. Rockefeller and Mrs. Parkinson on behalf of the Trustees Personnel Committee, and welcome your assurance that Mrs. Rockefeller will participate in future discussions; nevertheless, it seems obvious that some member of the Finance Committee must also be present, if these discussions are to be other than continuously inconclusive, frustrating, and time-wasting.

Furthermore, we are of course willing to negotiate the other matters covered in our demand letter but must declare that in our view there is an absolute urgency and priority for the first item on the agenda to be salaries. Specifically, we believe nothing should take precedence over the establishment of a minimum salary of $7,000 for all employees, retroactive to January 1, 1971, and the reclassification of all grades and salaries.

We must reiterate that we cannot condone your having submitted your series of recommendations, intact and without modifications, to the Trustee Personnel Committee. At the first negotiating session on March 23, you told us that you regarded these proposals as merely tentative; and in fact, because of the impasse on the question of salaries, they were never discussed. Without such opportunity for discussion, we are by no means convinced that there is actually, as you allege, substantial agreement between the Museum and the Association on such points as educational benefits and grievance procedures. Moreover, the Museum on its own initiative advanced a proposal for tenure, which was never made very specific. It was certainly not discussed in any detail, and -- especially in view of the fact that it seems intended to give job security to curatorial staff only -- our substantial agreement cannot possibly be assumed.

The Staff Association sincerely shares your hope that a true spirit of cooperation may prevail at the Museum. As we have repeatedly declared, it has never been our intention to interpolate ourselves between you, as Director, and <u>all</u> members of the staff. On the other hand, we believe that the Association, as a democratic body representing a large group, is entitled to both <u>de jure</u> as well as <u>de facto</u> recognition. We consider it is your responsibility to see that good-faith bargaining and meaningful negotiations with the Association replace endless "discussions" and the mere "opportunity to exchange views." Our demand letter was submitted on January 11; surely the time for action on its proposals is long overdue. The Administration's tactics of endless delays have resulted in undermining the morale of the staff. This situation can only deteriorate further, unless there is a firm

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determination on your part promptly to initiate sessions that will effectively constitute true good-faith bargaining, and in any case no later than Monday, April 26.

The inevitable alternative seems to be a strike -- an action that we are as eager as you to avoid. We believe, however, that the burden of taking constructive steps to avert it is on you, rather than on the Association.

Sincerely,

The Program Committee
The Professional and Administrative Staff Association
of The Museum of Modern Art

per:Jane Fluegel

cc: Mrs. John D. Rockefeller, 3rd
Chairman, Trustee Personnel Committee

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The Museum of Modern Art

To The Office Staff

From John B. Hightower

Date April 13, 1971

Re

I am pleased to report that the Trustee Personnel Committee, at its meeting on Friday, April 9, approved my proposal for an immediate and comprehensive review of the grading of all non-union positions at the Museum. This will mean, as before, that each of you will be asked to prepare a description of his or her job, using a form of questionnaire similar to that which was used last year during the much belabored study conducted by Cresap, McCormick & Paget. Copies of the questionnaires completed last year will be available through Department Heads. Anyone who finds after reviewing his previous questionnaire that there has been no substantial change in the duties and responsibilities of his position, or in the qualifications necessary for it, may simply confirm this without filling out a new questionnaire from scratch. Completed questionnaires should be submitted to Department Heads and will be reviewed by them, when necessary in consultation with the persons preparing them, before they are forwarded to the Personnel Director.

Before we start procedure for this review, which hopefully will be completed by mid-June, I would like and urge everyone who has suggestions for improvements in the procedure to submit them in writing to me by Monday, April 19. All such suggestions will be carefully considered before the final procedure is formulated and the questionnaires are distributed.

During the whole re-grading procedure we definitely intend to provide for the presence of appropriately elected representatives of the staff below the level of Department Head. Elected representatives of the staff at large will similarly participate in a further procedure, suggestions for which are also welcome, to be established for the review of the grading of any position held by a person who believes that the grade assigned is inappropriate.

Newly established grades will become effective July 1, 1971. Any salary found to be below the minimum of the new range will be adjusted at that time. Salaries will not, however, be adjusted downward.

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The Museum of Modern Art

11 West 53 Street, New York, N.Y. 10019 Tel. 956-6100 Cable: Modernart

...n R. Hightower
(212) 956-7502

April 12, 1971

Miss Jane Fluegel
Chairman, Program Committee
The Professional and Administrative Staff Association of The Museum of Modern Art
11 West 53rd Street
New York, New York 10019

Dear Jane:

As you know, a meeting of the Trustee Personnel Committee was held last Friday afternoon, April 9th. We discussed at great length the recent talks and discussions that have taken place concerning the "demand letter" of January 11, 1971 along with the procedure we had both agreed upon for considering the various points it raised. We also reviewed the drafted recommendations I proposed to the Trustee Personnel Committee that resulted from the Task Force discussions of last month.

My only regret in presenting my recommendations on Friday concerned the fact that points of agreement had not been discussed with the Association or other members of the staff as we had hoped. There are any number of points for discussion which involve and affect so many on the staff of the Museum that we would still very much like to have as full a discussion as possible regarding them. At the very least, they involve discussion of matters about which we know we are in essential agreement - particularly those points concerning educational benefits, grievances, and other benefits as well as a proposal for tenure which would have considerable repercussions for the Museum and, undoubtedly, the entire museum profession. I can assure you that we feel very uncertain of my proposal in its present form which can at best be described as formative.

Needless to say, we would like very much to continue the discussions which began on Tuesday, March 23, 1971. It is not only a question of wanting to continue these discussions in good faith, but the discussions concern matters that I feel personally committed to and responsible for discussing with a number of people on the staff and among the Trustees. Mrs. John D. Rockefeller, III, as Chairman of the Trustee Personnel Committee, has in fact been invited to join in future discussions. In addition, let me assure you once again that any dissenting views will be given a full hearing before the Committee preceding any action or decision. Even if we do not reach complete agreement on all issues, an opportunity to exchange views will surely be beneficial from every standpoint. It is our intention that the results of these discussions and subsequent discussions with the Trustee Personnel Committee will culminate in recommendations to the Board of Trustees. Should the Trustees approve the

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combined recommendations of the Trustee Personnel Committee and me, the result will be a written statement of policy which will be binding upon the Museum.

As I hope you are aware, there are few concerns that I have which take precedence over the well-being of the Museum staff and the opportunities for everyone who works here to feel a sense of personal satisfaction as well as enjoyment. The past year, indeed the past several years, have been trying to say the least. I am committed to reestablishing a spirit of cooperation which many of us, I know, feel has been lacking. It is, however, purely and simply going to take time despite how dissembling it may sound to you to have me say it. Much, perhaps more than any of us realize, has already been accomplished within a relatively short period of time to insure that the working conditions of the Museum can provide not only personal security but individual fulfillment as well.

All of us involved in the discussions in recent days can only say that we sincerely hope it will be possible to have further discussions with you as soon as possible.

Best regards,

John B. Hightower
Director

JBH:ehn

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The Museum of Modern Art

To The Staff

From John B. Hightower

Date March 29, 1971

Re Discussion With The Staff Association

Forgive me for one more arm's length memo but it seemed advisable to have this one for you in written form. Attached, as you will see, is a draft of Proposed Recommendations which I plan to submit to the Trustee Personnel Committee. It is important to recognize that these recommendations will be made to the Personnel Committee on behalf of the entire Museum staff, although they are based on Task Force reports resulting from discussions of the demand letter sent by the Staff Association on Janaury 11, 1971.

You may also know that a meeting was held last Friday to discuss these recommendations with representatives of the Staff Association before their circulation to the entire staff. I feel it is important for me to let you know the results of that meeting, at which the following proposals were made by the representatives of the Staff Association:

1. that the minimums of all salary grades proposed for the Museum by Cresap, McCormick, and Paget be increased by 10%, and that none be below $7,000;

2. that all salaries be brought at least to the adjusted minimum of their grade, retroactive to January 1, 1971;

3. that everyone be guaranteed an increase, retroactive to January 1, 1971 of at least 24%;

4. that a Reclassification Board be established for the re-grading of positions, the Board to consist of one Museum designee, one Staff Association designee, and one designee agreed to by both;

5. the foregoing salary adjustments to remain effective until December 31, 1971.

The financial implications of this proposal would be to increase immediately the operating deficit of the Museum by $500,000 during the current fiscal year, and by approximately $1,000,000 during the coming fiscal year. Consequently, I was unable to agree to recommend the Association's proposal to the Trustees. It was explained, however, that an allocation of $300,000 will be proposed for salary increases for the coming fiscal year, subject, of course, to review by both the Personnel Committee of the Trustees and the Finance Committee before final submission of the budget to the Board of Trustees.

The representatives of the Staff Association and their attorney requested that the impasse on salaries be subject to final determination by an outside arbitrator. Since this would, in effect, substitute the judgment and authority of an outside individual for that of the Board of Trustees I could not accept this proposal, and suggested that we proceed to discuss the considerable number of proposed recommendations on which there appeared to be substantial agreement. Although the meeting was adjourned at that point, I am hopeful that further discussions can be arranged.

(over)

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Since these matters are of great interest to the entire staff, I will welcome comments and suggestions from all of you before I submit my recommendations to the Personnel Committee.

The statement of principles and the salary ranges referred to on the first page of the attachment are contained in an addendum following page 8.

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PROFESSIONAL AND ADMINISTRATIVE STAFF ASSOCIATION OF THE MUSEUM OF MODERN ART

August 12, 1971
For Immediate Release

PROFESSIONAL AND ADMINISTRATIVE STAFF ASSOCIATION OF THE MUSEUM OF MODERN ART VOTES STRIKE ACTION

By a three-to-one majority, members of the Professional and Administrative Staff Association (PASTA) of the Museum of Modern Art voted on Monday, August 9, to declare a strike. Immediate cause of this action was that during the course of negotiations for a contract involving among other things salaries, job security, and consultation in policy decisions, the Museum's Administration late last week announced its intention of abolishing some 36 positions in the Association's bargaining unit of 200-odd employees. Sixteen staff members were in fact immediately given notice of termination of employment, in some cases to be effective August 20. The union accordingly voted to strike prior to that date unless the dismissals were rescinded pending completion of negotiations. It further mandated its bargaining team and program committee in any event to set a strike date no later than September 17, if no acceptable contract had been proposed by the Museum to the Association before that date. However, no matter at which date the union goes out on strike, it has declared its intention of remaining out until the entire contract has been negotiated.

The Museum had already indicated that because of its deficit it planned substantial cutbacks in program and staff during the current fiscal year, ending June 30, 1972. The bargaining team had asked that no notices of dismissal

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be given until it had the opportunity to consider carefully: 1) the number and nature of the positions to be abolished, in the light of their impact on the Museum's program; 2) the relation between the projected reduction in program and the proposed staff lay-offs; and 3) the financial data which the Museum claimed as its basis for curtailment of program and staff. As the Museum's counsel, Michael J. Horowitz, explained in a letter sent last week to members of the Association, this request had been made in order that the bargaining team's consideration of the proposed reductions might be evaluated on a factual basis, rather than focusing on the specific individuals slated for dismissal. Such deliberation was precluded by the Museum's unilateral action, which precipitated the union's decision to strike.

The Administration has indicated that if the bargaining team would propose a job-security clause satisfactory to them, they might consider extending the lay-off date of August 20. They have made it clear that they would consider a proposal acceptable only if it allowed them freedom to effect dismissals at their sole discretion, without regard for the job-security provisions outlined in the demand letter; and they also would give no assurance that there would be no additional lay-offs besides those already announced. These total fifty-three--in addition to the 36 members of the Staff Association's bargaining unit, six in other unions at the Museum and eleven in non-union positions.

Those already given notice of dismissal include Virginia Allen and Margaret Potter, Associate Curators of Painting and Sculpture; Mildred Constantine, Special Assistant to the Director and formerly Associate Curator in the Department of Architecture and Design, who has been on the staff since 1949; Eila Kokkinen, Assistant Curator, Joan Rosenbaum, Curatorial Assistant, and Emily Fuller, Secretary, Department of Drawings; Jean Lenauer, Technical Director, William Perry, Music Director, and Geraldine Cunningham, Cataloguer-Librarian, Department of Film; Peter Schwartz, Associate Director, Corporate

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Relations; Patricia Jobling, Supervisor, Audio-visual Archives; Suzanne Raices, Coordinator of the High School Program and of Group Visits; Geoffrey Brown, Writer, attached to the Director's Office; and Irene Wojciechowski, Celia Hernandez, and Violet Sanchez, Department of Finance. Two among these--Virginia Allen and Patricia Jobling--are members of the union's bargaining team, and the latter is also chairman of its program committee, the Association's highest elective office. In addition to this, Emily Fuller and Jean Lenauer were among the employees who were given notice of dismissal for budgetary reasons last December, in spite of a written promise to the staff made two months before by the Director, John B. Hightower, that no such lay-offs were contemplated. A strike voted at that time was revoked when the Museum gave its written agreement "to retain on its payroll in other jobs those scheduled for lay-off on December 31, 1970, who wish to remain, until an agreement has been reached with the Association as to the propriety of the lay-offs or until a collective bargaining agreement has been negotiated between the Museum and the Association, whichever is earlier." The breaking of this agreement and the Museum's action in attempting to effect dismissals during the course of negotiations for a contract constitute unfair labor practices, in the opinion of the union and its counsel, Michael J. Horowitz, and constitute grounds for filing a complaint with the National Labor Relations Board. The Museum's decision regarding lay-offs is all the more reprehensible in view of the fact that it had refused to grant to a number of employees raises already budgeted as of July 1, on the pretext that it could not do so pending the negotiation of a union contract.

The Professional and Administrative Staff Association of The Museum of Modern Art was formed in June 1970 "to provide a forum for the expression of ideas among the members of the staff, to establish a constructive body that

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will have a voice in matters that concern and affect the Museum; to improve the economic, professional, and working conditions." On January 11, 1971, a demand letter was submitted on behalf of the Association to the Museum's Director, John B. Hightower. It covered not only salaries, traditional benefits such as insurance, sick leave, vacations, job security, working conditions, and grievance procedures, but also educational benefits, and particularly the right of Association members to participate in the decision-making process on questions of Museum policy.

The Administration indicated its willingness to discuss these demands but refused to enter into true good-faith bargaining until the Association became certified as bargaining agent for the staff members it claimed to represent. Accordingly, in April the Association voted to accept an invitation from the Distributive Workers of America and became Local 1, Museum Division, DWA. In an election held June 4 under the supervision of the National Labor Relations Board an overwhelming majority of some 200 members of the bargaining unit voted to have the union represent them in collective bargaining with the Administration. Formal negotiations toward a binding contract on the basis of the demand letter began therefore late in June. In its salary demands, the bargaining team has stressed the necessity of raising the Museum's present minimum wage of $4,700 for full-time employees to $7,000, and of recognizing by substantial salary increases the seniority of staff members who despite many years of employment are still grossly underpaid.

The Professional and Administrative Staff Association is the first group of such employees in any American museum either to affiliate with a union or to obtain certification under a national or state labor relations board. Its bargaining unit includes members of the curatorial staff, conservators, registrars, members of the Publications Department, Finance Department, and of other

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program and service departments, as well as operational personnel such as the sales staff in the Museum's bookstores, receptionists, and waitresses in the Penthouse Restaurant. Excluded are approximately 50 persons in positions deemed managerial, supervisory, or of a confidential nature, and others among the Museum's over 400 employees, such as guards, projectionists, electricians, and warehouse men, who are represented by other unions.

* *

For additional information contact Patricia Jobling (956-2689) or Jane Fluegel (956-7208).

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THE PROFESSIONAL AND ADMINISTRATIVE STAFF ASSOCIATION
OF THE MUSEUM OF MODERN ART
DWA, MUSEUM DIVISION, LOCAL NO. 1

To: The entire staff
From: The Bargaining Team and Program Committee
Date: August 9, 1971
Re: Strike Vote

By a 3-to-1 majority, the members of the bargaining unit of the Association in a secret ballot have mandated the Bargaining Team and Program Committee to set a strike date no later than September 17, if by that date no complete and acceptable contract has been proposed by the Museum to the Association.

Further, the Bargaining Team and Program Committee are mandated to set a date for a strike before August 20, if the Administration fails to rescind its notifications to all individuals whom it proposes to lay off and fails to allow them to remain on staff, pending the negotiation of a contract.

We have a very short time in which to prepare for a strike, and a great deal of work is required to make it effective. Therefore, all members of the bargaining unit (and other staff members who are in sympathy with our cause) are urged to volunteer to work with one of the following committees:

1) ARTIST RELATIONS
2) PARTY
3) PICKETING AND SLOGANS
4) PUBLICITY
5) STRIKE FUND

Please telephone Mikki Carpenter (ext. 2689) to let her know on which committee you will serve.

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THE PROFESSIONAL AND ADMINISTRATIVE STAFF ASSOCIATION

OF THE MUSEUM OF MODERN ART

Distributive Workers of America, Museum Division, Local No. 1

August 6, 1971

On August 5 an emergency meeting of the Association was convened to discuss the layoffs presented by John Hightower to the staff on August 4.

Despite the Museum's assurances that the Association would be given the opportunity to negotiate the efficacy of any proposed layoffs, the Bargaining Team was informed that, even as they met, sixteen persons were being notified that their employment would be terminated as of August 20.

The Bargaining Team reported that it needed at least two additional weeks to consider the layoffs in relation to the following three areas: 1) impact on projected program cuts, 2) the correlation between program cuts and layoffs, and 3) an investigation of the financial data used by the Museum as a basis for layoffs and program cuts.

The Administration indicated that if the Association's Bargaining Team could propose a job security clause satisfactory to them, they would perhaps consider an extension of the August 20 layoff date. It was further suggested by the Administration that an acceptable proposal would be one which allowed them the freedom to effect dismissals at their sole discretion, with total disregard for the concerns outlined in the demand letter. Moreover, no assurance was given that there would not be additional layoffs beyond the 53 which have been announced.

It is apparent that the Museum's action in dismissing staff members during negotiations is in direct contradiction to what should be logically a parallel with a position previously taken in regard to the promised July 1 raises. At that time they asserted that no raises could be granted pending the negotiation of a completed contract.

Although gravely concerned with the impending dismissals, the Association confirmed that the basis for any strike action would be a settlement of the entire contract.

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M O N T H L Y M E E T I N G

The Professional and Administrative Staff Association

of The Museum of modern Art

Tuesday, 13th Founders Room 6th floor

Agenda:

1. SUSPENDED RAISES

2. BARGAINING

3. ASSOCIATION SUPPORT OF GUARDS IN THEIR NEGOTIATIONS

All members of The Association, all persons who voted in the certification election of June 4th, it is your opportunity and duty to get to your bargaining team s report on the negotiations. All members of the staff who were promised raises as of the 1st of July, are cordially requested to state their case.

It is, of course, your prerogative as Director to send memoranda to the staff at large whenever you choose. We completely fail to understand, however, how you can justify having presented to the Trustee Personnel Committee on April 9 your proposal regarding the revision of grading for non-union positions at the Museum, and thereafter presenting this proposal to the staff, as having been approved by that Committee, when actually, this constitutes your own counter proposal to one made by the Association's Bargaining Team at the session held Friday, March 26. In it, we proposed that in view of the museumwide dissatisfaction with the Cresap, McCormick and Paget grading system, a Reclassification Board be established, composed of one designee of the Museum, one of the Association, and one mutually agreed upon. Its purposes should be the creation of more uniform grades and corresponding salary ranges, and the hearing of individual appeals regarding reclassification.

Our proposal was rejected out of hand by you and others of the Museum's Bargaining Team, and this intractable attitude prevented a free flow of suggestions or any possible modifications regarding it. We believe that in accordance with the procedure adopted at our first discussions on March 23, any proposal you had regarding reclassification should properly have been brought up and discussed during the bargaining sessions; then, with whatever modifications might have been agreed upon, it should

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THE PROFESSIONAL AND ADMINISTRATIVE STAFF ASSOCIATION

April 16, 1971

Mr. John B. Hightower, Director
The Museum of Modern Art
11 West 53rd Street
New York, New York 10019

Dear Mr. Hightower:

The Professional and Administrative Staff Association is shocked and outraged to have received on the same day your letter of April 12, addressed to Jane Fluegel as Chairman of the Program Committee, and your memorandum of April 13 to the Office Staff. In your memorandum to us of October 30, you indicated your willingness to recognize the Association as spokesman for its members, while making the point -- the validity of which we acknowledge -- that the Association was not to be regarded as representing the entire staff. We have scrupulously tried to preserve this distinction but respectfully submit that you yourself are consistently violating it, by confusing your replies to communications addressed to you by the Association with memoranda you address to the entire staff.

