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cc: Mr. Koch Mr. Szarkowski Mr. Horowitz Association files

*Stah*

## The Museum of Modern Art

To John Hightower

From Helen Franc

*Helen Franc*

Date March 12, 1971

Re Task Force Report on Salaries

Please make the following corrections in the copies of the Task Force Report on Salaries, which I delivered to you yesterday:

p. 2, paragraph 2: First sentence should read: "The Administration's designees" (obviously, not "the Association's designees")

p. 4, 3rd line from bottom: change "being entirely acceptable to " being useful."

p. 5, paragraph 3: last clause of 2nd sentence (after "performance and potential";) should read:  
"that one cannot reduce the supervisor's responsibility in this area without simultaneously reducing his accountability."



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March 9, 1971

REPORT OF THE TASK FORCE ON SALARIES

concerned with all points under roman numeral I in the Association's letter of January 1

Designated by the Director: Richard Koch  
John Szarkowski

Designated by the Association: Helen Franc  
Emily Fuller

The members of the Task Force were in general agreement on the following basic Principles:

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. Regarding the first paragraph under I. Salaries, there was general agreement with the principle, already affirmed by the Trustees, that 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.

As regards I.A. Curatorial and Equivalent Titles, however, the Director's designees did not agree that the direct comparison of curatorial and academic departments, implicit in the proposed salary schedule of the demand letter, was applicable. They maintained that an academic department is in essence comprised of a number of teachers, who are independently responsible for a large number of projects (i.e., courses); most of these courses remain relatively constant over a considerable period of time, and individual faculty members from the level of instructor up are basically in sole control of their own respective courses. A curatorial department, on the other hand, presupposes organized, collaborative effort under central supervision toward the achievement of projects that are self-exhaustive and that are continually being replaced by new projects that reflect new priorities.

The Association's designees contended that once an exhibition or publication has been decided upon, it is not a collaborative effort, but the the director of a show or author of a book (except in the lower curatorial ranks) has complete individual responsibility for its contents and is in control of its realization. Further, they believed that the very nature of this Museum in fact makes more demands upon its staff than academic teaching does upon the faculty, since courses can be repeated from year to year, with relatively few new ones being introduced, whereas at the Museum new projects must constantly be researched and carried out.



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~~Director's~~  
I.A. Curatorial and Equivalent Titles: The Association's designees explained that the salaries proposed for professional staff in the demand letter had been based on those of the City University of New York, adjusted upward by a 2/9ths prorating, reflecting the difference between the University's 9-month and the Museum's 11-month work year. The Director's designees said that since CUNY was among a very small number of institutions paying the topmost salary ranges, as reported by the American Association of University Professors, they believed the ranges paid by institutions formerly rated "A" by the AAUP (now included in their Category I) would be a more appropriate standard. The Association's designees replied that CUNY had been selected: 1) because its salary levels had been established as a result of collective bargaining between the Board of Higher Education and the Legislative Conference; 2) because these salaries reflect the high cost of living in New York City -- the highest of any community in the continental United States.

~~Director's~~  
The Association's designees queried an upward adjustment by 2/9, because the AAUP scales are based on compensation, which includes fringe benefits (social security, insurance, retirement pensions, etc.) averaging 9.6 percent of the total compensation, whereas the Museum's benefits average 13 percent, added onto salary. The Association's designees replied: 1) that CUNY's scale in fact refers to salary only; 2) that the academic year with its 3-month vacation enables faculty members to augment their income by other employment, such as being able to teach at summer school, whereas the Museum's work year does not permit this; 3) 2/9 of salary is considerably more than 13 percent -- in fact, it is 22 percent.

Regarding paragraph I. A. 4, there <sup>was</sup> particular disagreement as to whether the curatorial assistant's role was in fact equivalent to that of an instructor, or whether it should relate more nearly to such dependent academic roles as that of graduate student, teaching assistant, research assistant, or archivist. Mr. Szarkowski and Mr. Koch observed that the position of curatorial assistant at this Museum was an entry grade for young staff members beginning their curatorial training, who usually lacked substantial professional achievement or museum experience. They believed that normally such staff members should, within three or four years: 1) either be promoted to a more responsible curatorial position; 2) encouraged to seek advancement elsewhere; or 3) be retained, but with the implicit understanding that their responsibilities would remain limited in scope. They therefore regarded the salary range proposed for this position in the demand letter as grossly inflated and declared that if it were met or approached, it would have unfortunate effects; since: 1) promising but untried young people would no longer be hired for junior curatorial jobs; 2) the Museum would in effect abandon its function as a training institution, to the detriment both of its own future and that of other institutions; 3) much basic curatorial work would in practice be performed by clerical and other staff members without appropriate education, training, or professional prospects.

The Association's designees stated first of all that the possibility last referred to, whereby curatorial work would be assigned to clerical staff, was explicitly ruled out by those provisions in the demand letter that preclude an employee's assignment to work outside his title, i.e., consistently performing functions not appropriate to his category and job description. They further declared that, although departments within the Museum differed considerably with respect to the duties and responsibilities given to a curatorial assistant, in many cases those holding this title had already been employed for several years at the Museum, had passed through the secretarial levels, and had then been reclassified in the curatorial category. While some departments might be using



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curatorial assistants in functions equivalent to those of cataloguers in the Registrar's department, in other departments they were allowed to organize small exhibitions. They pointed out that many are holders of the M.A. and are continuing graduate study, and both in this respect and in their lack of previous experience are the equivalent of instructors in many universities.

The Director's designees made available the Cresap, McCormick & Paget report, "A Salary Program for the Museum Staff," April 1970. They stated that the salary ranges therein, as well as the procedures for classification of positions, evaluation of individual employees, in-grade increments, and promotion from one grade to another had been approved in principle by the Personnel Committee of the Board of Trustees last spring and, with some modifications, had already been implemented in part; the intention was that, with few exceptions, these recommendations would be put into effect by July 1, 1971. The major modifications were: 1) raising salary ranges for the two lower curatorial levels, which the Cresap report had rated too low; 2) increasing the salary ranges of Grades 1 - 5, so that generally the minimum salary at the Museum is now \$5,220. They agreed to provide a memorandum indicating precisely what percentages of positions in the various grades would be within the recommended ranges by July 1, 1971, together with an explanation of the reason for the exceptions and of the proposals to raise them all to at least the minimum of grade recommended in the Cresap report.

The Association's designees stated that they felt a minimum salary of \$5,220 was far below a suitable salary in New York City; in fact, they wished to amend the minimum of \$6,500 in the demand letter to a minimum of \$7,000, which they felt was commensurate with the U.S. Department of Labor's statistics, i.e., for a four-person family (2 adults with 2 minor children) on a higher living standard (i.e., upper middle-class and professionals), living costs of \$19,000 per annum in New York City. They also regarded as particularly inequitable the Cresap report's recommendation (in III-5, Implementation of the Recommended Structure) regarding the adjustment of salaries to at least the minimum within the 18 months beginning July 1, 1970, that "It may be desirable to stretch this time period out an additional 6 months for positions for which salaries are considerably below minimum"; this they felt was a compounding of injustice, instead of a remedy for it.

The Association's designees further pointed out that they believed the Cresap report's recommendations were far below fair market standards in this area for clerical workers -- the market range now being in general at least \$110 - \$125 for typists, and a minimum of \$135 for secretaries. They agreed with the report of the Curatorial Council Committee on Personnel that the Museum, for every reason, not the least being efficiency, should aim to recruit for quality; that it should, and in fact it does, often require high educational standards. It was their contention that the Museum should not have a policy of seeking personnel to whom the minimum going rate can be paid, thereby getting relatively less qualified staff.

With regard to paragraph I.C.h. of the demand letter, proposing a 15 percent increment for secretarial personnel with special skills such as languages that might be required or utilized in their positions, the Director's designees recommended including such a requirement in the job description at the outset and grading the salary accordingly. The Association's designees pointed out that it was not always recognized that such an aptitude is actually a requirement for a particular job; but that when an employee is discovered to possess it, it is often utilized to the advantage of the Museum, and this should be then recognized and compensated for.



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The Association's designees declared that they regarded the salary ranges recommended in the Cresap report as overall far too low and adhered to their conviction that the levels proposed in the demand letter were appropriate and equitable. They further believed the report to be weighted in the direction of favoring administrative or managerial skills and positions over positions that require other kinds of professional education and experience, and they regarded the Administration's own decision to upgrade the salary ranges for the two lower levels of curatorial positions as tacit acknowledgment of this. Since the avowed purpose of the entire grading system, and the attempt to establish parallels with academic institutions, was to allow the Museum to recruit from university faculties, when appropriate, they did not consider that the proposed ranges met this criterion. Mr. Koch and Mr. Szarkowski disagreed and stated their belief that the ranges were in fact competitive. The Association's designees, who had been asked to provide the salary scales obtaining at various museums under the Smithsonian Institution, pointed out that the Museum's salaries were actually not competitive with these:

Curatorial Salary Ranges

	<u>MOMA</u>	<u>Smithsonian (as of Nov. 1, 1970)</u>
Curator	Grade 28: \$16,530 - \$23,970	Grade 14: \$20,815 - \$27,061
Associate Curator	Grades 25 - 27: \$12,700 - \$21,740	Grades 12 - 13: \$15,040 - \$23,089
Assistant Curator	Grades 18 - 24: \$8,500 - \$16,270	Grades 9 - 11: \$10,470 - \$16,404
Curatorial Assistants	Grades 13 - 19: \$6,500 - \$10,840	not available

Note: The Smithsonian Institution follows the Federal scale of 18 grades, as against the Museum's 35. The Director of the National Collection of Fine Arts (the particular Museum from within the Smithsonian from which these data were obtained) is Grade 18: \$37,624. We lack data for the equivalent of this Museum's departmental directors: Grades 31 - 32.

The Association's designees further pointed out that the Cresap report had been completed in April 1970 and failed to take into account actual increases in New York City cost of living since then.

Regarding paragraphs I.A.5 and I.C.3, dealing with increment steps, it was recognized that the question of in-grade increments was closely tied to that of promotion from one grade to another, the latter however being within the agenda of another Task Force. It was the strong position of the Director's designees that increments should not be automatic after each year of service but should instead be merit increases, contingent upon evaluation of performance. They regarded the guidelines set forth in the Cresap report (Exhibit III-2) as ~~being entirely acceptable~~. They concurred with the general concept that fair and equitable standards should prevail throughout the Museum, and said they believed the procedures outlined in the Cresap report provided adequate safeguards



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to protect employees from having their advancement depend solely on the judgment of their department head or supervisor. They particularly disagreed with the idea of any automatic rate of advancement; they considered there should be no limit on the possible speed of promotion, nor should it be assumed that patterns of advancement would be similar in all departments.