It is, of course, your prerogative as Director to send memoranda to the staff at large whenever you choose. We completely fail to understand, however, how you can justify having presented to the Trustee Personnel Committee on April 9 your proposal regarding the revision of grading for non-union positions at the Museum, and thereafter presenting this proposal to the staff, as having been approved by that Committee, when actually, this constitutes your own counter proposal to one made by the Association's Bargaining Team at the session held Friday, March 26. In it, we proposed that in view of the museumwide dissatisfaction with the Cresap, McCormick and Paget grading system, a Reclassification Board be established, composed of one designee of the Museum, one of the Association, and one mutually agreed upon. Its purposes should be the creation of more uniform grades and corresponding salary ranges, and the hearing of individual appeals regarding reclassification.

Our proposal was rejected out of hand by you and others of the Museum's Bargaining Team, and this intractable attitude prevented a free flow of suggestions or any possible modifications regarding it. We believe that in accordance with the procedure adopted at our first discussions on March 23, any proposal you had regarding reclassification should properly have been brought up and discussed during the bargaining sessions; then, with whatever modifications might have been agreed upon, it should

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have been transmitted simultaneously, as our teams' joint proposal, to the Trustee Personnel Committee and to the Staff Association for their approval, before being forwarded to the Board of Trustees. We consider it highly improper, therefore, that you chose to take unilateral action and present "your" proposal to the Trustee Personnel Committee and subsequently to the entire office staff.

As to the substantive nature of your proposal, we doubt that the staff will be content to fill out yet another questionnaire and follow essentially the same procedure as before. This will not correct the inequities and injustices inherent in the present grading system. Furthermore, in our opinion, the Cresap, McCormick and Paget system is based on such completely erroneous premises and is so replete with absurdities as to be beyond salvaging. For example, on the basis of the three criteria "knowledge and skills", "complexity and difficulty", and "overall significance," the job of Manager of the Restaurant outranks that of Associate Curator; for some titles (such as Curatorial Assistant and Assistant Curator), there are no fewer than seven grades; finally, while the U.S. Civil Service in its General Schedule recognizes only eighteen grades for all classified government positions (including those of the Smithsonian Institution), almost twice as many -- thirty-five -- are contained in the Cresap, McCormick and Paget grading system!

To return to your letter to Miss Fluegel: We, too, are eager to resume our sessions at the earliest possible date. We cannot do so, however, without far more specific assurances than are contained in your letter that these will result in joint proposals that can be submitted to the Association and relevant Trustee Committees, with the purpose of culminating in a binding, written agreement between the Museum and the Association. When we agreed to the general procedure outlined in Mr. Van Dyke's memorandum, it was our understanding that clause 3A, written into it at our first meeting on March 23, stipulated that after receiving the Task Force reports you would use the time intervening between their submission and resumption of the bargaining-team sessions to discuss the contents of those reports with members of the staff, including department heads, and with appropriate Trustees. It had been our clear understanding that you would thus have come to the discussions already empowered to make firm commitments or meaningful modifications in the various proposals. Instead, we were told that any conclusions reached at our sessions could be regarded only as highly tentative. While we of course recognize that the Trustee Personnel Committee and Finance Committee must ultimately approve our joint proposals, as must the Staff Association also, we are unwilling to resume any discussions as inconclusive as the former ones.

We must respectfully remind you also that we have had no definite reply to the Resolution passed by the membership of the Association on Wednesday, March 31, followimg suspension of the discussions: "Resolved, that the Bargaining Committee be mandated to meet with an appropriate committee of the

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Trustees to demand establishment of a Museum Bargaining Committee empowered to negotiate and reach agreement with the Association on the terms of a contract based on the Association demand letter of January 11, 1971." We appreciate the opportunity given Association representatives to meet with Mrs. Rockefeller and Mrs. Parkinson on behalf of the Trustees Personnel Committee, and welcome your assurance that Mrs. Rockefeller will participate in future discussions; nevertheless, it seems obvious that some member of the Finance Committee must also be present, if these discussions are to be other than continuously inconclusive, frustrating, and time-wasting.

Furthermore, we are of course willing to negotiate the other matters covered in our demand letter but must declare that in our view there is an absolute urgency and priority for the first item on the agenda to be salaries. Specifically, we believe nothing should take precedence over the establishment of a minimum salary of $7,000 for all employees, retroactive to January 1, 1971, and the reclassification of all grades and salaries.

We must reiterate that we cannot condone your having submitted your series of recommendations, intact and without modifications, to the Trustee Personnel Committee. At the first negotiating session on March 23, you told us that you regarded these proposals as merely tentative; and in fact, because of the impasse on the question of salaries, they were never discussed. Without such opportunity for discussion, we are by no means convinced that there is actually, as you allege, substantial agreement between the Museum and the Association on such points as educational benefits and grievance procedures. Moreover, the Museum on its own initiative advanced a proposal for tenure, which was never made very specific. It was certainly not discussed in any detail, and -- especially in view of the fact that it seems intended to give job security to curatorial staff only -- our substantial agreement cannot possibly be assumed.

The Staff Association sincerely shares your hope that a true spirit of cooperation may prevail at the Museum. As we have repeatedly declared, it has never been our intention to interpolate ourselves between you, as Director, and <u>all</u> members of the staff. On the other hand, we believe that the Association, as a democratic body representing a large group, is entitled to both <u>de jure</u> as well as <u>de facto</u> recognition. We consider it is your responsibility to see that good-faith bargaining and meaningful negotiations with the Association replace endless "discussions" and the mere "opportunity to exchange views." Our demand letter was submitted on January 11; surely the time for action on its proposals is long overdue. The Administration's tactics of endless delays have resulted in undermining the morale of the staff. This situation can only deteriorate further, unless there is a firm

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determination on your part promptly to initiate sessions that will effectively constitute true good-faith bargaining, and in any case no later than Monday, April 26.

The inevitable alternative seems to be a strike -- an action that we are as eager as you to avoid. We believe, however, that the burden of taking constructive steps to avert it is on you, rather than on the Association.

Sincerely,

The Program Committee
The Professional and Administrative Staff Association
of The Museum of Modern Art

per:Jane Fluegel

cc: Mrs. John D. Rockefeller, 3rd
Chairman, Trustee Personnel Committee

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The Museum of Modern Art

To The Staff

From Richard H. Koch

Date January 5, 1971

Re

I would like to clarify the Museum's position with respect to recent developments in the relations between the Museum's administration and the Professional and Administrative Staff Association.

As you all know, the Association threatened a work stoppage unless the Museum agreed to continue in their jobs, pending a recognition election and collective bargaining between the Museum and the Association, certain staff members whose termination was to take effect December 31st because their positions had been eliminated for economic reasons. After discussions between representatives of the Association and of the Museum's administration, the Museum agreed to retain on its payroll in other jobs those scheduled for layoff on December 31, 1970, who wish to remain, until an agreement has been reached with the Association as to the propriety of the layoffs or until a collective bargaining agreement has been negotiated between the Museum and the Association, whichever is earlier.

The Association has asked to be recognized as sole representative, for collective bargaining purposes, of all of the members of the curatorial and administrative staff who are not already represented by another union and who are not employed in a managerial or supervisory status.

The Museum's administration said that it would not and could not recognize the Association as representing anyone other than its own members unless the Association receives a majority vote in an election conducted by secret ballot under the supervision of an impartial outside agency, such as the National Labor Relations Board. This is essential to insure protection of the rights of non-members of the Association and of staff members who, though they may be members of the Association, may not wish to be represented by it as a collective bargaining agent. The Museum did, however, agree to consent to such an election if the Association wishes one.

Preliminary to such an election there must be a determination of the eligibility of various staff members for inclusion in a collective bargaining unit and hence for voting in the election. This is necessary because persons holding managerial or supervisory positions are not normally eligible for union representation. A supervisor is defined in the National Labor Relations Act as being any individual having authority to hire, transfer, suspend, lay off,

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recall, promote, discharge, assign, reward, or discipline other employees, or responsibly to direct them, or to adjust their grievances, or to effectively recommend such action; provided that the exercise of such authority is not of a merely routine or clerical nature but requires the use of independent judgment. In the event that the Museum and the Association cannot agree as to the eligibility of a particular staff member for union representation, this question, too, will have to be resolved by an impartial outside agency.

If in such an election a majority of those eligible to vote cast their ballots in favor of representation by the Association, then, by law, the Association must be recognized as representing all of those who occupy positions eligible for such representation, whether or not they voted in favor of it.

The Museum has agreed to negotiate on such matters as salaries and job security and other conditions of employment. The Association asked that these negotiations be conducted against a pre-established deadline, and that the Museum agree, even before beginning negotiations, to submit to binding arbitration any matters remaining unresolved on the deadline date. The Museum did not agree to these requests.

Throughout our discussions, the Association acknowledged that such matters as changes in the organizational structure and the creation and elimination of positions are management prerogatives and are not subject to negotiation. The Association asked, however, to be heard on such matters, and the Museum agreed to discuss them with the Association when appropriate.

A number of staff members have indicated that they do not wish to join the Association or to affiliate themselves with a labor union. The Museum respects and will respect their position equally with that of those who are members of the Association. I want to emphasize that no staff member needs to be a member of the Association in order to have access to the Museum's administration or to be heard on any matter whatsoever.

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The Museum of Modern Art

To The Staff

From John B. Hightower

Date March 29, 1971

Re Discussion With The Staff Association

Forgive me for one more arm's length memo but it seemed advisable to have this one for you in written form. Attached, as you will see, is a draft of Proposed Recommendations which I plan to submit to the Trustee Personnel Committee. It is important to recognize that these recommendations will be made to the Personnel Committee on behalf of the entire Museum staff, although they are based on Task Force reports resulting from discussions of the demand letter sent by the Staff Association on Janaury 11, 1971.

You may also know that a meeting was held last Friday to discuss these recommendations with representatives of the Staff Association before their circulation to the entire staff. I feel it is important for me to let you know the results of that meeting, at which the following proposals were made by the representatives of the Staff Association:

1. that the minimums of all salary grades proposed for the Museum by Cresap, McCormick, and Paget be increased by 10%, and that none be below $7,000;

2. that all salaries be brought at least to the adjusted minimum of their grade, retroactive to January 1, 1971;

3. that everyone be guaranteed an increase, retroactive to January 1, 1971 of at least 24%;

4. that a Reclassification Board be established for the re-grading of positions, the Board to consist of one Museum designee, one Staff Association designee, and one designee agreed to by both;

5. the foregoing salary adjustments to remain effective until December 31, 1971.

The financial implications of this proposal would be to increase immediately the operating deficit of the Museum by $500,000 during the current fiscal year, and by approximately $1,000,000 during the coming fiscal year. Consequently, I was unable to agree to recommend the Association's proposal to the Trustees. It was explained, however, that an allocation of $300,000 will be proposed for salary increases for the coming fiscal year, subject, of course, to review by both the Personnel Committee of the Trustees and the Finance Committee before final submission of the budget to the Board of Trustees.

The representatives of the Staff Association and their attorney requested that the impasse on salaries be subject to final determination by an outside arbitrator. Since this would, in effect, substitute the judgment and authority of an outside individual for that of the Board of Trustees I could not accept this proposal, and suggested that we proceed to discuss the considerable number of proposed recommendations on which there appeared to be substantial agreement. Although the meeting was adjourned at that point, I am hopeful that further discussions can be arranged.

(over)

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Since these matters are of great interest to the entire staff, I will welcome comments and suggestions from all of you before I submit my recommendations to the Personnel Committee.

The statement of principles and the salary ranges referred to on the first page of the attachment are contained in an addendum following page 8.

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DRAFT
3/23/71

PROPOSED RECOMMENDATIONS OF THE DIRECTOR TO THE TRUSTEE PERSONNEL COMMITTEE

Salaries

The Director is in agreement with the three principles stated in the preamble of the report of the Task Force.

Curatorial salary ranges as set forth on page 4 of the report of the Task Force are comparable to the salary scales of leading northeastern universities for positions comparable in responsibility. However, the Museum's functioning is profoundly different in many significant respects from that of a university, and direct parallels cannot be assumed between their staffs.

Salary ranges for non-curatorial positions should be competitive with scales in effect for comparable work in the New York area, and will be regularly reviewed to insure that they remain competitive.

The structure designed by Cresap, McCormick & Paget provides a sound and flexible approach to the problems of salary administration. There will be an over-all annual review of the grading of all positions, the first of which will be completed in the current calendar year. Specific inequities have been and will continue to be corrected as they become apparent. Any staff member who believes that his position has been improperly graded has the right to request a review through his department head. Claims by staff members that they have been improperly graded should be reviewed by ad hoc committees comprised of department heads having jurisdiction over jobs in the grades

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in question, together with the Director of Personnel and the Director of Administration, with final review by the Director of the Museum.

Salaries will be periodically reviewed and adjusted on the basis of evaluation of the performance and potential of the individual, rather than on an automatic rate of advancement.

Educational Benefits

The desirability of sabbatical leaves for curatorial personnel of the rank of Assistant Curator and higher is recognized, subject to the availability of funds and the adequate staffing of the department in the absence of the person on leave. The institution of a sabbatical leave program, and its funding, will be recommended to the Trustees.

Curatorial department heads are responsible for organizing their department's work to allow a substantial portion of curatorial time for research related to the program and collection. Research outside the Museum is an essential activity of curatorial departments, but its scheduling is a matter to be determined within each department.

The Museum's present program of tuition aid should be expanded to provide at least 50% toward the cost of tuition and fees for staff members with at least one year's service for courses taken relative to Museum skills, including languages, on their own time. The policy in recent years has been to limit tuition aid to 50% of cost up to a maximum of $75 per person per term; it is hoped that additional funds can be made

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available so that this limit can be increased, subject to the scale of the over-all demand. The Director or his delegate should pass upon all applications, in consultation with the supervisors of the applicants.

The Museum's present policy of providing in departmental budgets for the cost of travel for Museum purposes, and the determination by department heads of the staff members who should do such traveling, should be continued.

Policy Participation

Meaningful procedures already exist by which the Museum staff effectively participates in the recommendation of policy through the heads of their departments and the Director of the Museum. Members of the curatorial staff are actively involved in the planning of the program in their respective areas, and the over-all program is formulated by the Directors of the Curatorial Departments and the Director of the Museum for submission to the Board of Trustees and its various Committees.

Policy decisions are made by the Museum's Board of Trustees in the light of recommendations made by the Director after consultation with others, including Department Heads, who are in turn responsible for knowing and giving due consideration to the opinions of their staffs. A staff member who feels that his interests, or those of his department, are not being adequately represented by his department head, is free to communicate directly with the Director of the Museum.

Staff members who wish to be heard by the Trustees may apply to the Director for permission to appear before the appropriate

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Trustee Committee. In many cases, staff members below the department head level already meet regularly with the Trustee Committees responsible for their departments.

The scope of the proceedings of the Board of Trustees cannot be limited by the agenda, nor can the Board abrogate its responsibility concerning the content and circulation of the minutes.

A very broad representation of the staff at all levels meets on a regular basis in the following groups: Curatorial Council Committees, the Coordinating Committee, Department Heads and Section Heads, combined, and the Director's General Staff Meeting. Many of these groups are studying and making recommendations concerning the revision of various Museum procedures. A staff member who believes that the decision-making process in a particular area needs revision should bring the matter to the attention of his department head, and subsequently to either the Chairman of the appropriate Committee of the Curatorial Council or the Director of the Museum.

Job Security

The Director recommends that the Trustee Personnel Committee begin promptly a study of the desirability of a formal tenure system similar to those operative in some universities and colleges. The Director is unwilling to recommend, however, the adoption of any limitation on the right and responsibility of the Museum's management to determine the job structure of the institution.

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It is difficult to anticipate the precise circumstances in which the termination of an individual might work particular hardship. In arranging for severance pay it is the intention of the Museum to take special circumstances into account and to respond accordingly.

Grievances

The Director recommends establishment of a Grievance Committee and a formal grievance procedure, whereby a full and fair hearing, with right of appeal, is assured in the event of any deviation from or violations of standing policies.

The Grievance Committee, which would be a standing committee of the staff, would contain six members, four of them appointed by the Museum Director and two elected by the staff at large. A regular procedure would be followed by an employee with a grievance, whose case would be heard first by his department head, and then by the Director of Personnel; then, failing a satisfactory resolution, it would go to the Grievance Committee, following which it would be reviewed by the Director of the Museum, and, in his discretion, by the Personnel Committee of the Board of Trustees.

The assignment of work to various members of the staff is a matter for the judgment of their department heads, and should not be considered as a grievance to be processed through the foregoing machinery. It is considered essential to the flexible functioning of the Museum that staff members of all levels be encouraged to perform a variety of functions, both for the development of their own careers and for their maximum effective-

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ness. In case a staff member believes that he is consistently assigned to duties outside of his grade, his recourse should be through the procedure for regrading proposed above.

Museum personnel should receive first consideration for vacant higher positions in the table of organization, regardless of their length of service. However, it is the Museum's position that job titles are fundamentally indications of responsibility, not solely of experience and ability, and that the table of organization is not infinitely flexible. Salary ranges within title should be sufficiently broad to make possible satisfactory levels of reward and recognition without distorting departmental structures.

The role of the staff of a department with respect to a proposed promotion within that department or the filling of a vacant position should be considered as part of the proposed study on tenure.

The Director concurs as to the desirability of an orientation and training program for all new Museum employees.

The Director agrees that the existing rule limiting the employment of members of the same family should be waived in cases where no conflict of interest or supervisory relationships exist.

With respect to staff members whose employment was terminated prior to December 29, 1970 it is the Museum's position that the matter was covered by the joint statement of the Museum and the Staff Association dated December 29, 1970.

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The Museum guarantees that detective and surveillance procedures and devices will not be used without employees' knowledge, and that such procedures and devices shall only be used when consistent with rights of privacy and shall not infringe on personal civil liberties.

Benefits

Not less than half of a staff member's yearly vacation should be taken in the year in which it is earned, and not more than half should be carried over into the following year, and then only if the department head of the individual involved gives advance approval of the carry-over as necessary for the program of the Museum. Hence an employee would be entitled to a maximum, in any year, of 1-1/2 times his total vacation entitlement.

The sick leave allowance should be increased to 12 days per year, and unused sick leave should be accruable up to a maximum of 60 days. There should be no right, however, to any payment of cash in lieu of sick leave or of unused vacation.

Sick leave credit should also be granted retroactively upon the successful completion of the probationary period. Three days of "personal and religious leave" should be allowed per year, to be taken with advance notice to the department head and not to be taken in conjunction with vacation or Museum holidays. Such personal leave days should not be accruable from year to year.

With respect to maternity leave, the Director believes that the Museum's present policy is sound and should be maintained.

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The Museum's group insurance plans are presently under review, and will be revised from time to time as improvements become possible.

It is expected that the pending revisions of the Museum's pension plan will have been completed by April 15, 1971.

There does not appear to be a need for a full-time nurse at the Museum, since several doctors are available on call in the event of emergencies. The possibility of improved medical emergency facilities is being explored.

The Director recommends that the Museum assume part of the cost of annual medical checkups for members of its staff.

The Museum has instituted a survey of its physical facilities, which are being improved and upgraded as rapidly and as thoroughly as available funds permit.

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Addendum to March 23, 1971 Draft of Proposed Recommendations

of the Director to the Trustee Personnel Committee

Principles stated in the preamble of the report of the Task Force on salaries:

1. The Museum should endeavor to recruit the best qualified staff at every level, and should maintain the quality and morale of the staff by suitable training and equitable, museumwide practices regarding salaries, merit increases, and promotions.

2. Salary ranges for all positions should be known to all members of the staff. Each position should be clearly defined by a job description, and every employee should know the description applicable to his job and the precise grade level of his employment.

3. The ranges of salaries paid by the Museum to its professional staff should be comparable to those paid to members of major university communities in this geographical area.

* * *

Curatorial salary ranges in effect at the Museum of Modern Art:

Title	Grades	Salary range
Curator	28-30	$16,530 - $29,460
Associate Curator	25-27	$12,700 - $21,740
Assistant Curator	18-24	$ 8,500 - $16,270
Curatorial Assistants	13-19	$ 6,500 - $10,840

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PROFESSIONAL AND ADMINISTRATIVE STAFF ASSOCIATION OF THE MUSEUM OF MODERN ART

Jane Fluegel
Sheila Gordon
Patricia Hightower
Janice Wolfe Schaeffer
Sam Purdell
Cathy Glaser

To: The Staff

From: Program Committee, PASTA

Date: June 3, 1971

RE; Union election

In the memorandum delivered to the staff at 4:30 p.m. on the eve of the election, Mr. Hightower has again chosen to raise the scare issue of "union shop." This is in spite of repeated assurances that we are interested only in an "open shop," precisely because our Association was formed to respect the dignity of individual employees -- something we felt the Administration often failed to do.