The Association's designees declared their conviction, on the other hand, that employees did have the right to steady in-grade advancement if their work was adjudged satisfactory; if it were adjudged consistently unsatisfactory, this might constitute a cause for dismissal. They also pointed out that -- quite apart from the question of possible personal prejudices for or against individual employees -- some department heads were "bearish" and others "bullish" with regard to salary levels, increases, and promotions; they consider that the evaluation of many individual positions in the Cresap report substantiates this, resulting in an imbalance among the departments.

It was agreed that before making his recommendation with respect to any employee's salary, advancement, or promotion, the department head should consult with the individual concerned, and his recommendation in this regard should be made known to the employee, before being submitted. Mr. Koch and Mr. Szarkowski maintained, however, that both pay increases and promotions should be based on evaluation of performance and potential; ~~that ultimate responsibility for these evaluations must rest with the department head concerned; and that otherwise, one would be reducing the responsibility of the supervisor in this area without reducing his accountability, both for his own staff and for the quality of work done in his department.~~ As a corollary, they stated their belief that the performance of department heads, at least in their supervisory capacity, should be formally evaluated periodically by the Director of the Museum and the appropriate Trustee committees. It was agreed, however, that this subject lay outside the scope of the present Task Force.

Paragraph I.F.: Mr. Koch and Mr. Szarkowski stated that they did not believe merit increases in cases deserving special recognition should be limited to 10 percent of salary and favored allowing greater latitude in this regard.

Paragraph I.F.: Mr. Koch said that it is in fact the present policy of the Museum to pay part-time employees on a prorated basis according to the number of hours worked, and he therefore regarded this stipulation in the demand letter as unnecessary.



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REPORT

TASK FORCE ON JOB SECURITY: Jennifer Licht  
— Linda Loving  
Charles Hesse  
David Vance (will be filing his own report)

A. Dismissals:

All members of the committee decided that a better, clearer definition of cause was necessary. We defined cause as: 1. Material falsification of information given for personnel records. 2. Insubordination including, but not limited to, refusal to do assigned work which the employee is capable of doing. 3. Gross neglect in the performance of duty or in care or use of Museum property. 4. Repeated and unexcused failure to notify the Supervisor of absence from duty. 5. Repeated tardiness, after warning. Repeated absence without satisfactory explanation, after warning. 6. Working while intoxicated, drinking on the job, or reporting for work while intoxicated. 7. Proven guilty under any criminal code or law.

Both of the Director's appointees questioned the ability of the National Academy of Arbitrators to understand our situation (relating to professional qualifications) etc.) here at the Museum and thus judge personnel problems. In our first meetings C. Hesse definitely felt that an outside, impartial party should judge grievances, but later decided that he would like to see the new grievance procedure which Mr. Hightower has proposed (which has not been created as yet), be utilized to settle any disputes with personnel. D. Vance feels that perhaps a committee of Department Heads be chosen to settle any grievances.

At one point both of the Director's appointees recommended that the initiation of a highly organized University Tenure System for Curatorial personnel be considered here at the Museum, but had no specific plan in mind.

Both of the Staff Association Representatives feel that a body such as the National Academy of Arbitrators can be completely impartial in judging any disputes over the



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firing of personnel. They feel that the procedure proposed in the "demand letter" definitely gives the Staff recourse action which is so badly needed. Since Mr. Hightower's grievance procedure has not been introduced as yet, they would not judge the validity of this procedure but would question the propriety of introducing it at this time.

The Association Representatives feel that the modified tenure system set out by the procedure in the "demand letter" is by far the most fair procedure, that "No dismissal of any staff member with two years or more of service at the Museum shall take place, except for cause." The Director's appointees believe this is too rigid and would tend to prevent adding needed "new blood" and create a situation favoring mediocrity.

#### B. Abolition of Positions:

1,2. In our first meetings Charles Hesse stated that he was in sympathy with the intention of the points in section B, but questioned the role of the National Academy of Arbitrators in his role as a supervisor, and thus could not endorse this approach. David Vance agreed with this procedure of recourse action, but not for this institution. He does not think that the Staff should have any recourse whatsoever in this Museum. He questioned the judgment of the Staff Association to separate personal ties from Professional standards in judging whether a person has been justly fired for cause or not. He feels that Department Heads are the only people who can judge situations concerning personnel.

In later meetings, both of the Director's appointees felt that, since Mr. Hightower was to initiate a new grievance procedure, that they would like to see all the matters covered in Section B handled by this procedure.

Both of the Staff Association representatives feel that the four points (a)(b)(c)(d), give the staff recourse with the Museum Administration that we do not have at this time. They feel that in light of past events, and especially the manner in which past dismissals were proven to be erroneous (after it was proved that the services



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previously cut out were really necessary; for example the manner in which Departments have either hired temporaries, reinstated a staff member who was previously released, or hired new personnel), that the procedure outlined in the "demand letter" would prevent mistakes of this kind from occuring again.

B.3. Both Representatives agreed to add the clause, "this does not affect Museum practice of hiring outside Directors, authors, or other Professionals, for a limited amount of time."

4. Bath Representatives agreed, although C. Hesse does not believe this is realistic in application, but seems fair as a concept.

5. Both of the Director's appointees would like to see each Staff Member now on the staff reviewed before this condition goes into effect. C. Hesse feels that an annual review of each Staff Member should be an enforced policy and each individual should have the opportunity to discuss his status in the presence of both his own Director and at least one members of the Personnel Committee.

#### SEVERENCE PAY:

Schedule proposed by the Director's appointees:

<u>Length of service</u>	<u>Notice</u>	<u>Pay</u>
6 mo.-1 year	2 weeks	1 week
1-3 years	4 weeks	2 weeks
3-5 years	6 weeks	3 weeks
5-10 years	8 weeks	4 weeks
10+ years	10 weeks	Special Consideration

Schedule proposed by Representatives of the Staff Association:

<u>Length of service</u>	<u>Notice</u>	<u>Pay</u>
6 mo.- 1year	4 weeks	2 weeks
1-3 years	8 weeks	4 weeks
3-5 years	12 weeks	6 weeks
5-10 years	24 weeks	12 weeks
10+ years	Special consideration, but no less than 24 weeks notice and 12 weeks pay.	



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4.

2. Both parties agreed that further definition of "exempt staff member" should be made. Both Representatives proposed that this should cover all the titles mentioned in 1-A (page 2 of the "demand letter").be covered.

Both Representatives agreed that the pay given should not be full pay, but no sum was agreed upon. Also any time lapses should be defined in Collective Bargaining and the salary will be discontinued when the person receives another job.



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TASK FORCE ON JOB SECURITY - Minority report of David Vance

March 9, 1971

This report refers to numbered and lettered paragraphs on pages 9, 10, 11 and 14 of Michael J. Horowitz' letter of January 11 to John B. Hightower.

Page 9 - V, A. Dismissals

\* [ Within the past week it has been announced that a formal "grievance procedure" will be established at the Museum. I assume it will be a fair one, eliminating any possible need for the alternative suggested here.

Page 10 - Abolition of Positions

The first paragraph on page 10 suggests discussion rather than formal negotiation prior to abolition of a position. I endorse this request, at least insofar as the positions of staff members represented by the Staff Association are concerned.

However, the creation, alteration and abolition of positions and the institution, changing or elimination of public services are matters of administration and policy respectively. I cannot recommend that the Museum dilute any of its prerogatives in this area. On page 8 (Section IV) in the first paragraph, Mr. Horowitz acknowledges the Museum's right of final determination in policy matters.

Page 11 - 3

I support this request insofar as staff members eventually to be represented by the Staff Association are concerned.

Page 11 - 4

I support this request insofar as holders of permanent, full-time positions are concerned.

Page 11 - 5

I have no opinion on this matter, nor do I recall its being discussed by the task force.

Page 14 - F. 1

I support the request for increased notice of release and suggest specifically that employees to be released be entitled to notice equal to twice the amount of time for which they presently entitled to separation pay (Cf. page 17 of the current personnel manual).

Page 14 - F. 2

I support the intent of this request but find it vague. Specific staff members eligible for this unusual privilege should be spelled out. Any continuation of pay should be at a reduced rate to encourage job hunting. Pay should terminate at the latest when the former employee finds a new position or on September 1 following May 1 following termination, whichever comes first.



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Report of the Professional and Administrative Staff Association task force (Patricia Jobling and Kynaston McShine) to consider Section IV of its demand letter.

Our first meeting took place on Wednesday, March 3, 1971. At that meeting, the following points were made with regard to Section IV:

**IV.A. Trustee-Association Relationship**

- 1.-2. Mr. Drexler and Mr. Rubin thought that the Association should not, perhaps, receive advance copies of the agenda of the regular and special meetings of the Board, and of its standing and Ad Hoc committees concerned with personnel, program and policy. Rather, they suggested that the Association receive summaries of the proceedings of each of these meetings, with all deliberate speed so that the Association could formally petition to speak on any matter of concern, after the meetings had occurred. They also felt the Trustees and the Director should receive reciprocal summaries of Association minutes.

Some discussion took place as to what is policy. Mr. Drexler pointed out that no member of the Museum's staff, including the Director, made policy; but, rather, they make operating procedure and program suggestions, and it is the Board of Trustees that makes decisions.

It was pointed out that the Association felt that as professionals they need to have a voice in the decisions which directly affect their lives.

There was some disagreement as to what is a major policy matter.

3. Mr. Drexler and Mr. Rubin felt that this right of consultation already exists. They submitted that only those with the applicable professional experience or acknowledged competence should be consulted on appointments.

While Miss Jobling and Mr. McShine agreed to this latter point, it was pointed out that this consultation does not exist and that the Association would certainly choose those competent to make an appropriate recommendation.

Both Mr. Drexler and Mr. Rubin objected to the suggestion that major vacancies within the Museum be openly advertised.

**B. Association-Museum Director Relations**

Mr. Drexler and Mr. Rubin agreed to all of these points and, in fact, suggested that these meetings be established on a regular basis, perhaps as frequently as every three weeks. At those meetings, the Director, at his discretion, could inform the Association of major policy matters in advance of these items appearing before the Board.

At this point, there was considerable discussion, on the part of Mr. Drexler and Mr. Rubin, that all of the above should encompass the entire staff.

The Association speaks only for its members.

**C. Association-Museum Committee**

Mr. Drexler and Mr. Rubin could not accept this point because they felt



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that there was no consensus as to a need for restructuring. Again, the meaning of "restructuring" was questioned. Mr. Drexler and Mr. Rubin felt that while there were certain areas of the machinery that, perhaps, were not functioning smoothly, they would question who from the Association would be competent to judge these areas. In addition, they felt that such an Association-Museum committee would be divisive.

Mr. Drexler felt that these problems should be worked out within the individual departments, or between those departments directly concerned. Mr. Rubin believed that sometimes more representative Museum committees could be beneficial. Mr. Rubin finally suggested that the Association, in its own discussions, determine those areas which need critical revision. The Association would then approach the Director, asking him to appoint a committee of logical individuals to consider the problem. He defined committees of "logical individuals" to be comprised of: a committee of department heads, or a committee of department heads and lower staff, or a committee of all Trustees, or a committee of Trustees and staff, etc. Mr. Drexler remained firm in his belief that problems should be worked out within individual departments.