But not only would it be incompatible with our principles to coerce our fellow-employees -- it would be actually illegal for the Association even to ask for a union shop. This could be decided only by a majority vote of all its members. We can only once again reiterate that we shall continue to use our influence to maintain an open shop at the Museum. Neither we, nor the Distributive Workers of America, are interested in the paltry additional sum that might accrue to our coffers from a few score extra members.

To cite "most unions" and "other unions" as a precedent for our Association is a devious bit of phony flimflam. We are proud to have chosen to accept the charter of the Distributive Workers of America and become Local 1, Museum Division, precisely because of their liberal stand, which assures full autonomy to each local to make its own decisions regarding membership, job actions, and all policy matters. We have written assurances to that effect from the DWA's Executive Vice-President: so let's talk about our union, not several others -- okay?

With regard to Mr. Hightower's paragraph 4 -- the record of the Administration in maintaining salaries, promotions, etc. without a union is rather clear:

a. The management consultant firm of Cresap, McCormick and Paget engaged by the Museum found that 30 percent of Museum salaries were below the minimums they recommended, at the time they made their report -- April 1970. It has taken the Museum a year to raise salaries even to those minimums, though the cost of living has continued to go up.

b. As regards the cost of living: figures released by the Bureau of Labor Statistics last month show that in New York City, the cost of living has gone up 24.6 percent since 1967 (5.9 percent of that, since April 1970). However, since 1967, the Museum has granted one across-the-board cost-of-living increment for employees earning under $10,000. That was granted in February 1970, in the magnificent amount of -- 5 percent. (How does that compare with 24.6 percent?)

Finally, if by "uniformity" Mr. Hightower means -- fair policies applicable to all employees, rather than the present system whereby each department head can make his own decisions irrespective of over-all Museum policy -- yes, we believe in uniformity, not favoritism.

IF YOU ARE ENTIRELY SATISFIED WITH CONDITIONS AS THEY HAVE BEEN IN THE PAST AND ARE AT PRESENT --

IF YOU ARE HAPPY WITH THE CRESAP, MC CORMICK AND PAGET RATINGS --

BY ALL MEANS VOTE "NO" (which means "yes" to the status quo)

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The Museum of Modern Art

To The Staff

From John B. Hightower

Date June 3, 1971

Re Union Election

As the election will be held tomorrow, I particularly want to remind each of you of the importance of your individual ballot. The election, as you know, will be decided by a majority of those who actually vote, and only those. Don't let this important decision be made for you by others.

Several questions have been raised over the past week that deserve an answer from me. They may also help clarify my position for any of you who may still be in doubt.

1. Am I voting to become a member of a union?

No. The voting is to determine whether you want the Staff Association to be recognized as a labor union to represent you for purposes of collective bargaining.

2. Will I be required to join the union if it is certified by the NLRB?

As the Staff Association has correctly pointed out, there is no automatic "union shop" provision nor any legal requirement that a union shop be formed. This is a matter for negotiation between the employer and the union. The Staff Association has said it has never wanted a union shop. However, it should be understood by everyone that union shop provisions are sought by most unions to protect their majority status and to insure a continuing flow of dues. Union shop provisions are usually enforced by a requirement in the contract which compells the employer to discharge anyone who is unwilling to join the union. This is currently the case with all union contracts now in effect at the Museum.

3. Will voting to establish the union guarantee higher salaries, better fringe benefits, greater job security, and improved inter-Museum communications?

Although the Museum will, of course, bargain in good faith with the union if it wins, we are not required to agree to any of its proposals. Voting for a union, particularly in a non-profit institution, cannot increase our financial ability to provide increased salaries and benefits. Whatever the outcome of the election, however, the Museum will do everything possible within its available means to continue to improve the salaries, benefits and working conditions of the entire staff.

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4. What is the position of the administration as to the desirability of having a union?

It is my sincere belief that it is in your best interests as well as the Museum's and mine for you to vote No. I am very much concerned over the impact on each of us which will follow from unionization. For example, communications between staff and administration, bad though they may sometimes be, can only degenerate when all discussions concerning working conditions, wages, etc., must be held with representatives of a union rather than directly with the individuals concerned. Similarly, a natural and unavoidable result of unionization will be a tendency towards uniformity in such matters as salary increases, time-off provisions, eligibility for promotions, etc., since unions are not and cannot be concerned with rewarding individual merit.

5. Is it true that if the union wins it will legally represent the staff for at least a year?

Yes. The Museum would be required to recognize the union as the sole representative of every member of the bargaining unit for a period of one year from the date of certification by the NLRB. At the end of that time it would require further legal proceedings to de-certify the union. In short, it is much easier to establish a union than it is to de-certify one once it has been formed.

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The Museum of Modern Art

To The Staff

From Richard H. Koch

Date June 3, 1971

Re Union Election - Voting Schedule

As you all know, the union election will be held in the Founders Room between 10:30 a.m. and 2:00 p.m. tomorrow, Friday, June 4. In order to minimize bunching and unnecessary waiting in line at the polls, it is suggested that those eligible to vote do so in departmental groups in accordance with the schedule outlined below. The schedule is not to be considered mandatory, however; anyone who cannot conveniently vote, for whatever reason, at the time suggested for his department may do so at any other time between 10:30 and 2:00.

The list of those eligible to vote has been posted on the 4th and 5th floor bulletin boards in the 11 Building. Please be sure to bring your Museum Staff Card for identification at the polls. Observers designated by the Museum and the Staff Association will be present in order to check the names of the voters as they receive their ballots. A representative of the National Labor Relations Board will also be present.

Staff members whose managerial or supervisory status is in dispute between the Museum and the Staff Association are nevertheless entitled to vote and should be sure to do so. Their marked ballots will be sealed by the representative of the NLRB and will be counted, if they are likely to be decisive in the election, after the status of their positions has been determined by the NLRB.

Let me emphasize once again that your ballot will be marked in secret, should not be signed, and that everyone who is eligible to vote, or to vote subject to challenge, should be sure to do so.

The suggested departmental voting schedule is attached.

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SUGGESTED VOTING SCHEDULE

Friday, June 4, 1971

10:30	Bookstores Admissions Lobby Desk
11:00	Restaurants Special Events Photography
11:15	Painting & Sculpture Drawings
11:30	Registrar Conservation Prints and Illustrated Books
11:45	Membership Corporate Relations & Development Junior Council Art Lending Service
12:00	Public Information Architecture and Design
12:15	Publications Graphics Rights and Reproductions
12:30	Photo Lab Purchasing/General Services International Study Center Audio-Visual Archives
12:45	Library Building Operations
1:00	Exhibitions International Program International Council Film
1:15	Finance Security
1:30	Miscellaneous

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The Museum of Modern Art

To The Staff

From Richard H. Koch

Date June 1, 1971

Re Union Election

The list of staff members who are eligible to vote in the union election to be held on Friday, June 4 has been posted on the principal Museum bulletin boards.

As you know, the election will be conducted by secret written ballot in the Founders Room between 10:30 a.m. and 2:00 p.m. Copies of a sample ballot have also been posted on bulletin boards. The result of the election will be determined by a majority of those voting, and everyone eligible to vote is urged to do so.

The list of the managerial, supervisory and confidential employees whose positions are excluded from the potential bargaining unit and who are therefore not eligible to vote has been generally distributed, together with the list of those whose managerial or supervisory status is in dispute between the Museum and the union. Those whose names are on the latter list are likewise urged to vote, even though they will be technically challenged, since their ballots will be counted if they might be determinative of the outcome of the election.

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The Museum of Modern Art

To The Staff

From Richard H. Koch

Date May 28, 1971

Re Union Election

Here is the list of managerial, supervisory and confidential employees excluded from the proposed bargaining unit by agreement between the Museum and the Staff Association:

Director of Architecture and Design	Arthur Drexler
Bookstore Manager	Katherine Shemeld
Assistant Bookstore Manager	Jerry Matherly
Building Manager	Matthew Donepp
Production Supervisor	Charles Froom
Maintenance Supervisor	Emil Cioc
Conservator	Jean Volkmer
Director of Corporate Relations and Development	Charles Hesse
Associate Curator of Drawings	Elaine Johnson
Director of the Museum	John B. Hightower
Administrative Assistant to the Director	Elaine Naramore
Director of Exhibitions	Wilder Green
Director of Film	Willard Van Dyke
Associate Director of Film	Margareta Akermark
Director of Finance	Hans van den Houten
Assistant to the Director of Finance	Franz Skryanz
Chief Accountant	Sal Salibello
Manager, Financial Operations	Earl Idell
Supervisor Publications Accounting	Gertrude Sojcher
Director of Administration	Richard H. Koch
Associate Counsel	Miriam G. Cedarbaum
Director of the International Program	Waldo Rasmussen
Coordinator of the International Study Center	Susan Stedman
Librarian	Bernard Karpel
Supervisor, Lobby Desk	Josephine Lenfesty
Assistant Supervisor, Lobby Desk	Michele DeSilva
Director of Membership	Emily Stone
Associate Director of Membership	Barbara Elliman
Director of Painting and Sculpture	William Lieberman
Chief Curator	William Rubin
Director of Personnel	Ann Pellegrino
Assistant Director of Personnel	Patricia Connell
Personnel Assistant	Eleanor Keating
Director of Photography	John Szarkowski

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Chief Photographer	James Mathews
Associate Curator of Prints	Riva Castleman
Director of Publications	Richard Oldenburg
Business Manager of Publications	Marna Thoma
Editor in Chief*	
Managing Editor	Carl Morse
Supervisor of Rights and Reproductions	Richard Tooke
Manager of Purchasing/Services	Joseph McElhinney
IBM Supervisor	Irwin Berken
Mailroom Supervisor	Robert McCormack
Director of Public Information	Elizabeth Shaw
Public Information Coordinators	Linda Gordon
	Diana Goldin
Registrar	David Vance
Manager, Restaurant	Ake Dyling
Assistant Manager, Restaurant	Brita Humby
Supervisor of Security	Fitzroy Williams
Assistant Supervisors of Security	Ely Moizman
	Elroy Clarke
	Jerome Hubel
	Bernard Silver
	Michael Hardin
	Albert Coppola
Manager of Special Events	Sarah Hoge
Warehouse Manager (449 W. 49th St.)	Robert Kobayashi
Secretaries to the Director of the Museum, Director of Administration, Director of Finance and Associate Counsel	Philae Carver
	Nancy Burtchby
	Anita Peduto
	Sarah Schwartz

*Although the position of Editor in Chief has been excluded from the unit it has been agreed that Helen Franc, who currently holds that title, may vote in the election.

The Museum considers the following classifications to be managerial or supervisory, whereas the Staff Association maintains that they should be included within the bargaining unit. Therefore, in order to expedite the election, the Museum and the Staff Association have agreed that the following persons may vote in the election, subject to challenge and, if necessary, to eventual determination of their status by the National Labor Relations Board:

Curators	Ludwig Glaeser
	Emilio Ambasz
	Peter Bunnell
	Grace Mayer
	Donald Richie

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Associate Registrars	Elizabeth Burnham
	Teri Varveris
Associate Librarian	Inga Forslund
Assistant Director of the Exhibition Program	Richard Palmer
Assistant Director of the International Program	John Stringer
Graphics Coordinator	Carl Laanes
Associate Conservator	Tosca Zagni
International Council Administrator	Cynthia Balart
Assistant Chief Accountant	Bernard Waxelbaum
Senior Accountant	Ann Ristuccia
Supervisor of Accounts Payable	Erna Ladage

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Jane Adlin

THE PROFESSIONAL AND ADMINISTRATIVE STAFF ASSOCIATION OF THE MUSEUM OF MODERN ART

INFORMATION ABOUT THE UNION ELECTION ON FRIDAY, JUNE 4

1. What is the election about?

You will be asked to vote "yes" or "no" on your willingness to have The Professional and Administrative Staff Association of the Museum of Modern Art, Local 1, Museum Division, Distributive Workers of America, represent you in collective bargaining with the Administration.

2. How and where will the election be conducted?

The election will be conducted by secret, written ballot, under the supervision of the Regional Director of the National Labor Relations Board. Voting will take place between 10:30 a.m. and 2:00 p.m. on Friday, June 4, in the Founders Room, 6th floor. Votes will be counted by the NLRB and the Administration and Staff Association notified of the result.

3. Who can vote in the election?

Except for certain excluded titles (department heads; others whose positions the Museum has determined are managerial, supervisory, or of a confidential nature; and staff members such as guards, projectionists, or others who already belong to a union), everyone who was on the Museum payroll as of May 14 (for those paid biweekly) or May 28 (for those paid monthly) and who works 20 or more hours a week. In his memorandum of May 26, Mr. Hightower has promised to publish within the next few days a list of these excluded titles.

4. What is meant by "titles in dispute"?

In addition to the above, the Administration has claimed certain other titles as supervisory and/or managerial, while the Staff Association claims that they are not.

5. May persons holding "disputed titles" vote in the election?

Yes; however, their ballots will be held separately as "challenged votes." Should the number of "yes" votes, exclusive of these challenges, result in a number greater than the number of challenged votes, the Staff Association will have won the election, even without counting the challenged votes. Should the majority of "yes" votes be less than this, however, the challenged votes will then be submitted to the NLRB for final determination of which disputed titles are, in fact, super-

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visory or managerial. All challenged votes cast by persons whose titles are deemed by the NLRB as not managerial or supervisory will then be counted in the total tally. In this event, to win the election the Staff Association need win only a simple majority of all votes cast.

6. If I vote "yes," does this mean I have to join the Staff Association?

No.

7. If I vote "yes," does this mean I have to join the union?

No.

8. What will happen if the Staff Association wins the election by receiving a majority of "yes" votes?

The Administration will then be obligated by law to enter into collective bargaining with the Staff Association, just as it negotiates with the other unions already existing at the Museum. The negotiations will deal with such issues as salaries, working conditions, job security, pensions, and the right of the Association to be heard on major policy issues, based on the demand letter submitted to the Administration on January 11, 1971. Negotiations will culminate in a written contract.

9. To whom will the negotiated salaries and other benefits apply?

To all members of the Staff, excepting those with excluded titles, irrespective of their membership in the Staff Association. Obviously, some benefits--such as improved physical conditions in the building--will accrue to persons holding excluded titles, also!

10. What will be the result if the Staff Association loses the election?

The Administration will not be obligated to enter into negotiations leading to a binding contract. Salaries, promotions, medical benefits, pensions, and all matters affecting policy will continue to be decided unilaterally, as they are now, by department heads and other members of the Administration, subject to ultimate approval by the Board of Trustees.

11. Is it true that if the Staff Association wins the election there will be a "union shop" at the Museum?

This is absolutely untrue! One of the many reasons why the Association chose to affiliate with the Distributive Workers of America is that they make no stipulation whatsoever regarding a closed or union shop. This is left entirely to each local to determine. The position of our

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own Staff Association (now Local 1, Museum Division, of the DWA) has been that it has never wanted to have a union or closed shop at the Museum preferring to leave it up to each individual staff member to decide whether he wishes to join.

12. Is it true that if the Staff Association wins the election, the union will determine whether we should go on strike or take other job actions, or join in picketing if there are strikes elsewhere by DWA affiliates?

Again, this is absolutely untrue! All such determinations will be left entirely to our own local.

13. Is it true that should the Staff Association ever wish to disaffiliate from the Distributive Workers of America, this might take as long as a year, during which we would be subject to pressure from the DWA?

Absolutely untrue! Another reason for our decision to affiliate with the DWA was that they are unique among labor unions in providing in their bylaws for disaffiliation by any member group, provided only 1) that the DWA be given 30 days' notice; and 2) that the decision to disaffiliate be by a majority vote of all members of the group concerned.

* * *

Copies of the demand letter of January 11, the Staff Association's Constitution, and a letter from David Livingston, Executive Director of the DWA (reaffirming the Association's autonomy and restating the conditions for disaffiliation), may be obtained from Mikki Carpenter, Ext. 2689. If you have other questions besides those answered above, please contact Jane Fluegel, Ext. 7208, or Patricia Jobling, Ext. 2689.

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The Museum of Modern Art

To The Staff

From John B. Hightower

Date May 26, 1971

Re Union Election

Yesterday, at a meeting held among representatives of the Museum, the Staff Association and the National Labor Relations Board, it was decided that a union election will be held on Friday, June 4. The outcome of the election, as you all know, will determine whether or not the Professional and Administrative Staff Association of the Museum of Modern Art, Local 1, Museum Division, Distributive Workers of America, is to be the collective bargaining agent representing all members of the Museum's staff other than those with supervisory positions or those who are already represented by another union.

Within the next few days we will publish a detailed list of the positions excluded from the proposed bargaining unit on the basis of their managerial, supervisory or confidential nature. After many discussions between the attorneys for the Museum and the Staff Association, agreement has been reached with respect to the status of most of these positions. Although the supervisory nature of a few are still in dispute, rather than delay the election the Museum and the Association have agreed that the ballots cast by the persons holding these positions will be set aside and counted only if they would be a determining factor in the outcome of the election. Should it turn out that they are a determining factor, a final resolution regarding these few positions, both to the counting of votes and their inclusion in the bargaining unit, will be made by the National Labor Relations Board.

Everyone should understand that the outcome of the election will be decided by a simple majority of those who actually vote -- not a majority of those who are eligible and, for whatever reason, decide not to vote. Unfortunately, the NLRB is unable to provide for absentee ballots largely due to the limited amount of time before the election. Consequently everyone eligible should be sure to be here, if at all possible, on June 4 to cast his ballot. The voting will take place in the Founders Room, between 10:30 a.m. and 2:00 p.m. on that day, by secret written ballot, under the supervision of a representative of the NLRB.

Undoubtedly a number of questions will arise; in anticipation of some of them a fact sheet will be prepared and sent out by me within the next several days.

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The Museum of Modern Art

To PAINTING & SCULPTURE and DRAWING STAFF

From John Hightower

Date May 27, 1971

Re Union Election

A meeting has been called for Tuesday, 11AM with the Painting & Sculpture and Drawing Departments to discuss the union election being held on June 4th. It is being held in the Painting & Sculpture Department.

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The Professional and Administrative Staff Association
of the Museum of Modern Art

To: Members of the Professional and Administrative Staff Association of The Museum of Modern Art

From: Members of the Program Committee and Task Forces, and the Association's Representatives to the Bargaining Discussions

Date: March 31, 1971

Re: Report on Bargaining Discussions

This report summarizes the bargaining discussions held to date with the Director and his Committee, as well as commenting upon and clarifying Mr. Hightower's March 29 memorandum to the staff, "Discussion with the Staff Association," and the March 23 draft of his proposed recommendations to the Trustee Personnel Committee attached thereto.

At the first session, held Tuesday, March 23, Mr. Hightower presented copies of this draft proposal and summarized its contents. The Association's representatives stated that the demands in its letter of January 11 had been put forward as a departure point for bargaining and were therefore subject to considerable revision as a result of ensuing discussions; however, the goal was to arrive at a mutually agreed upon set of proposals to be submitted for their acceptance to the Trustees and to the Association, respectively -- the final purpose being to arrive at a written commitment binding upon both sides. In the light of this, they found the Director's draft of his proposed recommendations lacking in specificity, except in a few areas (such as benefits); and they respectfully requested an opportunity before the next meeting to study these proposals more carefully, while at the same time urging the Director to make his proposals more detailed and more directly responsive to the demands.

At the second session on Friday, March 26, Jane Fluegel on behalf of the Association's representatives reiterated the necessity for more specific, detailed responses to our demands, so that the discussions might be less general and more meaningful.

It was decided to begin with discussing salaries as the most urgent priority and also the opening section of the demand letter. There were some preliminary queries and criticisms in regard to the Cresap, McCormick & Paget report of April 1970, "A Salary Program for The Museum Staff," which as an outcome of the Task Force discussions had been circulated by the Director to the entire staff, with the explanation that it had been adopted in principle by the Trustees last spring and, with some modifications explained in the report of the Task Force on Salaries, had already begun to be implemented. (Those who have not seen the latter report may obtain a copy on request.) It was shortly decided by the Association representatives and their counsel not to continue

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further haggling over details of the Cresap, McCormick & Paget report's methodology and conclusions, but rather, in order to reach an agreement more expeditiously, to accept in principle its structure and proceed from that point on. They therefore put forward the following proposals:

1. That, reflecting the rise in cost of living in New York since the Cresap, McCormick & Paget report was compiled in 1969, the minimum for all salary grades proposed in that report be increased by 10 percent -- with, however, the minimum in no case to be less than $7,000.

2. That each staff member be brought up to this adjusted minimum for his grade, retroactive to January 1, 1971.

3. That the Administration having stated that its effective minimum for any grade was no longer $4,180, but had recently been raised to $5,200 -- i.e., by 24 percent, it was therefore proposed that a corresponding 24 percent increase be applied to incumbents in all grades, retroactive to January 1, 1971 or raised to minimum of the adjusted grade, whichever is higher. There was, however, to be credit against this 24 percent for any adjustments already made by the Museum in raising salaries to the recommended minimums.

4. Since general dissatisfaction has been expressed by staff members, in and outside of the Association, to the grading in the Cresap, McCormick & Paget report, it was proposed that a Reclassification Board be established, both to create more uniform and rational grades and corresponding salary ranges, and to hear individual appeals regarding reclassification. It was proposed that this board be made up of one designee of the Museum, one of the Association, and one to be mutually agreed upon.

The Administration's representatives replied that these proposals would be completely impossible, because they would result in increasing the Museum's operating deficit by $500,000 for the current fiscal year, and $1 million during the coming one. It was stated that the Director was proposing to the Trustee Personnel Committee at its forthcoming meeting on April 8 that it recommend an allocation of $300,000 for salary increases in the fiscal year beginning July 1, 1971; however, it was stressed that even this recommendation would be subject to review by the Finance Committee, in the light of the total budget, before being submitted for approval to the Board of Trustees, which alone has the power to commit funds.

Here it should be explained regarding the $300,000 that this sum is equal to the difference between the payroll total of $3.9 million at the onset of the current fiscal year, when the staff (including union members) totaled 530, and the present payroll of $3.6 for the staff which now numbers 444. Secondly, the $300,000 is being apportioned among the Museum's departments and their respective staffs by taking 6 percent of the total of the present salaries of all members of the

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department, excepting that of the department head -- this 6 percent amount then being recommended for distribution among the various members of his department, at his discretion, as their increases for the coming year. It must be pointed out that this in fact departs from the procedures recommended by the Cresap, McCormick & Paget report in several respects:

1) Since the 6 percent must be used simultaneously, both to raise salaries of those receiving less than the recommended minimum to the minimum for their range, and for merit increments, each person's increase thereby becomes dependent upon those granted all other members of his department, irrespective of the quality of his own performance which may merit an increase.

2) If a staff member has for years been receiving a salary below the minimum, raising him now to that bare minimum means his forfeiture of whatever merit increments within that range would normally have been entitled to receive during those years. It should be noted also that 32 percent of the non-union staff surveyed were found by the Cresap, McCormick & Paget report to be below the minimums they recommended for the respective grades.

3) While the Cresap, McCormick & Paget report recommended periodic review of all ranges in the light of prevailing circumstances, for the Museum to put their minimums into effect now disregards the subsequent 18 month rise in living costs in New York. (Actually, in some cases the minimums would not be put into effect until July 1, 1971, in other cases not until January 1, 1972, and in the case of recent employees, on their anniversary dates whenever they might fall.)

In this connection it should be mentioned that the heading "Curatorial ranges in effect at The Museum of Modern Art" in the Addendum to the March 23 draft of the Director's proposed recommendations to the Trustee Personnel Committee is, as of present date, inaccurate. The minimums may perhaps be those <u>proposed</u> for adoption but are by no means <u>currently</u> in effect for all incumbents of the stipulated titles.

The Administration's representatives rejected entirely the proposal to establish a Reclassification Board, on the basis that this would be an interference with the right of department heads, individually and collectively, to make sole determination regarding salaries in accordance with their own evaluation of each employee's performance.

In view of the above position on the part of the Administration's representatives, it seemed obvious that no meaningful bargaining on salaries could take place, since all the Association's successive proposals were being met with an inflexible stand (apparently taken in advance of the Task Force sessions or the current discussion). The Association's representatives and counsel therefore proposed that the impasse on salaries be referred to an outside arbitrater for decision.

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Should he determine that in the light of the deficit or other budgetary problems the Museum could not in fact meet any of the Association's proposals, as set forth or as they might be further modified, the Association would be bound to desist from its demands. Should the arbitrater decide, however, that the Museum should modify its own proposals, his decision would be correspondingly binding upon the Museum.

The Administration's representatives declared categorically that they could not accede to any concept that the Board of Trustees could under any circumstances be bound by outside judgment or authority. The Association's representatives therefore decided that since all its attempts at good-faith bargaining on the matter of salaries had been completely frustrated, there was no point in discussing it other demands, which however significant they might be were of less urgent priority. The meeting was therefore adjourned sine die.

* * * * * * * * * * *

This report was presented to the membership of the Association on Wednesday, March 31. The following resolution was passed at that meeting:

"Resolved, that the Bargaining Committee be mandated to meet with an appropriate committee of the Trustees to demand establishment of a Museum Bargaining Committee empowered to negotiate and reach agreement with the Association on the terms of a contract based on the Association demand letter of 11 January 1971.
"Failing the establishment of such a committee, the Bargaining Committee be mandated to report to the Association no later than April 7, 1971, with a plan of action for a strike of the Association. The Association reiterates its demand that the settlement which will ultimately be reached be made retroactive to 1 January 1971."

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The Museum of Modern Art

To The Staff

From John B. Hightower

Date March 29, 1971

Re Discussion With The Staff Association

Forgive me for one more arm's length memo but it seemed advisable to have this one for you in written form. Attached, as you will see, is a draft of Proposed Recommendations which I plan to submit to the Trustee Personnel Committee. It is important to recognize that these recommendations will be made to the Personnel Committee on behalf of the entire Museum staff, although they are based on Task Force reports resulting from discussions of the demand letter sent by the Staff Association on Janaury 11, 1971.

You may also know that a meeting was held last Friday to discuss these recommendations with representatives of the Staff Association before their circulation to the entire staff. I feel it is important for me to let you know the results of that meeting, at which the following proposals were made by the representatives of the Staff Association:

1. that the minimums of all salary grades proposed for the Museum by Cresap, McCormick, and Paget be increased by 10%, and that none be below $7,000;

2. that all salaries be brought at least to the adjusted minimum of their grade, retroactive to January 1, 1971;

3. that everyone be guaranteed an increase, retroactive to January 1, 1971 of at least 24%;

4. that a Reclassification Board be established for the re-grading of positions, the Board to consist of one Museum designee, one Staff Association designee, and one designee agreed to by both;

5. the foregoing salary adjustments to remain effective until December 31, 1971.

The financial implications of this proposal would be to increase immediately the operating deficit of the Museum by $500,000 during the current fiscal year, and by approximately $1,000,000 during the coming fiscal year. Consequently, I was unable to agree to recommend the Association's proposal to the Trustees. It was explained, however, that an allocation of $300,000 will be proposed for salary increases for the coming fiscal year, subject, of course, to review by both the Personnel Committee of the Trustees and the Finance Committee before final submission of the budget to the Board of Trustees.

The representatives of the Staff Association and their attorney requested that the impasse on salaries be subject to final determination by an outside arbitrator. Since this would, in effect, substitute the judgment and authority of an outside individual for that of the Board of Trustees I could not accept this proposal, and suggested that we proceed to discuss the considerable number of proposed recommendations on which there appeared to be substantial agreement. Although the meeting was adjourned at that point, I am hopeful that further discussions can be arranged.

(over)

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Since these matters are of great interest to the entire staff, I will welcome comments and suggestions from all of you before I submit my recommendations to the Personnel Committee.

The statement of principles and the salary ranges referred to on the first page of the attachment are contained in an addendum following page 8.

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DRAFT
3/23/71

PROPOSED RECOMMENDATIONS OF THE DIRECTOR TO THE TRUSTEE PERSONNEL COMMITTEE

Salaries

The Director is in agreement with the three principles stated in the preamble of the report of the Task Force.

Curatorial salary ranges as set forth on page 4 of the report of the Task Force are comparable to the salary scales of leading northeastern universities for positions comparable in responsibility. However, the Museum's functioning is profoundly different in many significant respects from that of a university, and direct parallels cannot be assumed between their staffs.

Salary ranges for non-curatorial positions should be competitive with scales in effect for comparable work in the New York area, and will be regularly reviewed to insure that they remain competitive.

The structure designed by Cresap, McCormick & Paget provides a sound and flexible approach to the problems of salary administration. There will be an over-all annual review of the grading of all positions, the first of which will be completed in the current calendar year. Specific inequities have been and will continue to be corrected as they become apparent. Any staff member who believes that his position has been improperly graded has the right to request a review through his department head. Claims by staff members that they have been improperly graded should be reviewed by ad hoc committees comprised of department heads having jurisdiction over jobs in the grades

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in question, together with the Director of Personnel and the Director of Administration, with final review by the Director of the Museum.

Salaries will be periodically reviewed and adjusted on the basis of evaluation of the performance and potential of the individual, rather than on an automatic rate of advancement.

Educational Benefits

The desirability of sabbatical leaves for curatorial personnel of the rank of Assistant Curator and higher is recognized, subject to the availability of funds and the adequate staffing of the department in the absence of the person on leave. The institution of a sabbatical leave program, and its funding, will be recommended to the Trustees.

Curatorial department heads are responsible for organizing their department's work to allow a substantial portion of curatorial time for research related to the program and collection. Research outside the Museum is an essential activity of curatorial departments, but its scheduling is a matter to be determined within each department.

The Museum's present program of tuition aid should be expanded to provide at least 50% toward the cost of tuition and fees for staff members with at least one year's service for courses taken relative to Museum skills, including languages, on their own time. The policy in recent years has been to limit tuition aid to 50% of cost up to a maximum of $75 per person per term; it is hoped that additional funds can be made

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available so that this limit can be increased, subject to the scale of the over-all demand. The Director or his delegate should pass upon all applications, in consultation with the supervisors of the applicants.

The Museum's present policy of providing in departmental budgets for the cost of travel for Museum purposes, and the determination by department heads of the staff members who should do such traveling, should be continued.

Policy Participation

Meaningful procedures already exist by which the Museum staff effectively participates in the recommendation of policy through the heads of their departments and the Director of the Museum. Members of the curatorial staff are actively involved in the planning of the program in their respective areas, and the over-all program is formulated by the Directors of the Curatorial Departments and the Director of the Museum for submission to the Board of Trustees and its various Committees.

Policy decisions are made by the Museum's Board of Trustees in the light of recommendations made by the Director after consultation with others, including Department Heads, who are in turn responsible for knowing and giving due consideration to the opinions of their staffs. A staff member who feels that his interests, or those of his department, are not being adequately represented by his department head, is free to communicate directly with the Director of the Museum.

Staff members who wish to be heard by the Trustees may apply to the Director for permission to appear before the appropriate

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Trustee Committee. In many cases, staff members below the department head level already meet regularly with the Trustee Committees responsible for their departments.

The scope of the proceedings of the Board of Trustees cannot be limited by the agenda, nor can the Board abrogate its responsibility concerning the content and circulation of the minutes.

A very broad representation of the staff at all levels meets on a regular basis in the following groups: Curatorial Council Committees, the Coordinating Committee, Department Heads and Section Heads, combined, and the Director's General Staff Meeting. Many of these groups are studying and making recommendations concerning the revision of various Museum procedures. A staff member who believes that the decision-making process in a particular area needs revision should bring the matter to the attention of his department head, and subsequently to either the Chairman of the appropriate Committee of the Curatorial Council or the Director of the Museum.

Job Security

The Director recommends that the Trustee Personnel Committee begin promptly a study of the desirability of a formal tenure system similar to those operative in some universities and colleges. The Director is unwilling to recommend, however, the adoption of any limitation on the right and responsibility of the Museum's management to determine the job structure of the institution.

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It is difficult to anticipate the precise circumstances in which the termination of an individual might work particular hardship. In arranging for severance pay it is the intention of the Museum to take special circumstances into account and to respond accordingly.

Grievances

The Director recommends establishment of a Grievance Committee and a formal grievance procedure, whereby a full and fair hearing, with right of appeal, is assured in the event of any deviation from or violations of standing policies.

The Grievance Committee, which would be a standing committee of the staff, would contain six members, four of them appointed by the Museum Director and two elected by the staff at large. A regular procedure would be followed by an employee with a grievance, whose case would be heard first by his department head, and then by the Director of Personnel; then, failing a satisfactory resolution, it would go to the Grievance Committee, following which it would be reviewed by the Director of the Museum, and, in his discretion, by the Personnel Committee of the Board of Trustees.

The assignment of work to various members of the staff is a matter for the judgment of their department heads, and should not be considered as a grievance to be processed through the foregoing machinery. It is considered essential to the flexible functioning of the Museum that staff members of all levels be encouraged to perform a variety of functions, both for the development of their own careers and for their maximum effective-

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ness. In case a staff member believes that he is consistently assigned to duties outside of his grade, his recourse should be through the procedure for regrading proposed above.

Museum personnel should receive first consideration for vacant higher positions in the table of organization, regardless of their length of service. However, it is the Museum's position that job titles are fundamentally indications of responsibility, not solely of experience and ability, and that the table of organization is not infinitely flexible. Salary ranges within title should be sufficiently broad to make possible satisfactory levels of reward and recognition without distorting departmental structures.

The role of the staff of a department with respect to a proposed promotion within that department or the filling of a vacant position should be considered as part of the proposed study on tenure.

The Director concurs as to the desirability of an orientation and training program for all new Museum employees.

The Director agrees that the existing rule limiting the employment of members of the same family should be waived in cases where no conflict of interest or supervisory relationships exist.

With respect to staff members whose employment was terminated prior to December 29, 1970 it is the Museum's position that the matter was covered by the joint statement of the Museum and the Staff Association dated December 29, 1970.

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The Museum guarantees that detective and surveillance procedures and devices will not be used without employees' knowledge, and that such procedures and devices shall only be used when consistent with rights of privacy and shall not infringe on personal civil liberties.

Benefits

Not less than half of a staff member's yearly vacation should be taken in the year in which it is earned, and not more than half should be carried over into the following year, and then only if the department head of the individual involved gives advance approval of the carry-over as necessary for the program of the Museum. Hence an employee would be entitled to a maximum, in any year, of 1-1/2 times his total vacation entitlement.

The sick leave allowance should be increased to 12 days per year, and unused sick leave should be accruable up to a maximum of 60 days. There should be no right, however, to any payment of cash in lieu of sick leave or of unused vacation.

Sick leave credit should also be granted retroactively upon the successful completion of the probationary period. Three days of "personal and religious leave" should be allowed per year, to be taken with advance notice to the department head and not to be taken in conjunction with vacation or Museum holidays. Such personal leave days should not be accruable from year to year.

With respect to maternity leave, the Director believes that the Museum's present policy is sound and should be maintained.

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The Museum's group insurance plans are presently under review, and will be revised from time to time as improvements become possible.

It is expected that the pending revisions of the Museum's pension plan will have been completed by April 15, 1971.

There does not appear to be a need for a full-time nurse at the Museum, since several doctors are available on call in the event of emergencies. The possibility of improved medical emergency facilities is being explored.

The Director recommends that the Museum assume part of the cost of annual medical checkups for members of its staff.

The Museum has instituted a survey of its physical facilities, which are being improved and upgraded as rapidly and as thoroughly as available funds permit.

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Addendum to March 23, 1971 Draft of Proposed Recommendations

of the Director to the Trustee Personnel Committee

Principles stated in the preamble of the report of the Task Force on salaries:

1. The Museum should endeavor to recruit the best qualified staff at every level, and should maintain the quality and morale of the staff by suitable training and equitable, museumwide practices regarding salaries, merit increases, and promotions.

2. Salary ranges for all positions should be known to all members of the staff. Each position should be clearly defined by a job description, and every employee should know the description applicable to his job and the precise grade level of his employment.

3. The ranges of salaries paid by the Museum to its professional staff should be comparable to those paid to members of major university communities in this geographical area.

* * *

Curatorial salary ranges in effect at the Museum of Modern Art:

Title	Grades	Salary range
Curator	28-30	$16,530 - $29,460
Associate Curator	25-27	$12,700 - $21,740
Assistant Curator	18-24	$ 8,500 - $16,270
Curatorial Assistants	13-19	$ 6,500 - $10,840

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ROFESSIONAL AND ADMINISTRATIVE STAFF ASSOCIATION OF THE MUSEUM OF MODERN ART
11 West 53rd Street, New York, New York

October 21, 1971

Barbara Reiss
Peter Townsend
Studio International
37 Museum Street
London WC 1, ENGLAND

Dear Miss Reiss and Mr. Townsend:

Members of PASTA-MOMA want to thank the many people who supported us through letters, telegrams, appearances on the picket line, and financial contributions during our recent strike at the Museum. On September 3rd terms of a contract were agreed upon which we believe will give the Staff Association, through policy-participation and other provisions, an opportunity to present its case for a reversal of some of the drastic program reductions and dismissals which caused us to go out on strike.

We believe further that this historic contract -- the first of its kind to be negotiated in a United States museum -- will give Museum employees a measure of financial and job security heretofore not available to them and will provide them with educational opportunities that will enhance their ability to better serve the public.

Once again, our special thanks to you.

With good wishes,

Virginia Allen
Acting Chairman
PASTA-MOMA

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PROFESSIONAL AND ADMINISTRATIVE STAFF ASSOCIATION OF THE MUSEUM OF MODERN ART
11 West 53rd Street, New York, N. Y. 10019

September 17, 1971

Dear :

Members of PASTA-MOMA want to thank the many poeple who supported us through letters, telegrams, appearances on the picket line, and financial contributions during our recent strike at the Museum. On September 3rd, terms of a contract were agreed upon which we believe will give the Staff Association, through policy-participation and other provisions, an opportunity to present its case for a reversal of some of the drastic program reductions and dismissals which caused us to go out on strike.

We believe further that this historic contract--the first of its kind to be negotiated in a United States museum--will give Museum employees a measure of financial and job security heretofore not available to them and will provide them with educational opportunities that will enhance their ability to better serve the public.

Once again, our special thanks to you. (for your generous contribution to our strike fund)

With good wishes,

Virginia Allen
Acting Chairman
PASTA-MOMA

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David Gordon
The Economist
London

{Peter Townsend
{Barbara Reise
Studio International

Reply via RCA:call 363-4141

RCA Global Telegram

Reply via RCA:call 363-4141

other by the date of formal execution of the written contract.

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The Museum of Modern Art

To The Staff

From Richard H. Koch

Date November 3, 1971

Re

On Friday October 29 the Staff Association distributed a statement concerning the status of the written contract embodying the settlement agreed upon by the Museum and the Association on September 3. Because of distortions and false implications contained in that statement we consider it necessary to clarify the situation.

On September 23 the Museum's attorney forwarded a fully drafted formal contract of almost 30 pages to the Association's attorney. Since that date the two attorneys have had a series of meetings and telephone conversations in an attempt to resolve the numerous differences in language and approach which always arise in the preparation of the first contract between a union and an employer. On October 20 the Museum's attorney forwarded a revised draft to the Association's attorney incorporating most of the changes the Association had sought, although several points were still in dispute. On October 29, the same day that the Association distributed its statement accusing the Museum of delay, the Association's attorney suggested, for the first time, a whole series of proposed new changes, both in substance and in language, in the contract which had been under discussion for some five weeks.

The complex process of reducing to writing the settlement between the Association and the Museum is not made any easier by mischaracterization of what we had believed to be good faith differences. The Museum is and has been ready for two months to sign a written contract embodying the settlement reached on September 3. All funds necessary to implement this agreement are and will continue to be available to the fullest extent permitted by governmental controls -- and we have no reason whatsoever to assume that a settlement reached after the wage freeze began will be affected one way or the other by the date of formal execution of the written contract.

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THE PROFESSIONAL AND ADMINISTRATIVE STAFF ASSOCIATION

OF THE MUSEUM OF MODERN ART

In view of the fact that the Association and the Museum Administration reached agreement on the terms of a contract on September 3, 1971, and that nearly two months have now elapsed without the formal signing of the contract, the Association has been forced to adopt the belief that the Administration is deliberately stalling the conclusion of the contract in an attempt to reap whatever benefits may be forthcoming from Phase II of President Nixon's economic plan.

As a consequence, at the meeting of October 27, 1971, the Association adopted the following resolution:

RESOLVED,

that if the contract has not been signed before November 10, 1971, that a job action be called on that date. Further be it

RESOLVED,

that the Association Negotiating Team be immediately reconstituted, that counsel request, on Thursday morning October 28, 1971, an immediate session with the official mediator, the Negotiating Team, and the Administration, and, at that time, request that the points of disagreement be put to binding arbitration.