The Association felt that occasionally other departments have made valid criticisms of the policies of another department and that often complete autonomy of a department leads to stagnation and malfunctioning.

The Association believes that a reexamination of the whole Museum's operation might be beneficial since certain modes of operation may be obsolete and many existing patterns may need changing.

Miss Jobling and Mr. McShine agreed to meet again with the Museum's task force to attempt, perhaps, a joint report. Since they represent only the Association, they felt unable to submit a joint report which would change this section of the demand letter to encompass the entire staff. No second meeting took place.



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John Hightower

Bernard Karpel, Jane Nicol, Bernice Rose, Susan Stedman  
Task Force on Educational Benefits

March 10, 1971

Attached "commentary" on the Jan. 11, 1971 letter  
from the Staff Association

It was the opinion of the entire Task Force that not only did the Museum want to attract and maintain the best qualified staff but also assure a continued high level of performance.

The members of the Task Force on Educational Benefits were pleased to find that the contents of the sections II and III of the Staff Association's letter were of common interest and a priority for the Museum, and while we may have differed on details of implementation we did agree in principle on the proposals.



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Task Force Assignment: Educational Benefits

March 10, 1971

Reference: January 11, 1971 letter addressed to John Hightower  
from attorney for the Staff Association, Michael J. Horowitz

Educational Benefits: Section II, Research and Sabbaticals  
Section III, Education

The following information is submitted as a "commentary" on the contents of the January 11, 1971 letter referred to above. When necessary we shall note positions or points of view which differ with the following descriptions:  
(AA) = Association's Appointees; (DA) = Director's Appointees.

## II. Research and Sabbaticals

A. All members of the Task Force agree with this recommendation in principle.

(DA) Recommend inclusion of clause: "with appropriate staff personnel levels to be maintained".

B. All members of the Task Force agree in principle.

(DA) Raise question of how qualifications are to be determined and by whom, and recommend inclusion of clause: "with appropriate staff personnel levels to be maintained".

## III. Education

(DA) Note not only parity with university personnel but also cite precedents in Educational Benefits extended to personnel of other museums.

### A. Courses

All members of the Task Force recommend addition of Training to this section, to read, Courses and Training.

A. 1. All members of the Task Force agree in principle.

(AA) DO not feel they can incorporate recommendations on funding in their request but welcome constructive suggestions made by (DA).

(DA) Recommend establishment of a fund of a specific amount (but no dollar amount determined at this time). Recommend that development of a educational



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fund include outside funding sources which might be tapped, in addition to the institution's own financial commitment.

A. 2. All members of the Task Force agree in principle. All members suggest rewording of phrase "selection of applicants" to selection among applicants."

(DA) Recommend equitable representation not only of Staff Association members but also of non-Association staff members, as well as department heads or directors.

3. All members of the Task Force agree in principle.

(DA) Initiated the proposal that 4. and 5. (see below) be included under the category of Courses and Training.

(AA) Would support this proposal.

A. 4. We propose the establishment of an in-house training program to develop specialized skills in individual staff members related to activities in Curatorial and Program Departments. Such program shall be inter-disciplinary and co-ordinated by the International Study Center.

A. 5. In exceptional cases leavees shall be granted for educational and/or professional purposes, such leave not to exceed two years, the position shall be held for the grantee's return with no prejudice to seniority, advancement, and no loss of benefits.

(DA) Recommend, in addition, that the following factors be taken into consideration with respect to A. 5.: The position shall be filled by a temporary replacement of the same salary. Acceptance of such a grant obligates the recipient to continue in the employ of the institution for not less than double the time of leave. Where sabbatical leave is applicable it should be used, but with no corresponding obligation of employment time.



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III.

B. Language Skills

All members of the Task Force agree in principle.

(DA) Recommend inclusion of the following phrase: "...relevant to duties performed, in the opinion of the director of the staff member's department, and, if, in the opinion of the director of the staff member's department, the acquisition of such skill would enhance his value to the Museum.

C. Travel

1. and 2. All Task Force members agree in principle.

(DA) Recommend further research to determine amount of a fund.

D. Other

All Task Force members suggest substitution of term "Appointments" for "Other". All members agree with 1. and 2. in principle.

(DA) Recommend the establishment of a collective fund for both categories, without recommending a specific amount. <sup>(of this time)</sup> Consideration should be given to those outside funding sources which can be tapped for these purposes. In addition, it should be noted that currently several fellowships awarded by the International Study Center would specifically apply to the D. 2. proposal for a Distinguished Visiting Specialist program. The present fellowship program, therefore, could be augmented and enhanced by both proposals.



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Task Force on Physical Facilities, Matthew Donepp, Antoinette King,  
Natalie Leher, Joseph McElhinney  
Task Force on Educational Benefits, Bernard Karpel, Jane Nicol,  
Bernice Rose, Susan Stedman

March 11, 1971

Educational Benefits

All members of the Task Force on Educational Benefits would welcome the opportunity to be consulted on space requirements as they may affect "Educational Benefits".



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CC: Joint HighTower

Task Force reviewing Personnel Policies, VI.,5, Virginia Allen, Richard Oldenburg,  
Ann Pellegrino, Richard Tooke  
Task Force on Educational Benefits, Bernard Karpel, Jane Nicol,  
Bernice Rose, Susan Stedman

March 11, 1971

Educational Benefits

Both parties of the Task Force on Educational Benefits concur in emphasizing the need to establish an orientation and training program (see VI.,5, in the Jan. 11, 1971 letter) for all Museum employees, a program which is more than a brief introduction and will serve to train personnel in Museum methods and procedures, not limited to their own department.



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John Hightower

Working Conditions Task Force

9 March 1971

Recommendations

The members of the working conditions task force consisted of Antoinette King, Natalie Leher, Matt Donnepp and Joe McElhinney. Four meetings were held. During the first meeting the problems confronting the task force were defined. After the first meeting the premises were inspected and staff members were interviewed to determine general conditions. Action was initiated to correct minor problems as soon as possible. At subsequent meetings recommendations were developed to correct what the task force felt were facility deficiencies.

Recommendations

1. Since it had been anticipated that the 21, 23 and 27 Buildings would be demolished only a minimum of maintenance has been performed on the buildings over the past four years. Since it is now likely that the buildings will be occupied for at least three years and probably five to ten years, it is recommended that the buildings be upgraded over a three year period. The buildings should be upgraded this year at least to the extent outlined in the Building Operations' 1971-72 Budget Presentation.
2. In subsequent years consideration should be given to (a) bringing the furnishings in all areas to an acceptable level and (b) increasing the cleaning staff to the 1966-69 level.
3. A conservation scientist should be retained to examine the present air filtering system and make recommendations for improving the system's effectiveness if necessary.
4. Continue the program of replacing unservicable air conditioning window units in 23 and 27 Buildings with the goal of having 40% new units installed by the spring of 1972.
5. The staff should be permitted to use the 6th floor space that was formerly the telephone switchboard room for a "fainting room".
6. Each increase in total gallery area should be accompanied by a study of corresponding increase in service or support needs. Some support areas, such as paper conservation are working with insufficient facilities at the present time.



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7. Supervisors and staff members should be encouraged to improve the housekeeping and general appearance of their work areas by reducing clutter.

8. The task force should meet regularly to discuss project progress and new problems.

Progress to Date

1. All restrooms have hot water.
2. A duct has been installed in the Staff Lounge to insure positive ventilation.
3. High efficiency filters were installed in the intake system on 53rd Street during the past fall. These filters reduced the number of complaints of noxious odors. The Chief Engineer has been asked to study the possibility of further increasing the efficiency of the filters in the hope of solving the problem.
4. Armor Elevator will send a representative to examine the 21 Building elevator and determine if the speed can be increased. Preliminary discussion however indicates that an appreciable change in service would cost \$20 - 25,000. An attempt will be made to increase service through adjustment of the door closing mechanisms.

cc: A. King  
N. Leher  
M. Donepp  
J. McElhinney

MHD/lbs



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*File*

*1969-70 Annual*

*Take*

THE MUSEUM OF MODERN ART

SUMMARY OF OPERATING INCOME AND EXPENSES

Museum of Modern Art Archives

Income	1965-1966	1966-1967	1967-1968	1968-1969	1969-1970
Admissions	\$ 629,600	\$ 589,400	\$ 775,800	\$ 804,400	\$ 762,100
Publications and other sales	714,000	684,900	952,000	1,224,400	1,305,500
Circulating exhibitions	78,400	111,500	96,500	114,300	60,300
Circulating films	68,600	81,500	106,000	141,000	141,000
Educational services and miscellaneous receipts	305,400	439,800	804,500	769,800	958,200
International program	206,600	274,600	320,900	236,900	328,600
Membership dues and contributions	978,400	1,077,400	1,090,300	1,173,900	1,174,200
General Contributions	231,100	319,000	296,700	340,400	294,900
From endowment	670,100	971,400	1,030,300	1,131,500	964,800
Total income	\$ 3,882,200	\$ 4,549,500	\$ 5,473,000	\$ 5,986,600	\$ 5,989,600
Operating Expenses					
Curatorial activities and program of education	\$ 1,701,200	\$ 2,109,300	\$ 2,720,700	\$ 3,310,900	\$ 3,489,100
General Administration	1,134,400	1,519,100	1,896,100	2,187,300	2,206,000
Building maintenance and security	863,000	905,600	1,075,800	1,155,500	1,207,400
Petirement and benefit payments	121,000	143,500	242,100	318,400	291,600
Total expenses	\$ 3,819,600	\$ 4,677,500	\$ 5,934,700	\$ 6,972,100	\$ 7,194,100
Surplus (deficit)	\$ 62,600	(\$ 128,000)*	(\$ 461,700)*	(\$ 985,500)*	(\$ 1,204,500)*

\*Operating deficits were funded by transfers from the Endowment and Development Funds and by special contributions from Trustees.

*May 358*

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*May 336*

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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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## The Museum of Modern Art

**To** The Staff

**From** John B. Hightower

**Date** March 29, 1971

**Re** Discussion With The Staff Association

Museum of Modern Art Archives

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 January 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:

<u>Title</u>	<u>Grades</u>	<u>Salary range</u>
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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THE PROFESSIONAL AND ADMINISTRATIVE STAFF ASSOCIATION OF THE MUSEUM OF MODERN ART

Museum of Modern Art Archives

Tuesday, March 23

FOR IMMEDIATE RELEASE

STAFF ASSOCIATION AND MUSEUM OF MODERN ART INITIATE BARGAINING DISCUSSIONS

The Professional and Administrative Staff Association of The Museum of Modern Art on Tuesday, March 23, will begin intensive bargaining with representatives of the Museum intended to lead to the signing of a written agreement between the Association and the Museum. The discussions and resultant agreement will cover a wide range of topics including not only salaries, benefits, job security, and working conditions, but also the right of Association members to be consulted in the formulation and implementation of Museum policy. Successful conclusion of such an agreement will, it is believed, mark the first time that any American museum has entered into a contract with its professional and administrative staff as a result of collective bargaining.