There will be a SPECIAL MEETING of the Association on November 3, 1971, at 5:30 P.M. in the Library to discuss the nature of the November 10 job action.

IT IS IMPERATIVE THAT ALL ASSOCIATION MEMBERS ATTEND!!!

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August 6, 1971

Professional and Administrative Staff Association
Museum of Modern Art

WHEREAS:

In the light of the Museum's unacceptable offers to date and its gravely unacceptable conduct in compromising good-faith bargaining by taking unilateral action with regard to lay-offs while negotiations are underway,

RESOLVED:

That there shall be a strike by the Association no later than Friday, September 17, provided that no acceptable contract be proposed by the Museum to the Association, and further be it,

RESOLVED:

That the Association mandates the Bargaining Team to terminate negotiations and set a strike prior to August 20, provided that the proposed lay-offs are not rescinded by the Museum pending the completion of an acceptable contract.

YES ☐ NO ☐

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Hightower Quits the Modern Museum

By GRACE GLUECK

John B. Hightower, director of the Museum of Modern Art since May 1970, resigned yesterday.

The resignation, which was the subject of conjecture in the art world for nearly five months, was announced by David Rockefeller, board chairman of the museum, and William S. Paley, its president.

Although in their statement Mr. Rockefeller and Mr. Paley said they were accepting Mr. Hightower's resignation "with deep regret," it was understood that the resignation was requested.

It was the second departure of a director from the financially troubled museum in less than three years. In May 1969, the board of trustees ousted Bates Lowry, who had served as director for 10 months.



The New York Times

John B. Hightower

To replace Mr. Hightower the museum promptly named Richard Oldenburg, director of publications since 1969, to serve as its acting director. He will be supported by an administrative committee consisting of top-level curatorial and administrative personnel. Museum officials said that a search committee would be appointed in the near future to recommend a successor to Mr. Hightower.

In a letter to the two top museum officials, Mr. Hightower requested that his resignation take effect "as soon as it is practicable."

"My commitment to all the arts and their inherent capacities as a humanizing influence for society can better be pursued elsewhere," Mr. Hightower, former director of the New York State Council on the Arts, declared.

Asserting that the museum's role was to "remain reflective and interpretive," he said: "My own personal interests and inclinations are more oriented toward the application and introduction of the arts to all

Continued on Page 45, Column 3

N.Y. Times

Jan. 6, 1972

Hightower Quits as Director of Modern Museum

Continued From Page 1, Col. 7

aspects and segments of society."

In their statement, Mr. Paley and Mr. Rockefeller praised Mr. Hightower for "the contributions he has made during the period of transition for the museum and in a time of greatly increased demands upon its services."

Noting that the museum's deficit had been reduced substantially and new programs initiated, they wished him "a most satisfying and productive time in his future undertakings."

Reached by telephone late yesterday, Mr. Hightower described his departure from the museum as "thoroughly amicable."

He said that he did not plan to return to the Arts Council, which he served as director for six years before going to the museum, and had no other immediate plans.

Key staff members were told of the resignation yesterday afternoon by Mr. Paley, who summoned them to his office at the museum.

"I was surprised," said Susan Bertram, president of the Professional and Staff Association of the museum, which recently won a labor contract with the museum. "Something like it might have happened earlier, but I didn't expect it at this particular time. We had signed the contract, things were quieting down, and it seemed like communications were improving all around."

Mr. Hightower came to the museum under auspicious circumstances. As director of the Arts Council, he had won a reputation as a man able to deal with the most avant-garde creative people, while at the same time being capable of translating their needs and programs into terms acceptable to legislators and bureaucrats.

His performance at the council was warmly endorsed by Governor Rockefeller, a trustee and past president of the museum. But the museum posed problems that Mr. Hightower had not experienced on the council.

Caught in an unprecedented financial squeeze, jolted by demands from staff unions, roiled by internal friction, under pressure by community and artists' groups and—in common with sister institutions—no longer clear about its role and philosophy, the museum was plagued by a range of difficulties to which many trustees felt Mr. Hightower's skills were unequal.

His performance was also challenged by the museum's professional staff, some of whom felt that Mr. Hightower lacked the necessary background in art history and basic museum functions. In private, some of the senior staff members voiced the opinion that Mr. Hightower's successor must be well versed in the internal affairs of the museum.

Mr. Hightower, a 38-year-old native of Atlanta, graduated from Yale University in 1955, and served in the Marine Corps. He worked as an assistant to the president and publisher of the American Heritage Publishing Company before joining the Arts Council in 1963 as executive assistant. In 1964 he succeeded John H. McFadyen as director of the council.

Mr. Oldenburg, 38, brother of the artist Claes Oldenburg, was graduated from Harvard in 1954. Prior to joining the museum, he was managing editor of the trade department of Crowell, Collier and Macmillan, the publishers.

The Museum of Modern Art, which is at 11 West 53d Street, was founded in 1929 by Lillie P. Bliss, Mrs. Cornelius J. Sullivan and Mrs. John D. (Abby Aldrich) Rockefeller Jr., the mother of the Governor. It has achieved international fame for its collection of late 19th and 20th-century painting and sculpture, and is noted for its departments of photography, design and architecture and cinema.

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The Museum of Modern Art

To JANE FLUEGEL

From Jennifer Licht

Date September 16, 1971

Re PASTA MOMA

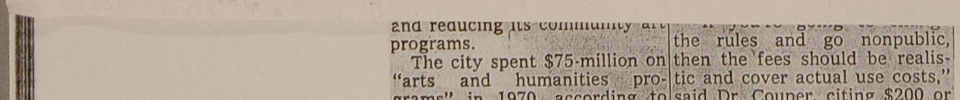
Dear Jane,

This is just to pass on various pieces of information that have come my way in the past few days.

John Coplans, Editor of Artforum, tells me that he would welcome a good letter about the Association--problems, strike etc.--for publication in the next issue. (He later said that he was so disgusted by the Attica Prison killings that he would like a letter indicting Nelson Rockefeller in some way.)

At the last meeting of the Art Workers Coalition it was agreed that some kind of connection with PASTA MOMA would be welcome to them.

Sol Lewitt gave me $25 for the strike fund, but further mentioned that he could give some prints. Carl Andre also mentioned that he could probably give some work. Although these offers would not mean ready cash, maybe it is a good idea to pursue them, so that if we collected enough work we could eventually hold a sale or auction.



and reducing its community art programs.

The city spent $75-million on "arts and humanities pro-

the rules and go nonpublic, then the fees should be realistic and cover actual use costs," said Dr. Couper, citing $200 or

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KM-GENERAL

The Museum of Modern Art

To Jeannie Weiffenbach

From Kynaston McShine

Date August 16, 1971

Re PASTA MOMA Tee shirts

Dear Jeannie,

This is the person to whom to send the check for the tee shirts:

Janusz Jerzy Gottwald; Amperzand Design, Inc.;
88 Dorrance Street; Providence, Rhode Island 02903
Telephone: 401-421-5089

and reducing its community art programs.

The city spent $75-million on "arts and humanities pro-

the rules and go nonpublic, then the fees should be realis-
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KM-GENERAL

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N.E. Thing Company; 1419 Riverside Drive Aug. 17 71

N. Vancouver, British Columbia; CANADA

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YOU AND YOUR FRIENDS ARE INVITED TO PARTICIPATE, PERFORM OR WHATEVER AT INDETERMINATE EXHIBITION AND EVENTS DURING PRE-STRIKE BLOCK PARTY-RALLY TO SAVE THE MUSEUM SPONSORED BY STAFF ASSOCIATION OF MUSEUM OF MODERN ART, THURSDAY, AUGUST 19 9:30 - 11 PM, W. 53 ST BET. 5TH & 6TH. URGENT YOU ATTEND. FOR INFORMATION CALL 956-2673 OR 956-7045. PLEASE HELP US. INFORM FIVE OTHERS.

PASTA MOMA
MODERNART

and reducing its community art programs.

The city spent $75-million on "arts and humanities pro-

"If you're going to change the rules and go nonpublic, then the fees should be realistic and cover actual use costs," said Dr. Couper, citing $200 or

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KM-GENERAL

Mr. James Lee Byars, 249 Central Park West
Apartment 8, New York, N.Y. 10024

Aug. 12 71

WUI

URGENTLY NEED TO GET IN TOUCH PLEASE CONTACT ME AT 956-2655

KYNASTON
Mc SHINE
MODERNART

and reducing its community art programs.

The city spent $75-million on "arts and humanities pro-

"If you're going to change the rules and go nonpublic, then the fees should be realistic and cover actual use costs," said Dr. Couper, citing $200 or

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Sunday
Aug. 29, 1971
THE NEW YORK TIMES

City Cutback Threatens Closing of 2 Libraries

By LAURIE JOHNSTON

A citywide epidemic of cultural cutbacks has reduced hours and projects at libraries and museums, theatens to close up two New York Public Library research collections entirely and has led the Museum of Natural History to consider shutting off the entire top floor, including its dinosaur hall.

The drying up of public and private money sources, during a period of higher wage demands and other costs, has also brought on new or higher admission fees to make up the difference.

The Museum of Natural History now "suggests" 50 cents admission for adults and 25 cents for children. Overhead costs the museum $2 a visitor, officials say, and income from the city and from private donors provides only $1.50.

The Metropolitan Museum of Art, which introduced a policy of "set your own fee but pay something" in 1970, suggests $1 for adults and 50 cents for students. It is open Tuesday and Friday evenings but has been closed Mondays since June — the month after it paid $5.5-million for a Velasquez—to save $200,000 for upgrading salaries.

'Blow to Scholarship'

The New York Public Library's threat to close on Jan. 1 its Science and Technology Division and its Research Library of the Performing Arts would be "a blow to scholarship in this city" and especially at the City University if a financial solution does not halt the trend, in the opinion of Dr. Elliot Zupnick, associate dean of the City University Graduate Division.

Since July 1 all the research collections have been open, like the branch libraries, only 40 hours a week instead of 75. "Even this partial closing will be a handicap when C.U.N.Y. graduate students return in force in September," Dean Zupnick said.

Confronted with a shortage of funds from the city, particularly for guards' salaries, the Brooklyn Museum theatened to close down entirely. It settled for closing off some galleries, opening some on weekends only and reducing its community art programs.

The city spent $75-million on "arts and humanities programs" in 1970, according to August Hecksher, Administrator of Parks, Recreation and Cultural Affairs. It will provide $12.5-million to museums and zoos in 1971-72. Branch libraries will get $44-million, with $1-million to the research libraries.

"It's just enough for a down-to-the-bone existence," Mr. Hecksher said, "and as the year goes by the city job freeze begins to hurt them more and more."

But private purse strings are nearly as hard to loosen as public ones.

The Jewish Museum, which gets no money from the city, had a deficit of $100,000 last year and has dropped its contemporary art exhibitions, limiting itself to Jewish themes.

The Museum of Modern Art, in the red for the last five years, will pare its exhibitions from 40 to 10 by 1972. It raised its admission fee to $1.75, except on Mondays. In reducing costs, it put major emphasis on reducing its staff, but it also discontinued its art classes and curtailed library and other services.

Short of hanging tin cups around the necks of its marble lions, the New York Public Library is exploring every possible fur-raising solution to a $1.2-million deficit in the $10-million budget for its research libraries.

"Somewhere, this game has to have an end" declared Dr. Richard W. Couper, the crewcut gray-blond president of the library, grimly slamming his hand down on a stack of figures. They showed the research divisions were eating into their capital endowments for about 10 per cent, or $1-million a year, of their operating costs.

Cash Gifts Are Sought

Library executives still hope for a change of heart by the city — and perhaps the state—that would restore the $1-million contribution made out of City University funds the last two years. They also seek large and small cash gifts from corporations and others whose work would suffer without the research libraries. And, as "almost a national library," they aspire to a private or Federal foundation grant.

Charging admission or membership fees would hit hard at City University's 2,000 doctoral candidates and the thousand or so faculty members who use the research libraries. It would also require a charter change approved by the Legislature.

"If you're going to change the rules and go nonpublic, then the fees should be realistic and cover actual use costs," said Dr. Couper, citing $200 or $250 a year at Harvard, Yale and some other universities.

He said library employes "feel the finger of blame is pointing at them" for union contracts that call for overtime and meal expenses when they give up evenings, Sundays and holidays to keep the libraries open.

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The Staff Association of The Museum of Modern Art

TO: John B. Hightower, Director

The Board of Trustees

The Staff

The following resolution was passed unanimously by the Staff Association of the Museum of Modern Art at a Special Meeting, October 6, 1970.

WHEREAS the Staff Association is shocked by the recent dismissal of Inez Garson;

WHEREAS the Staff Association feels that Inez Garson is a valuable and competent employee of the Museum;

WHEREAS the Staff Association feels that her dismissal is a dreadful loss to the Museum and its programs;

WHEREAS no valid reason has been given for her dismissal;

and WHEREAS the Staff Association feels that this entire incident involving a high-level professional has been handled in an entirely unprofessional manner, with a number of important questions unanswered by the Director;

therefore, BE IT RESOLVED that the Staff Association asks for the immediate reinstatement of Inez Garson to the Museum in a comparable position, or, should she refuse such reinstatement, that she be given compensation commensurate with her abilities and position, not to be less than one year's salary.

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The Staff Association of The Museum of Modern Art

SPECIAL MEETING

Wednesday November 18 5:30 P.M. Founders Room 6th floor

A special meeting has been called by petition of ten members to consider:

1. Ways and means to obtain funds for legal counsel

2. Constitutional changes

All members and those who wish to join the association are urged to attend. Dues will be collected in the first ten minutes of the meeting.

$900,000 in the following year. The most painful element of this program, of course, is a Museum-wide reduction in staff which will affect almost every department. In all, thirty positions are involved, eighteen of which, already vacant by normal attrition, will either not be filled at all or, in a few cases, will be filled only on a part-time basis. In addition, we will have to release, or reduce to a part-time basis, twelve members of the present staff. We are endeavoring to find jobs for them elsewhere, and are seeking the aid of Trustees and other friends who have business associations which could be helpful.

Of the positions involved in this reduction, eight are in the Director's Office and Curatorial Departments, twelve in Program Services, five in the area of Membership, Public Information and Development, and five in Administration.

Until further notice, all positions becoming vacant by normal attrition are to be filled only with my specific authorization.

Other economy measures which are being taken include:

Suspension of the Members Newsletter after publication of the next issue.

Closing the Library to the public. Because of reductions in the Library staff, after January 1 access to the Library will have to be limited to members of the Museum staff.

Reduction in the number of temporary exhibitions presented by the Museum.

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KLM - Please plan to attend yes

The Staff Association of The Museum of Modern Art

REGULAR MEETING
Tuesday December 15 5:30 P. M. Founders Room 6th floor

1) Report by our legal counsel, Mr. Michael Horowitz.
2) Consideration of name and logo changes.
3) Resolution of dues and legal fees.

OUR LAWYERS REQUEST THAT ALL MEMBERS BE PRESENT AT THIS MEETING.

can find means to increase [illegible]
have no alternative but to reduce expenses drastically.

Accordingly, the Trustees have ordered a cost reduction program which is expected to save about $240,000 in expenses this year and more than $500,000 in the following year. The most painful element of this program, of course, is a Museum-wide reduction in staff which will affect almost every department. In all, thirty positions are involved, eighteen of which, already vacant by normal attrition, will either not be filled at all or, in a few cases, will be filled only on a part-time basis. In addition, we will have to release, or reduce to a part-time basis, twelve members of the present staff. We are endeavoring to find jobs for them elsewhere, and are seeking the aid of Trustees and other friends who have business associations which could be helpful.

Of the positions involved in this reduction, eight are in the Director's Office and Curatorial Departments, twelve in Program Services, five in the area of Membership, Public Information and Development, and five in Administration.

Until further notice, all positions becoming vacant by normal attrition are to be filled only with my specific authorization.

Other economy measures which are being taken include:

Suspension of the Members Newsletter after publication of the next issue.

Closing the Library to the public. Because of reductions in the Library staff, after January 1 access to the Library will have to be limited to members of the Museum staff.

Reduction in the number of temporary exhibitions presented by the Museum.

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The Museum of Modern Art

To The Staff

From John B. Hightower

Date December 15, 1970

Re

As all of you know, the Museum's operating deficit last year amounted to $1,200,000 after crediting income from all sources, including all contributions. This year's budget, with expenses running at more than $8,000,000, may result in a deficit as high as $1,300,000. Continuing deficits of this size would inevitably mean that within a few years the Museum's relatively small endowment fund will be entirely exhausted. There is, in fact, virtually no area in which the Museum's income has kept pace with the upward spiral of operating costs, and it is clear that until we can find means to increase revenue very substantially from new sources we have no alternative but to reduce expenses drastically.

Accordingly, the Trustees have ordered a cost reduction program which is expected to save about $240,000 in expenses this year and more than $500,000 in the following year. The most painful element of this program, of course, is a Museum-wide reduction in staff which will affect almost every department. In all, thirty positions are involved, eighteen of which, already vacant by normal attrition, will either not be filled at all or, in a few cases, will be filled only on a part-time basis. In addition, we will have to release, or reduce to a part-time basis, twelve members of the present staff. We are endeavoring to find jobs for them elsewhere, and are seeking the aid of Trustees and other friends who have business associations which could be helpful.

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Possible elimination of outgoing loans of works of art except for commitments already made.

Substantial reduction in the amount of official Museum entertaining. In addition, after January 1 there will be a charge for drinks at all functions of this kind.

A 10% reduction in the general expenses of each department. Since the current fiscal year is almost half over, this will mean a 5% cut in the amount of budgeted funds.

I deeply regret that these steps have to be taken at this time. Needless to say, I look forward to a time when we can enjoy a sense of expansiveness rather than the constant threat of cutting back. I hope these measures have begun to accomplish that.

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M E E T I N G

TUESDAY -- DECEMBER 22 -- 5:30pm

PENTHOUSE RESTAURANT

At the meeting of the Professional and Administrative Staff Association of The Museum of Modern Art held on Tuesday, December 15, the Association counsel and five members provisionally appointed by the Program and Research Committees were authorized to seek a meeting with the Director, to discuss and resolve matters of outstanding and immediate concern to its members. The Program and Research Committees were mandated to report at a meeting to take place during the week of December 21 on any progress that resulted from that meeting; and, that, failing appropriate progress, these Committees recommend further proposals to the Association, specifically including a recommendation as to whether a strike or other job action by Association members would be an appropriate course of action.

On Thursday, December 17, a meeting took place between Association representatives and Richard Koch, Ann Pellegrino, and Edward Scully of the law firm Winthrop, Stimson, Putnam and Roberts. The proposal put forward by Association counsel was that the dismissals that have occurred for financial reasons, in the face of a promise made by the Director, be made subject to future collective bargaining.

On Friday evening Association counsel was notified by Mr. Koch that the dismissals would stand.

Pursuant to its mandate, the Program and Research Committees met yesterday to formulate recommendations for an Association response to the dismissals. Fully recognizing the seriousness and significance of their action, the Program and Research Committees determined to recommend to the Association that a strike be called for Tuesday, December 29.

The reasons for this decision, among others, are:

1. The dismissals were made in the face of a promise by the Director on October 6, 1970, that there would be no major reduction in personnel.

2. The Association proposal was only that the dismissals be made subject to collective bargaining. The Committees believe that the decision to maintain the dismissals in face of this modest proposal signals the Administration's decision to undercut future collective bargaining for all areas of mutual concern to the Association.

3. The dismissals seriously affect the program of the Museum and significantly reduce services to the public. The staff has the duty and responsibility to try to preserve the integrity of the Museum. It also has, by reason of years of subsidizing the Museum by substandard salaries, a right and obligation to be consulted in decisions that directly affect it.

IT IS OF THE UTMOST URGENCY THAT ALL MEMBERS OF THE ASSOCIATION ATTEND THE MEETING.

ALL STAFF MEMBERS ELIGIBLE FOR REPRESENTATION ARE INVITED TO ATTEND AS GUESTS.

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The Museum of Modern Art

To The Staff

From John B. Hightower

Date December 22, 1970

Re

In response to questions which have arisen as to the reduction in staff announced in my memorandum of December 15, I would like to first emphasize once again that this was necessitated by the increasing gravity of the Museum's economic situation, and for no other reason.