Basis of the discussions will be a demand letter of January 11, submitted on behalf of the Association by its Counsel, Michael J. Horowitz, to the Museum's Director, John B. Hightower. The initiation of formal bargaining has been preceded by a two-week period in which all aspects of the demands were explored by seven task forces concerned respectively with salaries; benefits such as insurance, sick leave, vacations, etc.; job security; educational benefits; working conditions; grievance procedures; and participation in the Museum's process of policy formulation. The Association places particular importance on the last point, believing that as many segments of the staff as possible should have the opportunity of contributing their knowledge and experience to decisions

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affecting the Museum's responsibility, as an educational institution, to serve the needs of the public.

The task forces, each comprised of two representatives designated by the Association and two designated by the Director, exchanged data and opinions supporting the respective positions of the Association and the Museum, and finally submitted to the Director written reports on the essential areas of agreement and disagreement. These preliminary meetings were intended to lay the groundwork for the actual bargaining sessions and expedite the process of reaching a formal agreement.

The Association's salary proposals take as a point of departure the principle already established by the Museum's Board of Trustees, that in order for the Museum to be in a competitive position in recruiting and retaining the most highly qualified personnel, the compensation paid to its curatorial staff must be at a level of parity with that paid to faculty members of major universities in this area. The Association has therefore proposed for its curatorial staff and those holding analogous professional positions a range of salaries equivalent to those paid to the faculty of the City University of New York. CUNY was selected because its salaries were established as a result of collective bargaining between the Legislative Conference and New York's Board of Higher Education, and because its salaries reflect the high cost of living in New York--highest of any community in the continental United States.

For secretarial and equivalent positions, the Association proposes a range of \$7,000 to \$10,000, which it regards as competitive with the market value of such services in the New York area. Other administrative and operational personnel

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would receive comparable increases in their present salaries, again with reference both to salaries paid outside the Museum for equivalent functions and to the specific increases that may be granted members of the professional and secretarial staff as an outcome of the bargaining. The Association proposes \$7,000 as a minimum starting salary for any position.

Although the Association claims to represent only its own members, in actuality it is bargaining for all titles of the Museum's non-unionized staff with the exception of a small group, such as department heads, which it acknowledges as managerial. The Association has emphasized that it does not propose the establishment of a closed shop nor is it demanding tenure for Museum employees.

With respect to job security, the Association's letter stipulates that no staff member with two or more years of service at the Museum may be dismissed except for cause. While recognizing the administration's right to reorganize as it may deem necessary, the Association proposes that no position be abolished without prior discussion with the Association. It demands the right to submit to binding arbitration before a member of the National Academy of Arbitrators any impasse regarding the abolition of a position that the Association believes would impose an unreasonable work load on remaining staff members, impair their ability to function on a satisfactory professional level, erode the Museum's ability to fulfill its archival or cataloguing responsibilities, or diminish its capacity to fulfill its purpose of "helping the public to use, understand, and enjoy the arts of our time."

Other proposals in the demand letter relate to the establishment of a Personnel Review Board to which appeal may be made by any staff member regarding

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his right to be considered for promotion, or protesting his recurrent and systematic assignment to duties and functions other than those defined in his job description. There are also provisions for augmenting severance pay, sick and maternity leave, and the insurance benefits currently provided for by the Museum.

Further in line with the goal of establishing parity with university personnel and enabling staff members to increase their professional competence, the Association is requesting the establishment of a fund to reimburse employees for tuition fees and other expenses incurred in taking courses or other training relevant to their duties at the Museum. It also proposes granting time not to exceed one day per week, or 20 percent of working time, for attendance at such courses; establishment of a fund to reimburse professional members of the staff for travel unrelated to specific Museum projects but relevant to their general Museum responsibilities; and reimbursement of expenses incurred through attendance at professional conferences or special exhibitions. There are also proposals for instituting programs of in-house training of Museum personnel for general orientation or for the acquisition of specific skills that may enhance an employee's value to the Museum and lead to his individual advancement.

While acknowledging the ultimate prerogative and responsibility of the Museum's Trustees and administration for making final policy decisions, the Association proposes instituting procedures, similar to those established at universities and other professional organizations as a result of collective bargaining, whereby Association members would have right of access to the decision-making process

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while policies are being formulated. These procedures would include being apprised in advance of major policy matters to be discussed by the Board of Trustees or its committees; the right to be heard through representation at such meetings during the pertinent discussions; and the right of consultation regarding the filling of vacancies for all directorial positions--still recognizing that the ultimate right of selection remains in the hands of the Trustees and the administration. It further proposes monthly meetings among the Director of the Museum, such representatives as he may designate, and the Association, for discussion of all major policy matters before they are adopted and implemented.

The Association recognizes that **meeting** its demands would involve the expenditure of significant amounts at a time when The Museum of Modern Art, like all other cultural and educational institutions in this country, is faced with sizable deficits owing to rising costs and the simultaneous decrease of yields from endowment. Nevertheless, the demand letter concludes, "We believe that the demands must be viewed as describing the extent to which the professional and administrative staff, because of its belief in the Museum as an institution dedicated to the service of the public, has continued to support and be a principal subsidizer of the Museum over the past years. During this time members of university communities and other cultural and professional groups have continuously augmented their compensations, rights, and options, thereby enhancing the value and esteem of their professions. We know that the negotiations will be historic in character and difficult in nature. With good faith bargaining, however, we are confident that early and intensive discussion can result in a mutually satisfactory outcome. We are pledged to make every effort to that end."

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The Professional and Administrative Staff Association of The Museum of Modern Art (PASTA) was formed in June 1970 by members of the curatorial, administrative, and office staff concerned with the Museum's programs and policies. As listed in its Constitution, the purposes of the Association are:

"To provide a forum for the expression of ideas among the members of the staff; to establish a constructive body that will have a voice in matters that concern and affect the Museum; to improve the economic, professional, and physical working conditions; and to assure that equal opportunities are available to all. The Association believes that in promoting these goals it will enable the Museum to undertake and pursue activities beneficial to the Museum's members and to the community and better to fulfill 'the purposes of encouraging and developing the study of modern arts' originally set forth in its Charter."

Association membership has grown steadily since June. Its leadership consists of a Program Committee of seven persons elected by majority vote of the Association, each serving for six months; the Chairman is elected by a majority vote of the membership and serves a successive term as a member of the Committee but not as Chairman.

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For additional information call Linda Loving, The Museum of Modern Art,  
11 W. 53 St., New York, N.Y. 10019. Telephone (212) 956-7253 or 873-5625.

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*Staff Association*

## The Museum of Modern Art

Museum of Modern Art Archives

To Staff Association

From Willard Van Dyke

Date February 16, 1971

Re Museum-Staff Association Relations

The Committee appointed by John Hightower, of which I am Chairman, would like to propose to the Staff Association the following procedure for joint consideration of the various demands expressed in Mr. Horowitz' letter of January 11 to John Hightower. We very much hope that this will serve as a useful mechanism for mutually exploring the areas of concern identified in that letter in a cooperative, non-adversary manner.

The demands set forth in Mr. Horowitz' letter may be grouped in the following broad categories:

- Salaries
- Job security
- Benefits
- Participation in policy decisions
- Working conditions
- Grievance procedure

Our Committee proposes the following procedural structure for dealing with them:

1. For discussion of each of these categories we suggest that the Association select from its membership -- other than any Department Heads who happen to be members -- one or two representatives to form one-half of a Joint Task Force. The other half of each Task Force would be



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comprised of one or two persons selected by the Director from Department Heads and non-members of the Association.

2. Each Task Force will then research and discuss the implications of the Association's demands in the areas assigned to it, from the standpoint of their fairness and feasibility. Upon completion of its study each Task Force will submit a written report to the Director and to the Association, it being understood that dissenting reports may also be filed.

3. In his consideration of each report the Director will consult with the members of the Task Force which produced it and, if he wishes, with other members of the staff.

4. The Director will then forward the report, together with his own recommendations, to the Trustee Personnel Committee and to other appropriate Trustee Committees as the issues may dictate. During the deliberations of such Committees the members of the Task Force, or a representative designated by them, will be given full opportunity to be heard, as will any dissenting members of the Task Force.

5. If the Trustee Committees decide that a standing policy should be changed, or a new policy established, as a consequence of this new procedure, they will present their recommendations to the Board of Trustees. Upon approval by the Board the policy will be written out and published in the Staff Manual.

At the outset the Task Forces will be established on an ad hoc basis to consider the specific issues raised in the demand letter.

It may later be desirable to establish one or more of these groups



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as standing committees, depending upon the frequency with which matters are likely to arise in their respective areas of concern. In particular, we believe that a formal procedure should be established for processing future grievances with a standing committee established as part of the machinery.

As I have indicated, the Museum will welcome the participation of most members of the supervisory staff as representatives of the Association in these discussions, which we do not view as adversary in nature. For the record, however, we would like to emphasize that this should not be regarded as a waiver of the Museum's position, previously expressed in Mr. Scully's letter of January 4 to Mr. Horowitz, that as supervisors they should be excluded from membership in any collective bargaining unit which may ultimately be formed.

It is the view of our Committee that establishing the procedural steps outlined above would prove to be far more beneficial to the Museum and to the members of its staff than could any formalized trade union concept which, even under the best of circumstances, creates an adversary situation. Moreover, the adoption of this procedure allows for the full participation of members of the supervisory staff who would not be eligible for membership in a formally constituted collective bargaining unit. If our suggestion meets with favor on the part of the Association we would like to begin implementing it immediately.

Furthermore, if the answer of the Association is favorable, we will be able to avoid the mutually undesirable legal problems embodied in the National Labor Relations Act for the establishment of "bargaining units" and the adversary situation of the bargaining table. If, on the other hand, the Association does not wish to accept this proposal, the



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...will meet with the Association's representatives to discuss  
the wages and other conditions of employment of those members of the  
Association who occupy non-supervisory positions. In this case it is  
to be understood that such discussions will be purely exploratory  
and not binding on the Museum until such time as the Staff Association  
may be designated by the National Labor Relations Board as a certified  
bargaining agent for the group.

We hope, however, that you will consider our proposal as a  
far more fruitful way of pursuing some of the concerns that all of us  
at the Museum undoubtedly share. There may be others. In fact, it  
would be surprising if there were not. The procedure outlined in this  
memo is one which we feel can accommodate a variety of issues and  
matters of mutual concern.



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## The Museum of Modern Art

Museum of Modern Art Archives

To The Staff Association

From John B. Hightower

Date January 29, 1971

Re

Needless to say, I have given considerable thought to the "demand letter," addressed to me by Mr. Michael Horowitz, which raises a good many complex issues of considerable consequence for the Museum and for the continuance of its various public services. Before any specific discussion of the substance of the letter, however, I think certain ground rules should be established.

To begin with, it seems to me that there are at least two paths the Association can take: either continuing in its presently constituted role as a spokesman for its members or, if it chooses to do so, to seek the status of a labor union acting as collective bargaining agent for everyone eligible, by virtue of a community of interest, for inclusion in what labor lawyers call "an appropriate unit."

As to the former alternative, I want to re-emphasize the point made in my memorandum of October 30 that the Museum is willing to recognize the Association as spokesman for its members. I should add that those members of the staff who have been excluded from membership in the Association continue to be concerned about this, and about the tendency toward polarization which it often precipitates.\* Nevertheless the way remains open for the Association, as it is presently constituted, to discuss matters of common concern with me and with appropriate Department Heads by proceeding along the lines suggested in my October 30th memo.

On the other hand, the Association has indicated from time to time that it may choose to become a labor union acting as a collective bargaining agent on behalf of all eligible staff members, whether or not they are members of the Association. In line with this, at the meeting held

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\* In this connection, let me again call your attention to my memo of October 30th, in which I said that the Museum's willingness to recognize the Association as spokesman for its members was contingent upon, among other things, its changing its name in order not to convey the impression that it represents the entire staff. The name has indeed been changed, but it seems to me that the difficulty still lingers, since a number of the professional and administrative staff are still specifically excluded by the Association's Constitution from membership in the organization.

Continued...



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on December 17 between representatives of the Association and of the Museum's administration, the Association presented a list of the staff members whom it would claim to represent as a collective bargaining agent. This list included every member of the staff except those specifically excluded by the Association's Constitution from membership in the organization, a few other staff members, presumably because of their status as supervisors, and those who are already represented by another recognized union.

In response the Museum has said that it considers all supervisors ineligible for membership in a collective bargaining unit, and has submitted a list of the positions it regards as supervisory. Such a distinction between supervisors and other employees has long been recognized by the National Labor Relations Act and by the National Labor Relations Board. (During the discussions we had around Christmas-time I had mentioned the possibility of proceeding before either the New York State Board or the National Board. I have since been advised, however, that the National Board would have exclusive jurisdiction of the Museum because of our involvement in interstate commerce.) Supervisors are members of management in that they recommend or make decisions involving the conditions of employment of others, direct their work, and are involved in budgeting and in program and policy planning. For members of management simultaneously to be members of a labor union, in what is essentially an adversary relationship, would necessarily involve them in conflict of interest and divided loyalties, and the Museum cannot accept a proposal which would divide its management into two factions on opposite sides of a bargaining table.

Consequently I do not see how the salaries, benefits and other conditions of employment of members of management can be discussed with the Association in the actual or potential posture of a labor union. With respect to matters which relate solely to the approximately 170 staff members who are acknowledged as eligible for bargaining unit representation, and on general matters of Museum-wide concern, the Museum is prepared to enter into discussions with the Association on the understanding, already agreed upon, that any formal agreement must await certification of the Association as the legal representative of this group.

I have appointed a committee consisting of Arthur Drexler, Richard Koch, John Szarkowski and Willard Van Dyke to represent the Museum in discussions with the Association. This committee will be joined by Hans van den Houten and Ann Pellegrino when matters involving finance and personnel, respectively, are on the agenda. Should you deem it advisable for counsel to be present at these discussions, Messrs. Martin Karper and Edward W. Scully, of Winthrop, Stimson, Putnam and Roberts, will attend as counsel for the Museum. I trust that the Association will designate a group no larger than this to represent it in such discussions, which I suggest begin at an early date.



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Museum of Modern Art Archives	
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MURRAY A. GORDON, P. C.  
401 BROADWAY  
NEW YORK, N. Y. 10013

MURRAY A. GORDON  
MICHAEL J. HOROWITZ  
JOSEPH ROSENZWEIG  
JOEL FIELD

(212) 966-1800  
CABLE ADDRESS  
"MURAGOR"

January 11, 1971

Mr. John Hightower  
Museum of Modern Art  
11 West 53rd Street  
New York, N. Y.

Dear Mr. Hightower:

Pursuant to the understanding reached between representatives of the Museum and the Professional and Administrative Staff Association (hereinafter designated as "the Association"), herewith submitted is the position of the Association in connection with the collective bargaining which we trust will begin at the very earliest possible date and will culminate in a written contract.

1. Salaries.

In the Association's view, salaries for all Museum personnel should be at a level of parity with those paid to members of major university communities within the New York City area. Such a position reflects the standards established by the Board of Trustees in 1962/63 and reaffirmed in principle in 1966. The responsibilities of the members of the Museum staff include all those undertaken by members of university communities of international standing comparable to that of The Museum of Modern Art. Accordingly, we propose that the following salary schedules be effected, retroactive to January 1, 1971, to the following members of the Museum staff:

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A. Curatorial and Equivalent Titles

1. Curator, Editor-in-Chief, Senior Editor, Managing Editor, Associate Director (Film), Registrar, Conservator (and other equivalent librarial and technical titles):

Step I	\$27,000
Step II	28,200
Step III	29,400
Step IV	30,600
Step V	33,030
Step VI	34,530
Step VII	36,030
Step VIII	37,530

2. Associate Curator, Associate Registrar, Associate Conservator, Associate Editor (and other equivalent librarial and technical titles):

Step I	\$21,396
Step II	22,596
Step III	23,796
Step IV	24,996
Step V	27,000
Step VI	28,200
Step VII	29,400
Step VIII	30,600

3. Assistant Curator, Assistant Registrar, Senior Cataloguer, Assistant Conservator, Assistant Editor (and other equivalent librarial and technical titles):

Step I	\$17,796
Step II	18,616
Step III	19,296
Step IV	20,196
Step V	21,396
Step VI	22,596
Step VII	23,796
Step VIII	25,016



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4. Curatorial Assistant, Editorial Assistant  
(and other equivalent librarial and technical titles):

Step I	\$15,240
Step II	16,260
Step III	16,980
Step IV	17,490
Step V	18,420
Step VI	19,140
Step VII	19,860
Step VIII	20,580

5. Increment steps set forth above to  
be reached after each year of annual service.

B. Administrative and Operational

In light of the limited time available for the preparation of data, the Association respectfully requests that it be permitted to defer submission of specific demands for a two week period. Failing that, the proposals for the above titles are comprehended by "D(3)" hereof.

C. Secretarial and Equivalent Titles

In order that members of the Museum staff be paid at levels consistent with and competitive to salaries paid outside the Museum to those performing the same or similar duties, the following schedule is proposed, retroactive to January 1, 1971, to the following members of the Museum staff:

1. Stenographers

Step I	\$7,000
Step II	7,750
Step III	8,500
Step IV	9,250
Step V	10,000

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2. Typists-Clerk Typists

Step I	\$6,500
Step II	7,000
Step III	7,500
Step IV	8,000
Step V	8,500

3. Increment steps set forth above to be reached after each year of annual service.

4. In addition, owing to the special skills often required of Museum secretarial personnel, we propose a 15% increment for those in the above titles from whom language or other special skills are required or utilized.

D. Remaining Staff Titles

As you are aware, there is an extraordinarily wide range of Museum titles not comprehended in the above categories. We believe that a high order of priority for the Museum, as suggested by the Cresap, McCormack and Paget report, is that Museum titles be made more orderly, rational, and consistent and that the present proliferation of titles be ceased. For the present, we propose the following in connection with the remaining staff positions for which specific demands have not been explicitly set forth above:

1. Minimum salary of \$6,500 per year;
2. Establishment of a salary step schedule, similar to those to be made effective for the above-listed



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staff titles, with no more than five annual incremental steps;

3. Salary increase equal to the percentile mean increase negotiated for those titles explicitly listed in "A", "B", and "C" hereof.

E. In addition to the above, we propose that appropriate merit increases be available, at the sole discretion of the Museum, in an amount not to exceed 10% of base salary, where the staff member possesses skills meriting special recognition, or where such merit increases are required in order to retain the staff person at the Museum.

F. Salaries of part-time employees are to be pro-rated according to hours worked.

## II. Research and Sabbaticals.

A. Consistent with the policy of such other museums as The Baltimore Museum of Art and the Smithsonian Institute, we propose immediate implementation of the "20% rule" for all qualified Museum staff positions for the purpose of facilitating, for one day per week, scholarship and research, including scholarship and research regarding the Museum collection.

B. We further propose immediate establishment of sabbatical leaves of one year equivalent to each seventh year of service for all qualified Museum staff positions, said sabbaticals to be taken for periods of no less than six months for each three years of service.

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III. Education.

Consistent, once again, with the Association demand for parity with university personnel, the following commitments are proposed:

A. Courses

1. Establishment of a fund in an amount no less than \$75,000 per year for the purpose of tuition, fee, and study aid reimbursement for courses taken relevant to Museum skills. All staff members of the Museum with three months of service shall be deemed eligible for reimbursement irrespective of their level of employment.

2. Establishment of an Education Reimbursement Committee for the purpose of developing standards for the selection of applicants, said Committee to make selections among competing applicants, if necessary. At least 50% of the Committee be Association members selected by the Association.

3. We agree that the time granted to any staff person chosen for the above tuition reimbursement program shall not exceed one day per week unless special exception is granted by the Museum, and that the time shall be credited toward the "20% rule" where available. We further agree that any attendance by staff members at scheduled courses shall be subject to exigencies of department needs and schedules, as determined by the departmental director.

B. Language Skills

1. Any staff member with three months of service shall be eligible for language courses, and for



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reimbursement for all expenses pursuant thereto, if the acquisition of the language skill is relevant to duties performed or if, in the opinion of the director of the staff member's department, the acquisition of such skill would enhance his value to the Museum.

C. Travel

1. Establishment of a fund in an amount not less than \$100,000 per year for the purpose of reimbursing professional members of the staff for travel, unrelated to the preparation of specific exhibitions or Museum projects, when such travel is relevant to their general Museum responsibilities. Standards should here too be set and applicants should be screened by the Education Reimbursement Committee.

2. In addition, and independently of the fund proposed above, we propose that each staff person at the Museum for whom attendance at special exhibitions or professional conferences is relevant to Museum duties be reimbursed for attendance at no less than one special exhibition or convention each year, beginning with the current year.

D. Other

1. Establishment of a fund of no less than \$25,000 per year for the purpose of supporting two-way exchange programs of personnel with other museums and educational institutions.

2. Establishment for one Distinguished Visiting Specialist position for each of the major Curatorial and Program Departments, during each year, said person to be chosen by the professional staff of the department.

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#### IV. Museum Policy

As you are aware, a high and urgent priority of the Association is for the establishment of meaningful procedures by which the Museum staff can effectively participate in policy and other decision-making areas. Here, we explicitly acknowledge the ultimate prerogative and obligation of the Museum to make final determinations regarding important areas of management policy not directly connected with classically bargainable matters. On the other hand, we propose the establishment of procedures similar and, indeed, identical to those established through collective bargaining and otherwise at universities and for other professionals establishing a right of access to the decision-making process while policies are being formulated rather than after they have been determined. Accordingly, we propose the following:

##### A. Trustee-Association Relationship

1. Provision by the Board of Trustees of advance copies of the agenda at least four days in advance of each of the regular and special meetings of the Board, and of its standing and Ad Hoc committees concerned with personnel, program, and policy, as well as copies of the minutes of such meetings.