Of the twelve persons referred to in my memorandum of the 15th, two have since resigned for personal reasons, and funds have been found to continue the employment of another. Of the remaining nine, three were offered transfers to other positions within the Museum; two of these offers were declined, the third offer remains open. Four of the nine persons involved have been with the Museum for less than one year, and four for less than three years. I understand that two have already found other jobs, and we are doing everything we can to help the others.

The Museum has offered to consent to an election, to be held under the supervision of the National Labor Relations Board, to determine whether the Staff Association is entitled to recognition, as it claims, as collective bargaining agent for most members of the Museum's office staff. The Staff Association's attorney has asked that the planned reduction in staff be postponed until after such an election has been held, but since the reduction in staff is not related to the question to be determined in the election, and since we understand that the election cannot be held for some weeks, we have decided to proceed with the reduction in staff as planned.

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From Director's Office at the Institute of Fine Arts

A full-time, tenured professor gets a sabbatical every 7th year

Travel grants are given only when a professor represents the University at an official professional meeting.

How many years must a professor be at the University before promotion?: No minimum, but there is a maximum--if an instructor is there 6 years without a promotion, he is "released:"

There is a little money for faculty research support within the graduate school, but on a very limited basis--$50 grants for typing and the like; other funds must be applied for through Fulbright, etc....

No set number of years for tenure; at the Institute all full-time professors are consulted about granting tenure; generally it is done by the chairman in consultation with other professors. All appointments must be submitted then to a committee of the graduate school.. Tenure may be granted immediately upon hiring but is normally granted after 7 years to the rank of associate or full professor.

There are no fixed rules about how long visiting lecturers are in residence, but the department as a whole usually chooses them, or the chairman in consultation with the dept. chooses.

Note: I use the term "professor" loosely unless I say "full professor."

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The Museum of Modern Art

To The Staff

From Richard H. Koch

Date January 5, 1971

Re

I would like to clarify the Museum's position with respect to recent developments in the relations between the Museum's administration and the Professional and Administrative Staff Association.

As you all know, the Association threatened a work stoppage unless the Museum agreed to continue in their jobs, pending a recognition election and collective bargaining between the Museum and the Association, certain staff members whose termination was to take effect December 31st because their positions had been eliminated for economic reasons. After discussions between representatives of the Association and of the Museum's administration, the Museum agreed to retain on its payroll in other jobs those scheduled for layoff on December 31, 1970, who wish to remain, until an agreement has been reached with the Association as to the propriety of the layoffs or until a collective bargaining agreement has been negotiated between the Museum and the Association, whichever is earlier.

The Association has asked to be recognized as sole representative, for collective bargaining purposes, of all of the members of the curatorial and administrative staff who are not already represented by another union and who are not employed in a managerial or supervisory status.

The Museum's administration said that it would not and could not recognize the Association as representing anyone other than its own members unless the Association receives a majority vote in an election conducted by secret ballot under the supervision of an impartial outside agency, such as the National Labor Relations Board. This is essential to insure protection of the rights of non-members of the Association and of staff members who, though they may be members of the Association, may not wish to be represented by it as a collective bargaining agent. The Museum did, however, agree to consent to such an election if the Association wishes one.

Preliminary to such an election there must be a determination of the eligibility of various staff members for inclusion in a collective bargaining unit and hence for voting in the election. This is necessary because persons holding managerial or supervisory positions are not normally eligible for union representation. A supervisor is defined in the National Labor Relations Act as being any individual having authority to hire, transfer, suspend, lay off,

(over)

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recall, promote, discharge, assign, reward, or discipline other employees, or responsibly to direct them, or to adjust their grievances, or to effectively recommend such action; provided that the exercise of such authority is not of a merely routine or clerical nature but requires the use of independent judgment. In the event that the Museum and the Association cannot agree as to the eligibility of a particular staff member for union representation, this question, too, will have to be resolved by an impartial outside agency.

If in such an election a majority of those eligible to vote cast their ballots in favor of representation by the Association, then, by law, the Association must be recognized as representing all of those who occupy positions eligible for such representation, whether or not they voted in favor of it.

The Museum has agreed to negotiate on such matters as salaries and job security and other conditions of employment. The Association asked that these negotiations be conducted against a pre-established deadline, and that the Museum agree, even before beginning negotiations, to submit to binding arbitration any matters remaining unresolved on the deadline date. The Museum did not agree to these requests.

Throughout our discussions, the Association acknowledged that such matters as changes in the organizational structure and the creation and elimination of positions are management prerogatives and are not subject to negotiation. The Association asked, however, to be heard on such matters, and the Museum agreed to discuss them with the Association when appropriate.

A number of staff members have indicated that they do not wish to join the Association or to affiliate themselves with a labor union. The Museum respects and will respect their position equally with that of those who are members of the Association. I want to emphasize that no staff member needs to be a member of the Association in order to have access to the Museum's administration or to be heard on any matter whatsoever.

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The Museum of Modern Art

To The Staff

From John B. Hightower

Date December 29, 1970

Re

Following is the text of the joint statement issued by the Museum of Modern Art and the Professional and Administrative Staff Association which I said I would circulate, and which was read at the Director's Meeting this afternoon:

"As a result of extended discussions between representatives of the Professional and Administrative Staff Association of The Museum of Modern Art and representatives of the Museum, the following proposals have been agreed to for submission to the Association membership:

1. The Museum agrees to retain and invite to remain on its staff, at their present salaries, all those staff members who received notice of dismissal to take effect December 31, 1970.

2. The Museum reserves the option of reassigning any of those staff members to duties at least as meaningful to them and as constructive for the Museum as the duties which they were assigned to perform as of December 11, 1970.

3. The above understandings are to remain in effect pending agreement between the Museum and the Association on the items submitted for collective bargaining by the Association, or earlier if agreement with respect to the propriety of the dismissals is independently reached between the Museum and the Association.

4. The Association agrees to submit its bargaining demands to the Museum at the earliest possible date, and further agrees to make every effort to submit those demands on Tuesday, December 29.

5. The Museum has offered to consent to an election if the Association wishes one, to be held by secret ballot under the supervision of an impartial outside agency, to determine whether the Association is entitled to recognition, as it claims, as the sole collective bargaining agent for members of the Museum's professional and administrative staff, or whether it should be recognized as acting only on behalf of its own members. Preliminary to such an election, however, there must be a determination of the eligibility of various staff members for inclusion in a collective bargaining unit and hence for voting in the election."

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The Museum of Modern Art

11 West 53 Street, New York, N.Y. 10019 Tel. 956-6100 Cable: Modernart

Department of Public Information

December 28, 1970

We are all enormously pleased that the strike, voted upon last week by some members of the staff, has been averted. During the past few days of talks between some department heads and representatives of the Professional and Administrative Staff Association it was apparent that there is a mutual desire for talks on a variety of concerns at every level of the Museum's operation. At every point in these discussions there was never any question that everyone had the best interest of the Museum and its public at heart.

Certainly there is a need for many institutions, especially educational institutions, to find new mechanisms so that more of those concerned can be heard in the decision making process.

John Hightower

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RPS:-
Please keep a copy of memo of ground rules from John Hightower to Staff Ass'n in my folder for my return.
Thks.
KM.

Museum of Modern Art

on

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1. The Association's name should be modified to avoid giving the impression that it represents the entire staff.

2. As a corollary, the use on its letterhead of what has become the Museum's official logotype should, to be consistent, be altered to reflect the fact that the Association is an independent body within the Museum and not an integral part of its structure and operations.

3. The impression in any of its activities that it represents the entire staff should be avoided.

4. Finally, it should be understood that the Director of the Museum is the appropriate channel between the Association and the Board of Trustees. Consequently, communications addressed to the Board or to individual Trustees should be forwarded through me.

If the Association is agreeable to these conditions, I will be willing to recognize it as spokesman for its members, and to meet from time to time -- as often as may be necessary -- with whatever representatives it designates. It would help if I were furnished in advance of such meetings with a list of the matters proposed for discussion so that I may have an opportunity to consult with the Department Heads concerned and perhaps

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The Museum of Modern Art

To The Staff Association

From John B. Hightower

Date October 30, 1970

Re

Thank you for sending me a copy of Gay Detlefsen's letter of October 14 to Mr. Paley. Since Miss Detlefsen's letter mentioned that the Staff Association has been "recognized" by the Director, I think certain ground rules are in order to avoid misunderstandings and to minimize any possible rough spots that may occur in the future.

It appears that the Association now numbers 112 members, out of a total staff of 461, and that the Association's Constitution excludes certain members of the staff from membership in the Association because of alleged "conflict of interest." In view of these two factors, it does not seem to me that the Association can claim recognition as representing the staff as a whole, although it may be entitled to recognition as a spokesman for those whom it has enrolled as members. As such, it would be advisable to have recognition contingent upon the following:

1. The Association's name should be modified to avoid giving the impression that it represents the entire staff.

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include them at the meeting as well. In addition, I think it would be desirable if the minority position of the Association, with respect to particular issues, were also represented at such meetings.

I welcome the views of the Association on all subjects of concern to the Museum, and I assure you that its views will be given every consideration not only by me and appropriate members of the staff but also, when appropriate, by committees of the Trustees and, when occasion requires, the Board itself.

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The Program Committee and Negotiating Team recommend a contract for approval by the membership of PASTA.

We believe that this contract is a historic one, whose adoption at other museums would constitute an extraordinary development. Although the contract does not fully achieve all the objectives sought in the bargaining or the strike, we believe that it contains the very best terms achievable, in a first contract between the Museum and the Association, and a strong building block for the future.

Without question, many of the provisions in this contract would not have been achieved without the strike.

The terms of the contract follow:

1. Research sabbaticals and the 10% rule.

a. 10% Rule: One half day each week shall be released for the purpose of permitting eligible incumbents to keep abreast of developments in their respective fields of specialization. It is expected that this benefit shall be used for the purpose of visiting galleries, exhibitions, museums, films, etc. Maximum accrual of time for this benefit may not exceed one month.

Those eligible: curatorial assistants, assistant curators, and associate curators.

b. Sabbaticals: For associate curators and equivalent titles in conservation and library, a sabbatical may be taken after the completion of six years spent in a curatorial or conservation or library equivalent position at the Museum.

The sabbatical will be granted at full pay for six months, or half pay for one year; the Museum, however, reserves the right, owing to scheduled exigencies, to require that the sabbatical be taken during the six-month period. No more than

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one person per department may take this sabbatical during any one six-month period. (For the purpose of this provision, Painting and Sculpture Exhibitions and Collections are to be regarded as one department and the Prints and Illustrated Books, and Drawings Departments are to be regarded as a single department. This benefit will begin during the fiscal year 1972. Credit for years of service prior to this year, for the purpose of accumulating the six years of requisite service, shall be on the basis of one-half per each full year of service in a curatorial title.

It is understood that the person returning from the sabbatical shall remain on the staff for one full year following his or her return.

It is further understood that the Museum reserves the right to have first option to match any publication offer for material resulting from research or writing done during the sabbatical year.

c. Research leaves: Once every three years of service, each curatorial assistant, assistant curator and associate curator, and those holding equivalent titles in conservation, library, publication, and registration, shall receive a research leave of from four to eight week to undertake a project in a research area related to the Museum's program within his competence.

The eligible person shall submit an outline of his or her research project to the Department Director. It is understood that choice of the subject for the project shall exclusively reside in the eligible person, with approval by the Department Director limited only to judgment on the feasibility of accomplishment of the project by the person within the time stipulated. Appeals from negative determination by the Department Director may be taken to an Education Review Board comprised equally of representatives of the Museum and Association. Any impasse shall be resolved by the Director. It is understood that appeals from a Department Director

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may be taken directly to the Director of the Museum.

Eligibility for the research project shall begin immediately, based upon three years service in a curatorial or equivalent title at the Museum.

The Museum should provide limited funds to support the cost of the research project.

Upon the completion of the project, a written report or other tangible evidence of accomplishment of the project shall, where feasible, be submitted.

d. Travel: The Museum shall provide staff members with reimbursement for reasonable travel expenses in connection with attendance once each year as a principal participant at professional conferences.

II. Courses, orientation, and staff education courses.

a. Courses:

(1) All persons in the Museum are eligible for this benefit.

(2) Courses relating to skills relevant to the Museum's program or operations may be taken, and will be supported by the Museum pursuant to the following percentile schedules:

i. Staff persons ineligible for research project benefit with salaries under $9,000 a year--100% reimbursement.

ii. Staff persons ineligible for research project benefit with salaries over $9,000 a year--75% reimbursement.

iii. Staff persons eligible for research project benefit with salaries under $9,000 a year -- 75% reimbursement.

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iv. Staff persons eligible for research project benefit with salaries over $9,000 a year -- 50% reimbursement.

v. If the Museum requires, or if duties oblige the completion of a particular course, the Museum will pay 100% of the course costs.

The Museum shall set aside a sum of $5,000 for the purpose of reimbursing course tuition expenses.

An Education Review Board comprised equally of the representatives of the Museum and the Association shall determine course eligibility and shall allocate the $5,000 fund among applicants. The Director shall resolve any impasse of the Education Review Board.

All courses not required by the Museum must be taken on the time of the individual.

The Museum shall make advance payments for all course costs until the first unsuccessful completion of a course. After that, the individual shall be required to advance the fees for the course, which funds shall be reimbursed upon successful completion of the course.

b. Orientation and In-House Education:

There shall be established a joint Association-Museum Committee for the purpose of establishing orientation and in-house education programs. The Committee shall consist equally of representatives of the Museum and the Association.

The orientation program shall be given once every six months for new employees and shall consist of one full day of orientation, unless more than one-half of the Committee recommends that a lesser amount be utilized. Current employees whose

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knowledge of the operation of Museum has been limited or otherwise restricted by the character of their jobs shall be eligible for orientation course.

The joint Museum-Association Committee shall also prepare for the use of employees a manual describing the Museum's structure and operations. An In-house education program consisting of a minimum of three working days per year shall be established for all Museum employees unless more than half of the Committee recommends that a lesser time shall be utilized. The joint committee shall determine the content of the program. In the event of disagreement, the Committee shall consult with the Director, who shall have final authority regarding the nature of the In-house education program in the event that the joint committee cannot avoid an impasse.

III. Policy participation in Museum decision making.

1. The Director shall meet with designated representatives of the Association prior to each meeting of the Board of Trustees and appropriate Trustee Committees and shall inform the Association representatives of relevant policy matters under consideration, including but not limited to program and staff reductions, Museum hours, and admission charges. The Director shall inform Association representatives of the decisions of the Trustees and Trustee Committees, and the general range of policy options being considered over the course of their development.

2. The Association representatives shall have the right to appear before Trustee Committees to present the Association's position on policy matters under discussion, subject to the Director's judgment regarding agenda pressures placed upon such Trustee Committee meetings. The relevant Trustee Committees shall have the right to veto any Association request to formally appear before the Board of Trustees in connection with

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policy matters.

3. The Association agrees that it will not officially communicate or officially authorize its representatives to communicate positions reached or information disclosed as a result of the above provision, to sources outside of the Museum until such time as the Museum would have disclosed the information during the normal course of events. (It is understood that this committment does not in any respect preclude the Association from taking formal and vigorous positions in support of or opposition to policies being contemplated on the basis of information disclosed pursuant to the above provisions. The Association representative shall have the right and, as mandated by the Association, the obligation, to discuss policy matters with the full Association, which shall have the right to take positions with respect to policies being contemplated over the course of the policy development.

4. In each of the Curatorial Departments, the entire Staff thereof will elect one or two representatives, the number to be determined by the Museum, who shall be the representatives of that department for the purpose of participation in search activities and consultation with regard to the selection of any new Departmental Director.

5. The Staff of the Museum at large shall elect one or two representatives, the number to be determined by the Museum, who shall be the representatives of the Staff for the purpose of participation in search activities and consultation with regard to the selection of any new Museum Director.

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IV. Promotions

a. Automatic review to take place in the curatorial and conservation departments and after the following periods of service, in connection with promotions to the titles of Assistant Curator, Associate Curator or Associate Conservator, and full Curator or Conservator:

i. After three years of service as Curatorial Assistant;

ii. After five years of service as Assistant Curator or Assistant Conservator;

iii. After five years of service as Associate Curator or Associate Conservator.

After the above periods of service, each individual shall be reviewed by the members of his or her department for the purpose of deciding upon a recommendation as to whether the individual is qualified for promotion to the next higher title. The review shall be conducted by all persons within the department holding titles equal to or above that to which the promotion is under consideration.

Recommendations regarding fitness for promotion are to be made by majority vote of the persons eligible to vote (including the department director).

Recommendations prepared as aforesaid shall be forwarded to and acted upon by the Director of the Museum, who shall have final determination regarding any such promotion.

b. The Museum shall have the right to discontinue the services of a Curatorial Assistant without being required to satisfy the terms of the dismissal cause provision but only if a majority of his or her department holding the title of Assistant Curator, Associate Curator or full Curator shall determine, at the conclusion of three years of service, that the Curatorial Assistant in question is not qualified for promotion to Assistant Curator.

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c. No individuals may be promoted to a higher title prior to completion of the years of service set forth above, without the majority recommendation of members of his or her department holding titles equal to and above that to which the promotion is under consideration.

d. No persons may be hired from outside the Museum for the positions of Assistant Curator, Associate Curator or Associate Conservator, Curator, or Conservator, until the qualifications of that person have been submitted to members of the department at the titles higher than the one in which the outside person is to be hired. Those departmental members shall prepare a recommendation regarding the propriety of the employment of the outside person and shall forward that recommendation to the Director of the Museum, whose determination regarding such employment shall be final.

V. Job Evaluations and Promotions.

a. Designees of the Museum shall prepare job descriptions for all titles within the Association's bargaining unit, with an eye towards rationalizing the Museum title structure and, where possible, reducing the present proliferation of Museum titles. Recommendations of Director's designees regarding appropriate job descriptions shall be submitted to the Association for review and comment. The Association's recommendations, together with the recommendations of the Director's committee, shall be presented to the Director, who shall make a final determination regarding the job descriptions for all Association titles. This study shall be completed no later than March of 1972.

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b. Subsequent to the final promulgation of the above job descriptions, a Personnel Review Board composed jointly of one designee of the Director, one of the Association, and one mutually agreed upon, shall assign each employee in the bargaining unit to his appropriate title. Promotions shall be directed by the Personnel Review Board in the event that the actual duties of individuals are found more closely to approximate the duties set forth in the job descriptions of the higher title. Individuals in questions may appear before the Personnel Review Board to appeal any alleged failure to "slot" them in their appropriate titles.

c. It is understood that no demotion in title , salary, or responsibility may result from the promulgation of job descriptions and the "slotting"process to result thereafter.

d. In the case of all promotions and job opportunities within the Museum for which the Association titles may be eligible, the Museum shall publicly post any and all such vacancies, together with a brief description of the duties and responsibilities of the open titles.

e. After the retitling and slotting process as aforesaid shall be completed, the Museum and the Association shall negotiate, as of July 1, 1972, a single salary schedule for each title. The aforesaid salaries shall include a five-to-seven step seniority increment schedule. Merit pay shall be permitted in an amount not to exceed a specified percent, said percent to be negotiated.

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VI. Salaries.

a. Retroactive to July 1, 1971 and covering the period through June 30, 1972, an across-the-board increase of 7-1/2% shall be paid to all Association titles save those holding the title of Waitress, who shall receive a pay increase retroactive to July 1, 1971 in the amount of $.20 per hour.

b. Retroactive to July 1, 1971, a minimum salary shall be in effect for all Museum employees at the rate of $5,750 per year.

c. A longevity increment in the amount of 2% of salary shall be established, retroactive to July 1, 1971, for the salaries of all individuals with 20 years seniority, or more.

d. It is understood that the above agreement is and shall be subject to binding orders of the President of the United States regarding wage freezes, policies, and limitations. In the event that any portion of the above agreement shall be deemed improper for implementation, the Museum and the Association agree to renegotiate the salary provision of this contract at a cost to the Museum, in an amount equal to the cost of any portion of the salary provision deemed improper for implementation.

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VII. Fringe Benefits.

a. Vacations: As per Personnel Manual, with following revision designed to remove pressure from individuals to forego their vacations or any portion thereof.

It is expected that all vacations will be taken within the eight-month period following the fiscal year in which it is earned. Only under unusual circumstances involving pressing workload should the carryover of vacation beyond the eighth be requested by the employee or authorized by the department director.

b. Personal Leave Days: Three (3) non-cumulative personal leave days per year shall be granted, provided that they not be taken in conjunction with any holiday or vacation. Where possible, advance notice of the personal leave day shall be provided to the Department director. However, he shall not be permitted to inquire into the specific basis for the personal leave, which is to be granted solely upon the oral statement of the employee in question, to the effect that the personal leave is required for family, medical, legal, or other personal business which cannot reasonably be conducted during the course of the employee's free time.

c. Sick Leave: Sick leave is increased to twelve (12) days per year accruable to sixty (60) days. Credit for sick leave is to begin from day of employment, with all sick leave proper for taking to be available upon completion of an employee's three-months probationary period.

d. Maternity Leave: Maternity leave increased to nine (9) months cumulative, for pre-natal and post-natal care.