2. Right of the Association to be heard at the regular and special committees of the Board and the committees designated above in order to speak to any item on the agenda, it being understood that such request must be made to the Board's Secretary and/or the Chairman of such committees at least three days prior to any such meeting.

3. Right of consultation by the Association in the filling of vacancies for all Museum directorial positions. It is understood that the ultimate right of selection remains in the hands of the Trustees or the Museum administration.



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B. Association-Museum Director Relations

Establishment of monthly meetings between the Association and Museum Director and such Museum representatives as he may designate, for the purpose of discussing all major policy matters being adopted, and where adopted, the implementation thereof. Here, both the Director and the Association shall have the right, in advance of all meetings, to propose the agenda for discussion.

C. An Association-Museum Committee to be established, with equal membership, to prepare and publish a report regarding the restructuring of Museum and departmental decision-making, said Committee report to be issued no later than July 1, 1971.

V. Job Security and Museum Integrity.

Recent unhappy events should not have been needed to persuade all parties of the urgency of establishing a fair procedure, with appropriate professional standards, governing the dismissal of staff members and the abolition of staff positions. Accordingly, we propose the following:

A. Dismissals

No dismissal of any staff member with two years or more of service at the Museum shall take place, except for cause. The Association shall have the right, by way of grievance, to submit to binding arbitration before an arbitrator selected by the National Academy of Arbitrators the question of the bona fides of the alleged cause.

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B. Abolition of Positions

1. The Museum shall discuss with the Association any proposed abolition of title, at least one month in advance of any such action.

2. The Association shall have the right to submit to binding arbitration before an arbitrator selected by the National Academy of Arbitrators any impasse regarding the abolition of a position, in the event that

- (a) the abolition of position imposes unreasonable increases in the workload of any or all remaining Museum staff members;
- (b) the abolition substantially impairs the ability of the remaining staff to function on a satisfactorily professional level;
- (c) the abolition substantially impairs the ability of any Museum department to fulfill its librarial, archival, or cataloguing aspects and responsibilities;
- (d) the abolition substantially impairs the integrity of the Museum to the end that it would substantially erode the Museum's capacity to carry out its stipulated purpose of "helping the public to use, understand, and enjoy the arts of our time."



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3. The Museum agrees that it may not abolish any staff position except pursuant to formal negotiation with the Association, if the duties and functions previously performed by staff title are to be subcontracted elsewhere.

4. Any staff member whose position is abolished shall be invited to return to the Museum, with retroactive pay to the date of the abolition of his position, and restitution of all benefits, in the event that the Museum reinstitutes the position within one year of the date of its abolition.

5. The aforesaid provisions regarding abolition of positions to be made effective retroactive to September 1, 1970.

#### VI. Personnel Policies

1. Establishment of a Personnel Review Board to which appeals may be taken by any staff member claiming to be doing work equivalent to a higher title. If such findings are made, there shall be immediate promotion of said staff person to the aforesaid higher title.

2. Right of appeal to the Personnel Review Board if staff member is assigned, on a recurrent, systematic, or significant basis, to duties and functions outside of title. If such findings are made, said outside of title duties are to be reassigned to appropriate staff members.

3. Right of review for all Museum staff members, after three years of service, to be considered for promotion to higher title. Here, the staff member's qualifications are to be formally reviewed by the Museum adminis-

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tration to determine whether he or she is qualified to assume said higher duties. In this connection and otherwise, we propose that all vacancies at the Museum be posted, with job descriptions and qualifications, as a further means of encouraging and facilitating promotion from within the Museum staff.

4. Right of promotion to next higher Museum title, after three years of service at a given title, subject only to determination by the Museum that the staff member in question does not merit recognition inherent in assignment to the higher title, provided that the promotion does not involve direct supervision of lower titles. Here, the Association proposes the adoption of policies similar to those now in effect at universities guaranteeing promotion through the various professorial ranks in the event of a satisfactory tenure for a defined period of time in a lower rank.

5. Establishment of an orientation and training program, in conjunction with the Association, for all new Museum employees.

6. Modification of current rule barring employment to members of same family to the extent that Personnel Review Board to have authority to waive the rule in appropriate cases where no conflicts of interest or supervisory relationships exist between members of the same family.

7. Reinstatement and reinvitation to staff membership of all members of the Museum staff whose services were terminated for reasons other than cause from October 6, 1970.

## VII. Working Conditions.

### A. Vacations

Unused vacation time to be accruable, with no forfeiture of vacation time in the event that vacation



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is not taken during the same year.

B. Sick Leave

1. Twelve days per year to be credited to each member of the Museum staff, accrued at the rate of one day per month of service.

2. Unused sick leave time to be accruable, and no forfeiture of sick leave in the event that sick leave is not taken during the year.

3. Retroactive sick-leave credit for time served upon successful completion of probationary period.

4. For all "non-exempt" Museum staff members, option to be available for cash payment of unused annual sick leave, such option to be exercised upon conclusion of calendar year.

5. Unused accrued sick leave creditable upon termination of employment.

C. Personal Leave Day

For all "non-exempt" Museum staff members, three personal leave days per year, accruable with no forfeiture if said days are not taken during the calendar year.

D. Religious Leave

Right of observance of religious holidays for all Museum employees whose religious convictions require absence from the Museum. Days taken for such religious observance are not to be credited against personal leave or vacation.

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E. Maternity Leave

Six-month, post-delivery leave of absence without pay, but without forfeiture of seniority or accrued benefits, for all female members of Museum staff. During that period, insurance coverage to remain intact.

F. Severance Pay

1. Increased notice to be afforded for those staff members eligible for severance pay for a duration to be determined in collective bargaining.

2. Any exempt staff member who, on dismissal, would have the option of seeking an academic position, shall receive severance pay of sufficient duration to permit continuation of salary until beginning of next succeeding September academic year for which meaningful time was available to seek such employment.

G. Insurance

1. Provision, on a non-contributory basis, of Blue Cross, Blue Shield, high option protection, on a family basis.

2. Provision, on a non-contributory basis, of major medical protection for all members of the Museum staff, upon completion three months of service; said major medical policy to include full psychiatric coverage.

3. Provision, on a non-contributory basis, of disability insurance coverage for a five-year period, with maximum no less than \$1,000 per month.



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H. Pensions

The Association respectfully requests deferral of negotiations regarding pensions pending presentation by the Museum of revised pension plan; said presentation to be made no later than March 1, 1971.

VIII. Health Protection.

A. Employment of full-time nurse at Museum.

B. Adequately equipped medical emergency room, adequately ventilated, and with appropriate toilet facilities and with cots and other suitable resting and relaxing facilities.

C. Provision of annual medical checkup for all members of the Museum staff.

IX. Improvement of Facilities.

A. Study to be undertaken by a committee comprised equally of representatives of the Association and Museum regarding the placement and refurbishment of staff offices and provision of adequate equipment, said study to be completed no later than January 1, 1972.

B. Immediate refurbishment and provision for hot water for all Museum staff rest rooms.

C. Suitable air conditioning, with new working units, for all offices in the annex buildings.

D. Refurbishment and improvement of ventilation system for staff lounge.

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E. Overhauling and improvement of staff elevator.

F. On an urgent priority basis, immediate improvement, pursuant to study to be concluded no later than July 1, 1971, of ventilation of Museum office, conservation, and storage areas. Presently, as you are aware, noxious fumes from outside traffic and other sources reach critical levels in many offices during the late afternoon. This circumstance requires immediate alleviation.

\* \* \*

We appreciate that the proposed demands are substantial, and for the Museum innovative in character, and will involve the expenditure of significant amounts. We believe, however, that the demands must be viewed as describing the extent to which the professional and administrative staff, because of its belief in the Museum as an institution dedicated to the service of the public, has continued to support and be a principal subsidizer of the Museum over the past years. During this time members of university communities and other cultural and professional groups have continuously augmented their compensations, rights, and options, thereby enhancing the value and esteem of their professions.

We know that the negotiations will be historic in character and difficult in nature. With good faith bargaining, however, we are confident that early and intensive negotiations can result in a mutually satisfactory outcome. We are pledged to make every effort to that end.

The Association looks forward to the initiation of collective bargaining, which, as agreed, will take place



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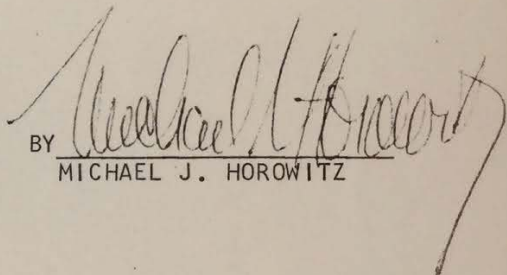
place pending and wholly subject to a certification  
procedure.

Very truly yours,

MURRAY A. GORDON, P.C.

MJH:RWR

BY

  
MICHAEL J. HOROWITZ



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# M E E T I N G

TUESDAY -- DECEMBER 22 -- 5:30pm

PENTHOUSE RESTAURANT

Museum of Modern Art Archives

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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## 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

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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DRAFT

In a two-pronged effort to solve the critical financial situation created by a rapidly and constantly growing annual deficit, the MOMA will attempt to increase its income and reduce expenses by embarking on a long range plan involving: (1) active campaigns to substantially enlarge the Museum's endowment and raise significantly the level of annual giving; and (2) a curtailment and refocusing of the program of exhibitions, special events and services to cut expenses and make possible, as a result, a reduction in the size of the staff which has increased from \_\_\_\_\_ to \_\_\_\_\_ since 1967.

The deficit for the current fiscal year is \$1.3 million as opposed to \$128,000 in 1966-67, despite the fact that the amount of exhibition space on 53rd Street has not expanded during that period, that membership has increased from \_\_\_\_\_ to \_\_\_\_\_ and that attendance has grown from \_\_\_\_\_ to \_\_\_\_\_. Conservative estimates of future income from all sources -- private, public, corporate -- indicate that if this trend towards an ever increasing deficit is not reversed now, the essential character of the Museum will be jeopardized, and that instead of continuing to provide leadership in the field of modern art, by 1978 the Museum will have to close.

The plans for reducing expenses follow the priorities approved by the Trustees last spring following the recommendations of an ad hoc Trustee committee which met in consultation with members of the curatorial staff. These priorities were set forth as: (1) to preserve the thousands of works in the Museum's constantly changing collections and make them visible to a wider audience; (2) mounting temporary exhibitions; (3) producing publications; and (4) providing an educational program.

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The reductions to be put into effect have been carefully formulated to provide maximum effectiveness in cutting costs while holding to these priorities. Careful consideration has been given to maintaining those activities and services, such as archives, conservation, library and basic cataloguing, which are not so visible to the general public as exhibitions, but which are recognized as essential to the Museum's purpose and existence.

"Some of these decisions will be painful to carry out," said John B. High-tower. "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."

The effort to increase income has already begun under the guidance of a newly formed Trustee committee. This committee, after consultation with the curatorial staff, has determined to address its efforts toward the creation of a larger endowment and to increasing annual gifts rather than to complete the building expansion program envisioned when we began the 30th anniversary drive in 1959.

The reductions in expenses will be achieved partly by cutting at least 50% the expensive program of temporary loan shows mounted on 53rd Street. Since 1964 the Museum has presented 8 or 9 major loan shows annually. Expenses for these exhibitions range \_\_\_\_\_ to \_\_\_\_\_, including transportation of works of art, insurance, installation, framing, preparation of galleries, cataloguing, registration, making condition photographs and other necessary staff services in addition to the time and effort of the curatorial staff. As work on the exhibition program for 1971-72 is already partly com-

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pleted and involves commitments to other institutions and artists, this reduction in loan shows will not be apparent to the public until the fall of 1972. However, during the current fiscal year we will only begin work on four major loan shows for the 72-73 season. In order to retain flexibility in the program, the reduction in smaller less expensive shows is not specified at this time.

The exhibition galleries released by the curtailment of the temporary loan shows (generally held in the Museum's first floor galleries) will be used for exhibitions drawn from our own unparalleled collections of painting and sculpture, architecture and design, photography, drawings and prints and the film. This will increase the percentage of works from the collections on public view at any one time from approximately \_\_\_\_% to \_\_\_\_%.

The national and international traveling exhibition programs, always heavily subsidized, will also be reduced by as much as 50%. A reduction of 25% is planned for the current year and an additional 25% during 72-73. On an average since 1964, the Museum has sent \_\_\_\_\_ traveling shows to other institutions in this country and Canada, and approximately \_\_\_\_\_ to countries on other continents. Fees for traveling exhibitions will be raised to a level that more realistically approximates the costs of preparing these shows.

Fees will also be raised for individual loans of works from the collections to reflect actual costs to the Museum. On an average about \_\_\_\_\_ such loans are made annually to other institutions here and abroad.

Expenses will also be reduced by internal reorganization of some sections and departments to eliminate overlapping functions and make possible staff reductions without increasing work load. The coordinating functions and the

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public school program, now being carried out by the International Study Center staff, will be transferred to the Director's office immediately, along with responsibility for developing an educational program. This consolidation will result in the elimination of some positions, as will the transfer from the ISC to the Department of Public Information the administrative duties involved in handling group visits. The production of the monthly calendar will also be transferred to PI. Both functions were formerly administered by that Department and their return is expected to reduce duplication of effort and make possible some reduction in staff positions.

The Audio-Visual Archive will be returned to Rights and Reproductions, where these functions were administered for many years, thus also making possible a similar reduction in necessary staff positions. Rights and Reproductions will also resume administration of the services of the Photo Lab, again making possible the elimination of staff positions by eliminating duplication of work.

Special entertainment, expensive in staff time even if subsidized from outside sources and prohibitive in cost if not subsidized will be reduced to an absolute minimum. Lectures, conference symposia and special program events will continue, but receptions and parties not necessary in terms of the priorities set forth by the Trustees will be eliminated.

The Members Newsletter will be suspended immediately, although members will continue to receive the monthly calendar. The Newsletter, initiated in 1968 (?) has proved increasingly costly to produce and to mail to the Museum's 40,000 members. For a variety of reasons it has not been issued since November 1970, and although this is a service the Museum would like to provide, the lack of

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response from the members to its gradual phasing out last year indicates that it is not an essential service.

The Art Advisory Service for Corporate Members, which had grown in terms of staff time and salaries allotted to it, but not in terms of actual services performed, will be terminated. This services, which aided corporate members in choosing works of art for their offices, grew out of the Art Lending Service which the Junior Council will continue to sponsor.

Because of these program reductions, the Museum is anticipating a gradual reduction in staff positions. The immediate cutback in temporary loan and traveling shows, the immediate elimination of some services and the immediate consolidation of administrative duties will result in the elimination of 16 staff positions, about 4% of the total staff. It is projected that by the fall of 1972, a total of 53 staff positions will be eliminated as the effects of the program reductions are felt in the various service and administrative, curatorial and program departments. Five of the 53 positions either are or will be open due to resignations; 18 are currently open and will not be filled. Thus 13 of the projected 53 positions to be eliminated or almost 25% of the reduction will be by attrition.



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Museum of Modern Art Archives

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

HOW PROJECTED CUTS IN STAFF AND PROGRAM OF THE MUSEUM OF MODERN ART WILL AFFECT  
YOU -- THE PUBLIC

The Museum of Modern Art has stated that its purpose is "to help the public use, understand, and enjoy the arts of our time." Its announced cuts in program and staff will affect you in the following ways:

Temporary Exhibitions at the Museum: Slated to be cut in half, with no more than four major shows annually. You will have the opportunity to see a major new show only once every three months. These will focus primarily on "establishment" artists and historical surveys. There will be fewer exhibitions of work by younger, less well-known, or controversial artists. The Museum of Modern Art will no longer be an innovator and exponent of the avant-garde and experimental. Over-emphasis on exhibitions drawn from the collections will create an imbalance in the total program.

Traveling Exhibitions: Also slated to be cut by 50 percent. Communication between this Museum and art communities throughout the world will be effectively curtailed. Other Museums in this country and abroad will have less access to the Museum's exhibitions, and the Museum will suffer a lack of information about international contemporary art.

Loans from the Collections: An increase in fees will mean the Museum will not be fulfilling its responsibility to make modern art available on a wide scale, since many institutions will no longer be able to afford the increased costs. The Museum's ability to borrow from other institutions will likewise be affected, since these other institutions will undoubtedly reciprocate by raising their own fees for loans.

Publications: Cuts in highly experienced staff will adversely affect all aspects of the Museum's program, but specifically will mean that fewer qualified staff will be available to write and produce books on the collections, or the long-awaited guides and handbooks on the Museum, which are now completely lacking.

Educational Programs: Future method of handling ~~unclear~~ for special exhibitions and packages of slides ~~now prepared for circulation to New York~~ schools, and for scheduling of group visits of students from public schools, private schools, and universities in and outside the New York area.

Film Study Center: Will be closed down two days a week because of staff cuts. Study centers for painting and sculpture, drawings, prints, architecture and design, and photography: diminished staff will make it even more difficult than at present for students and interested members of the public to see works from the Museum's collections not currently on view and to do related research.

Library: Open only three afternoons a week, restricted to accredited scholars, by appointment. No longer available for reference to interested members of the public. Funds for acquisition of new books and periodicals drastically cut.

Audio-visual archives: Staff cuts will prevent growth of the archives; this will hamper the full and complete use by the public of the photographic and audio material documenting the Museum's collections and exhibitions.

Special Events: Lectures, special film showings, symposia, happenings, etc. will be virtually eliminated, even when subsidized.

Members Privileges: Quarterly Newsletter, one of the few remaining privileges offered members, despite the constant raising of membership fees, eliminated. Penthouse Restaurant currently closed both to members and the general public on weekends. Art Advisory Service, one of the few services offered Corporate Members, eliminated. This service advised corporations on collecting and installing art; its abolition simultaneously eliminates an important source of support for artists many of whom are not represented in the Museum's collection, and affects the Museum's own public relations with corporations.

The Professional and Administrative Staff Association of the Museum of Modern Art explores these decisions, made under the pretext of the Museum's deficit, but without any consultation with members of the staff who share the concern of the Trustees and Administration for the future of this institution. We never had the opportunity to contribute our own professional experience and knowledge in advising where cuts might appropriately be made or additional income sought.



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Museum of Modern Art Archives	
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## The Museum of Modern Art

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**From** John B. Hightower  
**Date** December 29, 1970  
**Re**

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THE PROFESSIONAL AND ADMINISTRATIVE STAFF OF THE MUSEUM OF  
MODERN ART IS ON STRIKE!

1. Why are we on strike?

Because by firing 36 members (almost one-fifth) of our Association's bargaining unit while negotiations were going on. The Museum is guilty of "bad-faith" rather than "good-faith" bargaining.

2. Does this strike violate the President's request for no strikes during the 90 day wage- price freeze?

No. Better wages are part of our total proposed contract but not an issue in this strike.

3. How do the Museum's cutbacks in program and staff affect you as a member of the public?

We believe that the program cuts seriously curtail the Museum's ability to fulfil its responsibilities to the public.

4. What reason did the Museum give for these cutbacks?

The need to reduce its serious financial deficit. We believe the Museum should make more vigorous attempts to seek support from federal, state, municipal, corporate and foundation sources. It has been operated too long as a private club by a handful of rich Trustees.

5. Don't the Trustees have full right to make all policy and program determinations if they provide the Museum's Funds?

The Museum, chartered under the Board of Regents of New York State receives approximately two-thirds of its operating funds from the public, through admission and membership fees and the sale of its publications and other services.

Further, the staff itself has too long subsidized the Museum by working at ridiculously substandard salaries.

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*File - Jeff Lasswell*  
12/23/70

## The Museum of Modern Art

Museum of Modern Art Archives

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

### STATEMENT BY JOHN B. HIGHTOWER

The work stoppage against the Museum is the result of fairly drastic and regrettably necessary cuts in budget, program and personnel. Unfortunately, The Museum of Modern Art finds itself in a position not unlike that of a number of other non-profit institutions, not the least of which is the New York Public Library, the Brooklyn Museum, and Columbia University. We began the year at the Museum with a projected deficit of two million dollars. As a result of recent cut backs as well as some significant contributions from Alcoa Foundation and the New York State Council on the Arts we anticipate that our deficit at the end of the fiscal year will be approximately one million dollars. The economy has not helped; our Endowment has dropped substantially. As the new Director of the Museum it goes without saying that I hate having to be the hatchet man. By the same token, I am also concerned that the last year the Museum did not have a deficit was in 1966 when there were 358 on the payroll. In May of 1970 there were 536 people on the payroll. Obviously something had to give. I can only hope that the situation will improve and that funds from a variety of sources - both public and private - will be made available to museums and similar arts organizations to ensure their continued existence.



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Museum of Modern Art Archives

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

Release No. 1

December 23, 1970

For immediate release

Strike Action Voted by Concerned Employees of Museum of Modern Art

The Professional and Administrative Staff Association of The Museum of Modern Art, representing an overwhelming majority of the curatorial, professional, administrative, and clerical staff of the Museum, yesterday took the unprecedented action of calling a strike for Tuesday, December 29. A press conference to explain the Association's position will be held

The strike action was voted at a meeting on Tuesday, December 22, following an attempt by the negotiating committee of the Association and its counsel to enter into collective bargaining with the Museum Administration regarding the reinstatement of twelve members of the staff who had been dismissed on December 11. These dismissals directly contravened a memorandum of October 6 in which the Director, John B. Hightower, had informed the Association that no reductions in staff would be made for financial reasons except through normal attrition. This memorandum superseded his previous announcement to the staff early last July that major cut-backs in personnel could be expected.