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The individual in question may continue her (or his) insurance coverage during the maternity leave, but on a contributory basis only.

e. Blue Cross, Blue Shield, Major Medical Coverage:

Coverage is to be provided by the Museum on a wholly non-contributory basis, and shall include dependent coverage, which shall also be provided on a non-contributory basis.

The present 21 - 30 day gap during which individuals are potentially liable for 20% of all medical bills under $3,000 is to be discontinued, so that 100% coverage to the limits of the policies shall be in effect from the day of illness to its conclusion.

Under the Major Medical policy, maternity benefits are to be increased to $500;

Under the Major Medical policy, psychiatric coverage is to be increased to $10 per visit up to a total of 50 visits.

f. Maintenance of Benefits: All present Museum benefits are to be maintained and may not be reduced or modified by the Museum unless and to the extent modification takes place pursuant to the terms of the contract.

VIII. Grievance Procedure.

There shall be established a three-step grievance procedure covering all disputes resulting from the implementation and interpretation of this contract.* The three-step grievance

*N.B.: The broad scope of this grievance procedure requires explanation. It is broader and more consequential in impact than may appear to one not familiar with the nature of grievance procedures.)

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procedure is as follows:

1. At the first step, individuals having complaints may take them to their Department Directors.

2. If no resolution satisfactory to the individual is achieved at Step 1, the Association, if it chooses to support the complaint of the individual, shall present a second step grievance, in writing, to the Director of the Museum, who shall resolve the grievance in writing within ten (10) days.

3. If the Association disapproves of the Director's decision, it may carry the dispute before a jointly selected Arbitrator, who shall make a final and binding determination of the dispute in question.

4. Grievances that are museum-wide or affect more than one individual in a Department may be taken directly by the Association to the Director and if not resolved submitted to the same arbitration procedure as above.

IX. Discharges and Discipline.

The Museum may discharge or discipline individuals who have completed their probationary period only "for cause". In the event that the Association believes the discharge or discipline to be wrongful, and not "for cause", it may contest the discharge or discipline, in an arbitration proceeding before a jointly selected arbitrator, whose decision shall be final and binding upon the Museum and the individual in question.

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X. Improvement of facilities.

a. A "fainting room" shall be established and furbished in the former telephone room of the sixth floor.

b. A joint committee shall be established, with equal participation of the Association and the Museum, to prepare a report no later than March 1, 1972, containing proposals and programs for the improvement of facilities at the Museum.

XI. Job Security

a. Seniority:

i. A seniority roster shall be established for the following titles, on a Museum-wide basis, for the purpose of determining the order of layoffs in the event that any such layoffs are to take place:

Secretary
Clerk typist
Receptionist
Cashier
Waitress
Information desk representative

ii. For all other employees of the Museum, the Director shall have the right to effect layoffs on a basis other than seniority, if in his opinion there are important bases for doing so. Any determination to choose to retain an individual of lesser seniority or pay, however, must be made in writing by the Director.

b. A minimum notice of three weeks shall be provided for any person laid off by reason of a reduction in force. The notice provision of this agreement shall be effective, retroactive for those individuals who have already received less than three weeks notice.

c. The Association shall have the right to process through the grievance and arbitration process any allegation that a layoff or purposeful holding open of a vacant position has resulted in an unduly burdensome workload on the remaining

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staff members. If the Association establishes in an arbitration that such an unduly burdensome workload has resulted, the Museum shall have the right to remedy the situation as it in its discretion shall determine, including the redistribution or reduction of the work and responsibilities of the individuals affected or the recalling of the staff member or members from layoff. If any arbitrator shall find that an unduly burdensome workload has existed, one-half of the total salaries of the titles not filled over the period during which the unduly burdensome workload has been in effect shall be distributed amongst the remaining individuals on whom the burden has been imposed.

d. Recall. The Museum shall be obligated to recall and offer employment to any individual laid off, during a period dating no less than one year from the date of layoff, if the job duties of the person laid off are to be reconstituted as a Museum job. The Museum shall be obligated to offer one recall right to each individual eligible under this provision provided that the recall offer is for a permanent and not temporary assignment. Prior acceptance or rejection of a temporary assignment accordingly shall not exhaust the individual's right of recall established herein.

e. Severance pay. The following severance pay schedule is to be in effect.

i. Six months to one year service at the Museum - one week's pay.

ii. One additional week's pay for each year of service.

iii. In calculating the total years of service, one half year or more during the last year of service is to be regarded as one full year of service.

iv. The Director may, in his discretion, provide additional severance pay by way of special consideration to deserving staff members and, if he therefore so chooses, shall not be limited by the severance pay schedule here set forth.

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f. In connection with announced reductions in programs and staff, the Museum agrees to make intensive efforts, at the highest levels of government, for increased governmental support of the Museum and its programs. The Museum shall report to the staff on December 1, 1971 regarding the success or lack thereof of the efforts to be made as described above. If additional public funds beyond those presently budgeted can be obtained or reasonably projected, the Museum will make every effort to modify its present determinations regarding program and staff reductions.

g. All unimplemented layoffs presently announced shall be subject to periodic review by the Director of the Museum.

h. Extensions and revisions of announced decisions.

i. Sue Raices to continue responsibilities for coordinating the group visit program, in conjunction with additional duties as receptionist. Her dismissal notice therefore is to be cancelled and rescinded.

ii. The following extensions of dismissal notice have been effected:

Virginia Allen	-	November 15th to Feb. 15th
Meg Potter	-	August 20th to Jan. 15th
Eila Kokkinen	-	September 1st to April 15th
Peter Schwartz	-	August 20th to Dec. 15th
Joan Rosenbaum	-	August 20th to Nov. 15th
Pat Jobling	-	August 20th to Nov. 15th
Mildred Constantine	-	August 20th to Nov. 15th

XII. Contract duration

The contract shall be in effect for the period July 1, 1971 to June 30, 1973. The standard no-strike provision shall be included in the contract. However, a "reopener" of the

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contract shall be in effect as of July 1, 1972, covering wages, pensions* and health and health insurance programs. As to those items, the no-strike provision shall not be in effect on July 1, 1972 unless prior agreement is reached between the Museum and the Association on a contract provision resolving them.

* The Museum, importantly, has assumed the obligation to negotiate with the Association for the pensions of those who have retired from the Association subsequent to the date of the Association's certification. The law is presently unsettled as to an employer's obligation to negotiate for such retirees but the Museum has stipulated its obligation to do so.

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As can be seen, the contract provisions here negotiated are substantial and historic. With respect to the layoffs, some, although not much in the way of contractual protection, has been gained. It should be made clear, however, that acceptance of the above contract does not and will not bar the Association from fighting, with all the vigor and skill in its command, to alter or modify presently projected reductions in programs and staff. The Museum is obligated to make an intensive effort at the highest levels of government in Washington, Albany and New York City to seek additional funds, and to report to the staff on December 1st. We can aid that effort by applying pressure, of a public and private character, on agencies in Washington, Albany and New York City to come up with funds for Museum programs. We can continue, and must, to attempt to persuade the Director to alter layoff decisions, an effort which should be aided by his contractual obligation to periodically review layoffs of affected individuals. (Note should here be made of the recall provision which obliges that Museum to offer the option to return to individuals laid off.) We can continue to pressure the Trustees, through the press and otherwise, to find the means to modify present plans.

We may not succeed in those efforts, but a vigilant and determined effort may well bear fruit. All that happens from acceptance of this contract, with its many extraordinary provisions which would likely be withdrawn if we failed to do so, is that we are barred from opposing the Museum reduction plans by means of a strike, whose continuing impact in forcing the Trustees to revise the layoffs in our judgment would be speculative at best.

THE PROGRAM COMMITTEE AND NEGOTIATING TEAM

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Object to Agenda
Machinery to be heard

A 1. Summary of minutes
deliberate speed for formal petition.
Reciprocal Summaries Available to Directors
Board

2.

3. Professional experience where applies
Right of individual to consult
directly professionally qualified
Acknowledged competence

B. O.K.

C.

independent obligation of Trustees to inform Staff in advance
will further make known in advance

Represent only the Association

Association as an entity

right of access Ass'n; to trustees Directors.

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will make known to MSS & major policy matters in advance to give opportunity to point of view

minutes

minutes to determine what is a major

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Discussion of what's reasonable.
Aim — all 4 agreeing to demands letter.
Profession
Role of Museum
Use JBH statement of museum to close in 4 or 5 yrs. would be better than do it in 3 yrs. with integrity.

Cresap-McCormack

Internal Politics.
Keeping trustees
Identical to City U.

Try to find their areas of give
Open to all — Right of Asst'n members
Choice left to entire staff
Staff
Right of staff to choose its representatives

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The Director chooses staff now even Cur. Councils
Staff must choose

Consultation

Univ. analogy

Right of the staff to act in representative Capacity

We have not changed how decisions are made

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1. Who represents the Ass'n?

Does everyone on Staff Ass'n get the agenda?

" " " the minutes?

What do you think appropriate?

Everyone has access.

Secret meetings

Ad Hoc. definite.

Precedents. — Byers Committee (currently)

Andrew Ritchie.
Porter McCray as staff Trustees
James Soby
Alfred Barr
Monroe Wheeler,

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Finance 1 3 people Sal
Bernie
Franz

Graphics 1

Packaging Services 1

Membership 1

Publicity · K. Shemeld

Public Info 1 · D. Goldin

Special Events 1

kept on thru reinstallation of Collection over Oct '72.

P. Schwarz
Geo Brown 8/20
M. Potter 8/20

Registrar's Lay attrition

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WSL's absence for 9 mos.

P&S — Eila K } extension
Dep — Joan. R } ½ time in house + cur. asst.
Virginia A. — Prints → no donations
no cur. asst. to go

Film — Gerry Cunningham — Cat/Libr — Assoc. Cur. Secy's to be reviewed — permanent 9/3
Tech Director ? on full or parttime in house — if conservation to be performed can't accept w/o it

NVA — Pat Gobling perm. but extension 8/20

Edn — Connie } extension 9→6 mos. 8/20
Raices } thru school year 9 mos. 8/20

Finance — Irene N. — Finance review

A/D (Photog) } cataloguer

Joan Levaver 8/20
Wm. Perry 8/20
P. Schwarz 8/20
Geo. Brown 8/20
M. Potter 8/20

Fred Coreen. kept on thru reinstallation of Collection over Oct '72.

Registrar by attrition

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Cutbacks wrong
restored

will live with assurances you can give us re gov't interest in museum

those in future can be remedied by efforts to survey Fed'l ~~Nat'l~~ State sources.

Our info from the depts.

Cuts

Most immediate
Intolerable

Research
Archival
Librarial

Film Cat/Lib
Tech. Dir.
AWA

→ Program

as said in memo

Education → Public School Program

Susan S. Connie
Joan R. Sue Raines

contingent on Exh'ns.

(Cataloger A/D + Photog.)

Drawings

Asst. Curator Eila K.
Senior Cat. question
Cur Asst.

Prints

Asst Curator being replaced by Cur. Asst.

Pr S.

Cur. Asst.
(secy's to be reviewed Apr 1-May

Exh'ns + Coll'ns.
retained Assoc Curators
extension 6 mos.

Oct '72. don't announce Cotsen reinstallation of Collection.

Finance

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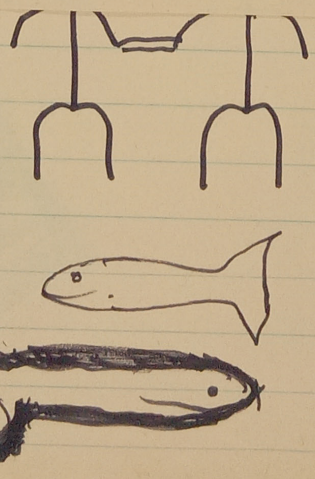
[24 1-c

going letter for artists etc.

Vinnette Carroll
864 B Roadway
(Director, Urban Arts Corps)

Wm. Majors.





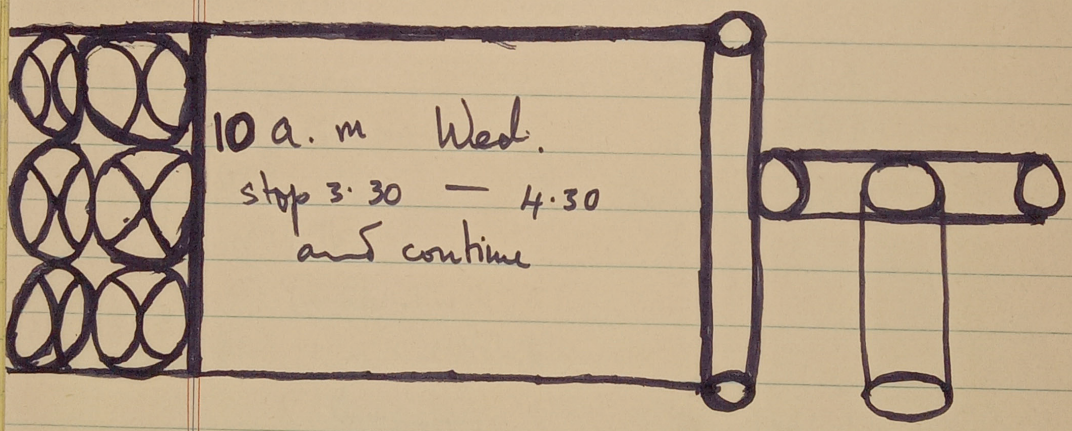
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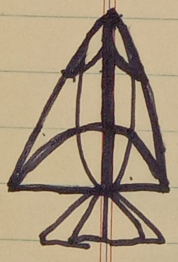
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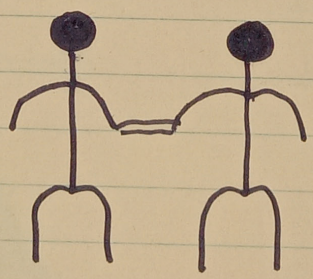
Covering letter for artists etc.

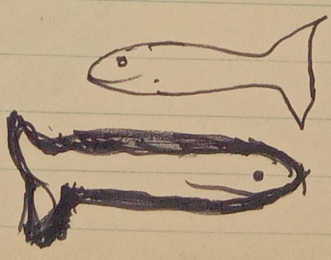
Mimeo fact sheet ✓
Chronology ✓
Covering Letter ✓
Press Release ✓

Stamping of envelopes.









people involved 8/20

~~X~~ 36-X

need time to

Responsibility

negotiate ajst security contract.

all 36 or none

8/20

Lenauer — film

~~Schwartz~~ (1) — Sept. 15

Tobling — MA

Raices — Edn'l Asst.

Geoff Brown — Writer/W.th.

Wm Perry — Music Director — film

M. Potter

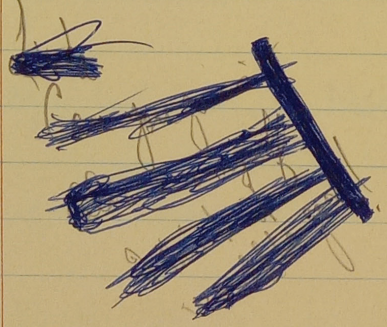
M. Constantine.

No union will strike

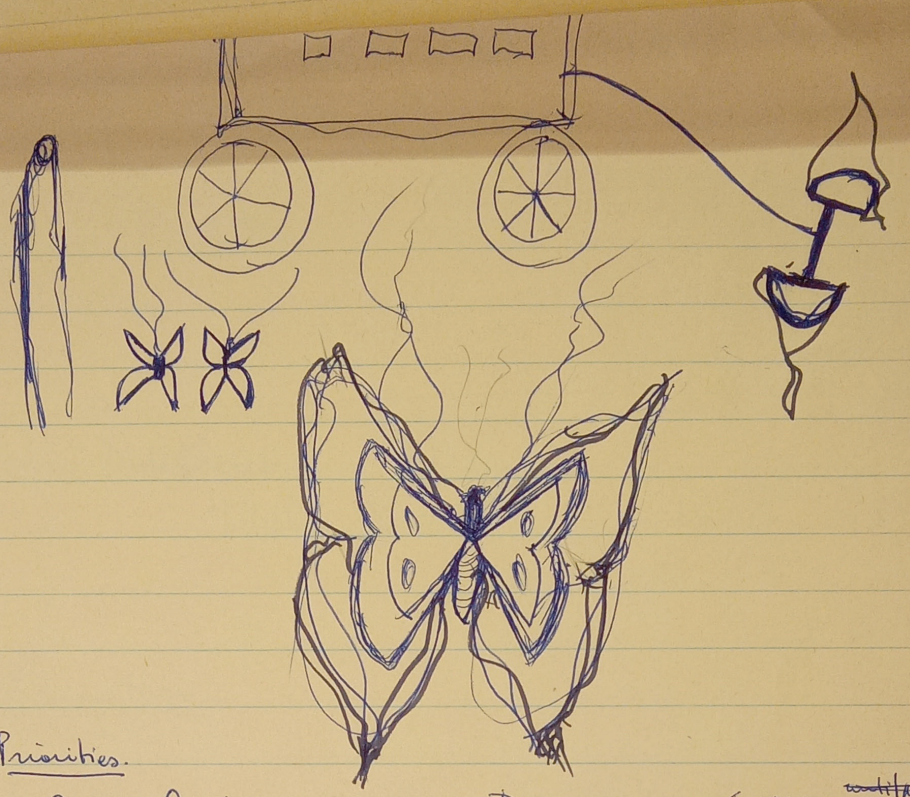
S. Cunningham — Sept. 1

Eila — Sept. 8

Rosenbaum — Sept. 15



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Priorities.

① 1 Asst. Curator — Drugs. — E. Kokkinen ~~resigned~~ returns

② 1 Cur. Asst. — J. Rosenbaum

for both until WSh returns.

write off a sec'y position.

Film

① Cataloguer/Trainee — S. Cunningham

② Tech Director — J. Lenauer

accept part time music director

~~Publications Newsletter~~ — ~~Typist~~ typ.

agree to abolish — Writer

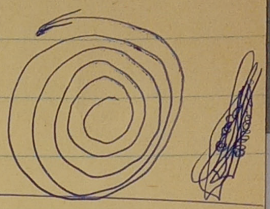
agree to abolish — Sec'y — Photography (find out)

Photo Lab question.

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fight for

Members' Newsletter
Library.



agree to add Secretary Exhibitions.
" " " Telephone Operator question ?

P+S.
D+P

Education

Sue Raices priority
find out functions.

AVA

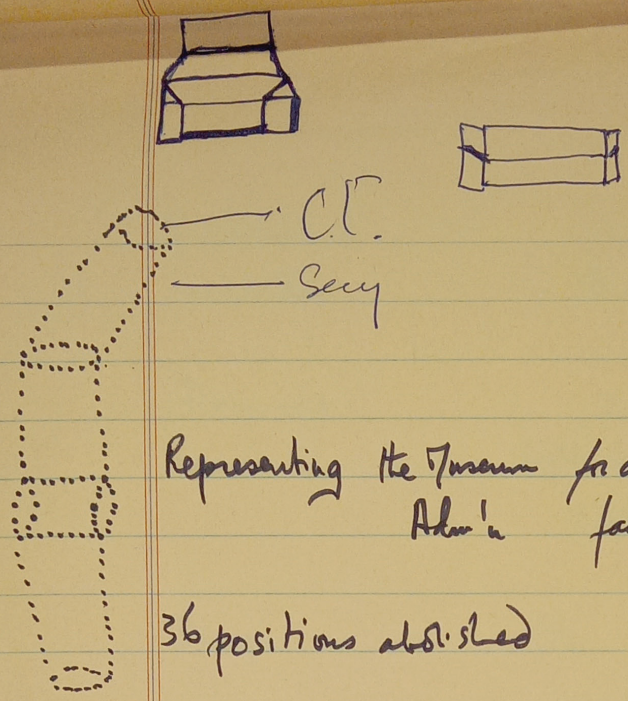
transference of function in 2 wks. Pat Jobling need report
workload
Pat as dept. head was not given say
getting rid of more highly paid + more experienced.
someone on bargaining team cannot be given 2 weeks' notice
during meeting.

Photo Lab

Breakdown to P.J. in 6 mos.

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8/18/71



Representing the Museum for copying
Adm'n facilities

36 positions abolished

rest depends on how effective from program cuts.

Gov't support	220,000	N.Y. State
	84,000	interns, projects
	5,000	Natl Endowment
this yr	$120,000	Library
	?	interns

1 Job Security
2 Policy Participation
3 People

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Development — Schwartz accept
Writer — Brown accept

Finance — O.K. Irene Colin
fight for Irene ?
EDP out

Drugs. — Eila kept. Asst. Cur.
1 Cur. Asst.
accept Sec'y. can go.

Film
① Cat./Librarian kept
② Tech. Director
accept part time music director

Exh'ns.:- Sec'y. accept
Tel. Operator:- attrition
Education :-

Photog. :- Sec'y accept.

AVA :- Prints A&D.

P&S — Sec'y accept.
Cur asst's.

Photo Lab

Registrar — attrition
P. Info.

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Program

Services

Pat is so complicated can't it wait
until lunch?
as.

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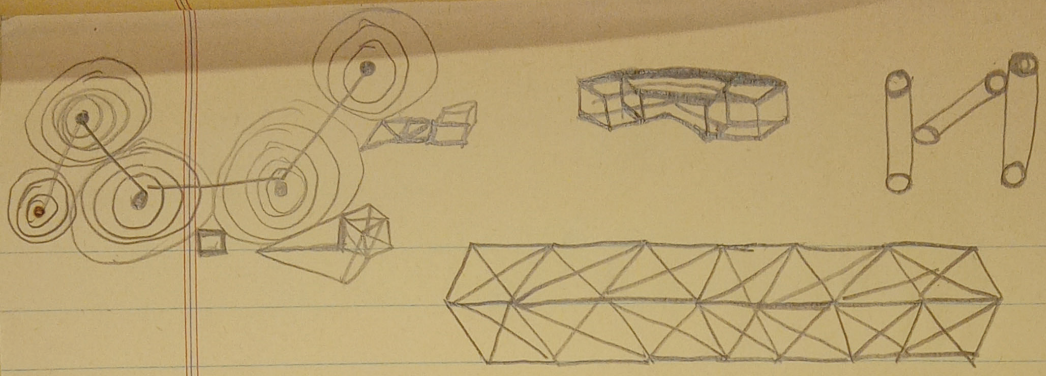
The Museum of Modern Art Archives, NY | Collection: KM | Series.Folder: II.B.75

D. & Prints

1 Senior Cat. from P. & S.
1 Secty

who will decide if person who has been laid off should come back?

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V. Allen

Assoc. Cur.
Asst. Cur. title to be retrieved in 6 mos.

who will decide if person who has been laid off should come back?

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Education Question carefully.

Sue Raices — academic yr & for transition

Connie — at least 6 mos. to finish commitments

P & S

No Cur. Assts.

Secretarial Positions: to be reviewed within 6 mos.

H. Potter — later date of termination

V. Allen

Assoc. Cur., Asst. Cur. Title to be reviewed in 6 mos.

Who will decide if person who has been laid off should come back?

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There are some things we have to subcontract

It's very good!

That's fair! I used to belong!

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2 Assoc. Curators.
because right of recall
restructuring.
according to program

for Assoc. Curators.
① on Gugg for fiscal year
Potter
allen.

KH research on Museum collection (doesn't mean P+S)

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Tech. Dir.

Film Shipping — Margareta

Cat./Librarian

AVA

Courses



TRAVEL every 2 yrs. * fiscal 1972

Exchange

Prof. fees.

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10% Rule 

accruable in 1 month.
keep abreast of developments in this field.
Cur. Books.
not other depts.

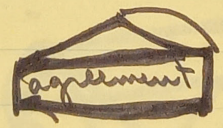
Sabbaticals

Curatorial, Library, Conservation
6 mos. after 6 yrs. full pay
perhaps 1 yr. @ ½ pay
fiscal year (?) agree to 7/72
Museum reserves right according to project
"1 person per dept." P. & S. ?

~~in the~~

Research & Ed's in

Who decides?

Courses 

TRAVEL every 2 yrs. * fiscal 1972

Exchange

Prof. fees.

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In-house orientation

Comm. to develop manual

substance of orientation to be recommended

inter departmental

3-day

Policy Participation

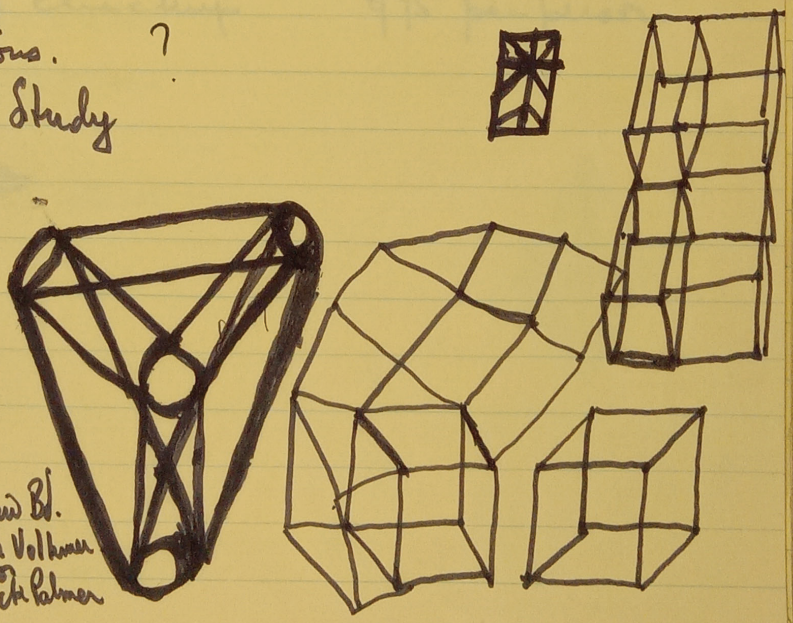
"trade union" or "social action" group

Confidentiality problem

Resisting

No demotions.

Job Study



Personnel Review Bd.

Jean Volkmer

Dick Palmer

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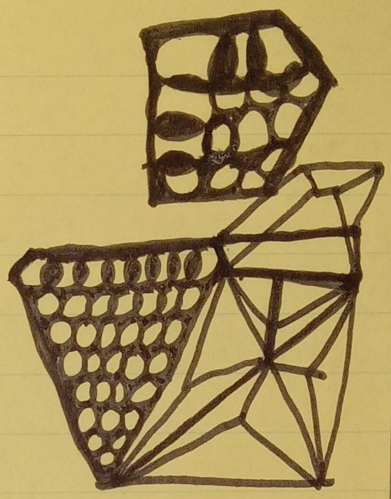
Series.Folder: II.B.75

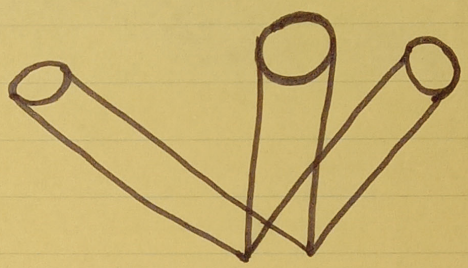
Salary

5- Step.
Longevity
Merit

Duration of contract

fringes





Medical checkup $75 per person

Grievance

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Solomon KRIETMAN

Salary
Job Security
Fringe Benefits — Pension, Ins, Sick Leave
Eduction & In House Orientation
Promotion Policies.
Education Leave & Sabbaticals; Travel.
Participation in Policy Making.
Members of Bargaining Unit
(Academic Freedom)

Walkout — prime consideration

Specifics & detail
Counter positions

Issue — Public interest & concern.



Thurs noon
Wed.

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Job Security.

Any more notice for professionals — 3 wks?
academic + art world year

Fact finding



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TT

To do:-

finalize telegram list

get list of performers
courtney Callender

Possible list of artists for donations.

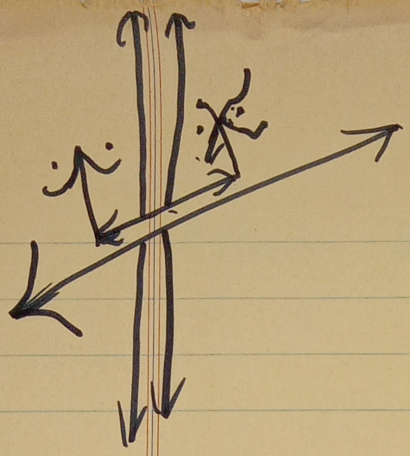
Envelopes for other museums.

Call John Weber
Eleanor Norton
School of Visual Arts
(for Nimes)

Film lists.
A+D
Photog

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Letters of Support

Picket + Demonstration — clear everyone discipline
if they want to but we will clear.

Others/Museums
Critics.
Gallery
Collectors.
- Publications.
Magazines.

Int'l Art Historians
Nat'l

How it affects you! brochure

see Publicity people.

Immediate factsheet
Press Release
specific
} to everyone

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Police Dept. Mikki C.

Call John Weber re Dwan
Strike Hqrs.

Billy Kluver re E.A.T.
Max's K.C.

O.K. Harris

V.I.P. to contact;
Sam Siegelaub

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16.50
35.00
37.00

88.00

Balloons.

Sound / 50.00

Leaflets

T. Shirts 250 Mm. 00 (500.00) PASTA
250. 7in 00

Posters.

Bands (9. Stringer).

Oktoberdag. 3150.

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Call Trinidad + Tobago Tourist Board

Pat Jamaica BWIA.

Lynette Rowe Jamaica Ind'l Development Corp.

T'dad Mission to UN

Call Fred Hughes re Warhol

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Betsy
John Jacques } Museum Workers.

2 p.m. Marshal artists issues to be spoken

Mon. 6 p.m. PASTA mtng. @ Dist. 65
Call Eleanor Norton

Tues. Strike Comm. mtng

Thurs. DWA Picket after 6 p.m. Rally

Donna Stein re Bertolucci

Call Henry G.

Museum Workers re Sept.

Terry Guilliams 226 2976

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Fri. 3p.m. 270 Bway.

Ken ~~Irwin~~ Lichtenstein 516 283 6719 -
Don Flavin

John Fisher 431 9256
Shenk Kender 254 4233
Les Levine 925-0447
Leandro Katz
Steve Antonakos
Helio Oiticica 777-7427
Alfred Leslie 691-8596
Motherwell 617-487-9187
Mario Dubsky 966-6436
Walter de Maria 925-6061
Joe Brainard 243-1762

David Lee
Ted Castle

Cesar Paternosto
B. Rose
* Danny Johnson

* Romare Bearden WA5-5375
Reuben Nakian

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* Call Apple 582 5533
Call Arnie
Ray Johnson 516 676 3150 ✓ Rubin re Picasso MIRO
Lee Pollock
Helen ✓
Tony Smith ~~not~~
Norman Bluhm 914 677 9935 ✓
Stephen Mueller ✓
Paul Waldman ✓ + Diane Waldman ✓
Roy ~~Elwin~~ Lichtenstein 516 283 6719 ✓
Don Flavin

John Fisher 431 9256
Shenk Kender 257 4233
Les Levine 925-0447
Leandro Katz ✓
Steve Antonakos
Helio Oiticica ✓ 777-7427
Alfred Leslie 691-8596
Motherwell 617-487-9187
Mario Dubsky ✓ 966-6436
Walter de Maria 925-6061
Joe Brainard 243-1762

David Lee
Ted Castle

Cesar Paternosto
B. Rose
* Danny Johnson

* Romare Bearden WA5-5375
Reuben Nakian

Eugene Schwartz 889 1711
NY Times 556-1234

Whitney 249-4100
Amherst 883-5563

Bill Rubin
PRAN de la Tour
(VAR)
France.

Allan & l'Arcangelo

Nick Krushenick

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Fernando Barro
go ~~Beau~~ Baer 533-5094 ✓

Nova Scotia College of Art + Design. ✓

Brazilian artists.

Gordon Matta 677 2239 or 925 7965

Jackie Whitten 925 2856.

Dick Ballamy 799 9250
Sally Gross n 691-1283

Marta Vivas 369 0858

John Hall 925 0991

Richard Bernstein Chelsea Rm. 600?

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Series.Folder: II.B.75

Bob Morris 914 255 0216

Rauschenberg 777 3347

Johns 228 1993

Alan Cote 925 0824
home 929 3197

Agnes Denes ✓
Joe Baer ✓

Sara D'Harnoncourt.

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Jim Dine

Jasper Johns

E. Kelly

Bob Indiana

Tom Wesselmann

Ed Ruscha

National Art Workers Community
48 W. 22.
Sandy ~~Stephen~~ Relis
929-6537
TR7-5205

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Donna Stein Others museums in N.Y.
Signs. etc.

B. Burnham Bridge Hampton

Susan Schneider AL 47270

~~Alicia for WSR address~~

Alicia → Ruth Vollmer

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Sunday
Aug. 29, 1971
THE NEW YORK TIMES

City Cutback Threatens Closing of 2 Libraries

By LAURIE JOHNSTON

A citywide epidemic of cultural cutbacks has reduced hours and projects at libraries and museums, theatens to close up two New York Public Library research collections entirely and has led the Museum of Natural History to consider shutting off the entire top floor, including its dinosaur hall.

The drying up of public and private money sources, during a period of higher wage demands and other costs, has also brought on new or higher admission fees to make up the difference.

The Museum of Natural History now "suggests" 50 cents admission for adults and 25 cents for children. Overhead costs the museum $2 a visitor, officials say, and income from the city and from private donors provides only $1.50.

The Metropolitan Museum of Art, which introduced a policy of "set your own fee but pay something" in 1970, suggests $1 for adults and 50 cents for students. It is open Tuesday and Friday evenings but has been closed Mondays since June — the month after it paid $5.5-million for a Velasquez— to save $200,000 for upgrading salaries.

'Blow to Scholarship'

The New York Public Library's threat to close on Jan. 1 its Science and Technology Division and its Research Library of the Performing Arts would be "a blow to scholarship in this city" and especially at the City University if a financial solution does not halt the trend, in the opinion of Dr. Elliot Zupnick, associate dean of the City University Graduate Division.

Since July 1 all the research collections have been open, like the branch libraries, only 40 hours a week instead of 75. "Even this partial closing will be a handicap when C.U.N.Y. graduate students return in force in Sepember," Dean Zupnick said.

Confronted with a shortage of funds from the city, particularly for guards' salaries, the Brooklyn Museum theatened to close down entirely. It settled for closing off some galleries, opening some on weekends only and reducing its community art programs.

The city spent $75-million on "arts and humanities programs" in 1970, according to August Hecksher, Administrator of Parks, Recreation and Cultural Affairs. It will provide $12.5-million to museums and zoos in 1971-72. Branch libraries will get $44-million, with $1-million to the research libraries.

"It's just enough for a down-to-the-bone existence," Mr. Hecksher said, "and as the year goes by the city job freeze begins to hurt them more and more."

But private purse strings are nearly as hard to loosen as public ones.

The Jewish Museum, which gets no money from the city, had a deficit of $100,000 last year and has dropped its contemporary art exhibitions, limiting itself to Jewish themes.

The Museum of Modern Art, in the red for the last five years, will pare its exhibitions from 40 to 10 by 1972. It raised its admission fee to $1.75, except on Mondays. In reducing costs, it put major emphasis on reducing its staff, but it also discontinued its art classes and curtailed library and other services.

Short of hanging tin cups around the necks of its marble lions, the New York Public Library is exploring every possible fur-raising solution to a $1.2-million deficit in the $10-million budget for its research libraries.

"Somewhere, this game has to have an end" declared Dr. Richard W. Couper, the crewcut gray-blond president of the library, grimly slamming his hand down on a stack of figures. They showed the research divisions were eating into their capital endowments for about 10 per cent, or $1-million a year, of their operating costs.

Cash Gifts Are Sought

Library executives still hope for a change of heart by the city — and perhaps the state— that would restore the $1-million contribution made out of City University funds the last two years. They also seek large and small cash gifts from corporations and others whose work would suffer without the research libraries. And, as "almost a national library," they aspire to a private or Federal foundation grant.

Charging admission or membership fees would hit hard at City University's 2,000 doctoral candidates and the thousand or so faculty members who use the research libraries. It would also require a charter change approved by the Legislature.

"If you're going to change the rules and go nonpublic, then the fees should be realistic and cover actual use costs," said Dr. Couper, citing $200 or $250 a year at Harvard, Yale and some other universities.

He said library employes "feel the finger of blame is pointing at them" for union contracts that call for overtime and meal expenses when they give up evenings, Sundays and holidays to keep the libraries open.

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Hightower Quits the Modern Museum

By GRACE GLUECK

John B. Hightower, director of the Museum of Modern Art since May 1970, resigned yesterday.

The resignation, which was the subject of conjecture in the art world for nearly five months, was announced by David Rockefeller, board chairman of the museum, and William S. Paley, its president.

Although in their statement Mr. Rockefeller and Mr. Paley said they were accepting Mr. Hightower's resignation "with deep regret," it was understood that the resignation was requested.

It was the second departure of a director from the financially troubled museum in less than three years. In May 1969, the board of trustees ousted Bates Lowry, who had served as director for 10 months.



The New York Times

John B. Hightower

To replace Mr. Hightower the museum promptly named Richard Oldenburg, director of publications since 1969, to serve as its acting director. He will be supported by an administrative committee consisting of top-level curatorial and administrative personnel. Museum officials said that a search committee would be appointed in the near future to recommend a successor to Mr. Hightower.

In a letter to the two top museum officials, Mr. Hightower requested that his resignation take effect "as soon as it is practicable."

"My commitment to all the arts and their inherent capacities as a humanizing influence for society can better be pursued elsewhere," Mr. Hightower, former director of the New York State Council on the Arts, declared.

Asserting that the museum's role was to "remain reflective and interpretive," he said: "My own personal interests and inclinations are more oriented toward the application and introduction of the arts to all

Continued on Page 45, Column 3

N.Y. Times

Jan. 6, 1972

Hightower Quits as Director of Modern Museum

Continued From Page 1, Col. 7

aspects and segments of society."

In their statement, Mr. Paley and Mr. Rockefeller praised Mr. Hightower for "the contributions he has made during the period of transition for the museum and in a time of greatly increased demands upon its services."

Noting that the museum's deficit had been reduced substantially and new programs initiated, they wished him "a most satisfying and productive time in his future undertakings."

Reached by telephone late yesterday, Mr. Hightower described his departure from the museum as "thoroughly amicable."

He said that he did not plan to return to the Arts Council, which he served as director for six years before going to the museum, and had no other immediate plans.

Key staff members were told of the resignation yesterday afternoon by Mr. Paley, who summoned them to his office at the museum.

"I was surprised," said Susan Bertram, president of the Professional and Staff Association of the museum, which recently won a labor contract with the museum. "Something like it might have happened earlier, but I didn't expect it at this particular time. We had signed the contract, things were quieting down, and it seemed like communications were improving all around."

Mr. Hightower came to the museum under auspicious circumstances. As director of the Arts Council, he had won a reputation as a man able to deal with the most avant-garde creative people, while at the same time being capable of translating their needs and programs into terms acceptable to legislators and bureaucrats.

His performance at the council was warmly endorsed by Governor Rockefeller, a trustee and past president of the museum. But the museum posed problems that Mr. Hightower had not experienced on the council.

Caught in an unprecedented financial squeeze, jolted by demands from staff unions, roiled by internal friction, under pressure by community and artists' groups and—in common with sister institutions—no longer clear about its role and philosophy, the museum was plagued by a range of difficulties to which many trustees felt Mr. Hightower's skills were unequal.

His performance was also challenged by the museum's professional staff, some of whom felt that Mr. Hightower lacked the necessary background in art history and basic museum functions. In private, some of the senior staff members voiced the opinion that Mr. Hightower's successor must be well versed in the internal affairs of the museum.

Mr. Hightower, a 38-year-old native of Atlanta, graduated from Yale University in 1955, and served in the Marine Corps. He worked as an assistant to the president and publisher of the American Heritage Publishing Company before joining the Arts Council in 1963 as executive assistant. In 1964 he succeeded John H. McFadyen as director of the council.

Mr. Oldenburg, 38, brother of the artist Claes Oldenburg, was graduated from Harvard in 1954. Prior to joining the museum, he was managing editor of the trade department of Crowell, Collier and Macmillan, the publishers.

The Museum of Modern Art, which is at 11 West 53d Street, was founded in 1929 by Lillie P. Bliss, Mrs. Cornelius J. Sullivan and Mrs. John D. (Abby Aldrich) Rockefeller Jr., the mother of the Governor. It has achieved international fame for its collection of late 19th and 20th-century painting and sculpture, and is noted for its departments of photography, design and architecture and cinema.