Following an initial meeting of the Association's counsel and negotiating committee with counsel representing the Museum, the Administration announced its refusal to accede to the Association's request that those dismissed be reinstated pending the opening of collective bargaining. The Association therefore believed it had no recourse other than to strike, since it regards the Museum's action both as an attempt to intimidate it, and as an indication of the Administration's intention to undercut any effective collective bargaining in the future regarding many areas of concern to the Association.

For additional information call Michael Horowitz, 966-1800 or Jane Fluegel 966-7208  
787-9104 255-5043

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## The Museum of Modern Art

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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.

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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 <sup>independently</sup> 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

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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

SUMMARY OF OPERATING INCOME AND EXPENSES

Income	1965-1966	1966-1967	1967-1968	1968-1969	1969-1970
Admissions	\$ 629,600	\$ 589,400	\$ 775,800	\$ 804,400	\$ 762,100
Publications and other sales	714,000	684,900	952,000	1,224,400	1,305,500
Circulating exhibitions	78,400	111,500	96,500	114,300	60,300
Circulating films	68,600	81,500	106,000	141,000	141,000
Educational services and miscellaneous receipts	305,400	439,800	804,500	769,800	958,200
International program	206,600	274,600	320,900	286,900	328,600
Membership dues and contributions	978,400	1,077,400	1,090,300	1,173,900	1,174,200
General Contributions	231,100	319,000	296,700	340,400	294,900
From endowment	670,100	971,400	1,030,300	1,131,500	964,800
Total income	\$ 3,882,200	\$ 4,549,500	\$ 5,473,000	\$ 5,986,600	\$ 5,989,600
Operating Expenses					
Curatorial activities and program of education	\$ 1,701,200	\$ 2,109,300	\$ 2,720,700	\$ 3,310,900	\$ 3,489,100
General Administration	1,134,400	1,519,100	1,896,100	2,187,300	2,206,000
Building maintenance and security	863,000	905,600	1,075,800	1,155,500	1,207,400
Retirement and benefit payments	121,000	143,500	242,100	318,400	291,600
Total expenses	\$ 3,819,600	\$ 4,677,500	\$ 5,934,700	\$ 6,972,100	\$ 7,194,100
Surplus (deficit)	\$ 62,600	(\$ 128,000)*	(\$ 461,700)*	(\$ 985,500)*	(\$ 1,204,500)*

\*Operating deficits were funded by transfers from the Endowment and Development Funds and by special contributions from Trustees.

*Endowment  
24 million by  
'73*



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Professional and Administrative Staff  
of The Museum of Modern Art

December 23, 1970

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*Staff Assoc.*

The Professional and Administrative Staff Association of The Museum of Modern Art was formed in June 1970 by members of the curatorial, administrative, and office staff concerned with the programs and policies of the Museum. Specifically, as listed in its Constitution, the purposes of the Association were the following:

"to provide a forum for the expression of ideas among the members of the staff, to establish a constructive body that will have a voice in matters that concern and affect the Museum; to improve the economic, professional, and physical working conditions."

In its early dealings with the Museum, the Association met with a cooperative response and assurances that its objectives were shared and would be discussed. Direct assurances were given that -- provided certain minor conditions were met -- the Association would be recognized as spokesman for its members, and that the Director would meet from time to time -- as often as would be necessary -- with whatever representatives the Association might designate to discuss specific problems.

During the last few months, members of the staff began to feel that the Museum was becoming deeply threatened by a series of acts which appeared to them to be directly contrary to previously stated goals and commitments.

The pattern of events bears recitation:

1. At the end of September, a respected and valuable member of the staff, with years of museum experience, was summarily dismissed, although her position was not eliminated.

2. On October 6, in response to the Association's

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protest against this action, the Director assured the Association that no reduction of staff would take place, except through normal attrition. In a written pledge to the Association, he stated:

"Several months ago I indicated that there would be staff cutbacks over the course of the next several months recommended to me by department heads. Because of the obvious anxiety that this provokes, I have since revised this policy. I am not going to propose reduction in staff by department heads. I have, however, requested that should any vacancies occur in the normal course of events that no replacements be hired unless specifically approved by me. I realize that in most cases the arguments for replacements will be persuasive enough to fill any vacancies that occur. Nevertheless, this policy will go into effect and supersede what I previously indicated in terms of major reduction in personnel."

3. On October 30, in direct contradiction to this statement, two members of a single department were dismissed on financial grounds.

4. On December 11, at least 12 members of the staff were notified that their jobs were terminated as of December 31, again for financial reasons. This enabled the Administration to meet a target of 30 reductions in staff, since 18 had been lost by attrition.

5. In a memorandum dated December 15, which notified the staff of the dismissals, reduction in various Museum functions were listed:

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

Closing the Library to the public. Because of reductions



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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.

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

6. On December 15 at a meeting of the Association, resolutions were passed unanimously, with three abstentions, asking the Administration to meet with the Association's Counsel and its negotiating committee to discuss matters of "immediate concern" to the Association. It mandated that a follow-up meeting of the Association would be held to enable its negotiating committee to report on "such progress, if any, as may have resulted from their efforts." Failing such progress, this committee was further mandated to recommend further proposals for Association action, specifically including the possibility of a strike or other job action.

7. On Thursday, December 17, a meeting took place between Association representatives and Richard Koch, Ann Pelligrino, and Edward Scully of the law firm Winthrop, Stimson, Putnam and Roberts. The proposal put forward by Association counsel was that the dismissals

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that have occurred for financial reasons, in the face of a promise made by the Director, be made subject to future collective bargaining.

8. On Friday evening, December 18, Association counsel was notified by Mr. Koch that the dismissals would stand.

9. Pursuant to its mandate, the Program and Research Committees met Sunday, December 20, 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, were:

A. The firings were in the face of a promise by the Director on October 6, 1970, that there would be no dismissals, but that staff would be reduced by normal attrition and a job freeze.

B. The Museum refused to negotiate with respect to the dismissals and insisted on putting them into force prior to initiating any collective bargaining. Under these circumstances, the Association felt that the intransigent stance of the Museum precluded any possibilities for effective bargaining in the future.

C. 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.

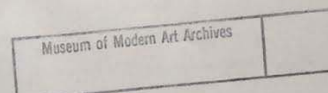


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## The Museum of Modern Art

**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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## The Museum of Modern Art

Museum of Modern Art Archives

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.

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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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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*Staff Committee*

*Just*

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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## The Museum of Modern Art

*Mrs. Shaw*  
*File "Staff Association"*

**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.
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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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 Staff Association of The Museum of Modern Art

Museum of Modern Art Archives

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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Museum of Modern Art Archives

## CONSTITUTION OF

## THE STAFF ASSOCIATION OF THE MUSEUM OF MODERN ART, NEW YORK

As Submitted April 14, 1970

## PREAMBLE

Realizing the benefits to be derived from lawful and effective organization, we, the employees of The Museum of Modern Art, in the interest of one another, bind ourselves into an Association, as set forth in the following Constitution.

## ARTICLE I

## Name and Purpose

1. The name of this Association is The Staff Association of The Museum of Modern Art, New York.
2. The purposes of this Association are to provide a forum for the expression of ideas among the members of the staff; to establish a constructive body that will have a voice in matters that concern and affect the Museum; and to improve the economic, professional, and physical working conditions by assuring that equal opportunities are available to all. The Association believes that in promoting these goals it will enable the Museum to undertake and pursue activities beneficial to its members and to the community and better to fulfill "the purposes of encouraging and developing the study of modern arts" originally set forth in its Charter.

## ARTICLE II

## Membership

All persons employed by the Museum who have completed the probationary period are eligible for membership, excepting the Director, all those who constitute the Operating Committee and Executive Committee, the Operating Administrator, the Director of Personnel, the Controller, and the Assistant Treasurer.

## ARTICLE III

## Officers

1. The Program Committee will consist of seven persons elected from among nominees or volunteers by the majority vote of those present at the meeting of the Association. The chairman of the Committee will be elected from among that number by the majority of those present at the meeting. The Committee has the responsibility of setting up the agenda and chairing the meetings. The term of office will be for six months. No person may serve a successive term except the chairman of the Committee, who will become a member, but not the chairman, of the succeeding Committee. Each member of the Committee, excepting the chairman, will successively chair the meetings of the Association.

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## Constitution

2.

The Staff Association of The Museum of Modern Art

## (ARTICLE III continued)

2. The Treasury Committee will consist of three persons elected from among nominees or volunteers by the majority vote of those present at the meeting of the Association, one of whom will be designated chairman. The term of office will be for one year. A report on expenditures and available funds will be submitted at each meeting of the Association.
3. The Secretary will be elected from among nominees or volunteers by the majority vote of those present at the meeting of the Association. The term of office will be for six months. The Secretary will record attendance and minutes at each meeting and maintain these in a log book accessible to all members.

ARTICLE IV  
Meetings

1. Meetings will be held once a month.
2. Special meetings will be convened as necessary by petition to the Program Committee by no less than 10 members.

ARTICLE V  
Dues

1. The amount of dues will be determined by the Bylaws and may be changed from time to time by adoption of a new Bylaw.
2. No name will be entered on the rolls of the Association as a members until he has paid his initial dues.

ARTICLE VI  
Amendment Procedure

1. This Constitution may be amended by the affirmative vote of two thirds of the members in attendance at a meeting of the Association, provided that no vote will be taken on the proposal to amend the Constitution unless notice thereof has been given in advance.
2. The Association may adopt new Bylaws by affirmative vote thereon. The affirmative vote of a majority of those present at the meeting of the Association will be sufficient to pass a Bylaw.



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## BYLAWS OF

## THE STAFF ASSOCIATION OF THE MUSEUM OF MODERN ART, NEW YORK

As Submitted April 14, 1970

## 1. ORDER OF BUSINESS

- A. Reading of the minutes of the previous meeting and their approval
- B. Reports of standing committees
- C. Reports of special committees
- D. Special orders
- E. Unfinished business and general orders
- F. New business
- G. Adjournment

## 2. MEETINGS

- A. Meetings will be held on the second Monday of each month, unless because of holiday or by reason of conflict with another meeting, such a date is considered by the membership to be inappropriate, in which case the Program Committee will select another meeting date.
- B. All meetings of the Association will be held in the Museum buildings unless otherwise designated.
- C. Meetings will be open only to members. Guests may be invited at the discretion of the Association.

## 3. COMMITTEES

The Communications Committee will be responsible for the distribution of all information pertaining to the Association.

## 4. QUORUM RULE

A quorum will consist of twenty-five per cent of the membership.

## 5. PROVISION FOR REPRESENTATION AND AFFILIATION

In the event that the Association becomes the bargaining representative for salaries and working conditions, no negotiations will be provided for those members who belong to unions and are represented by them in these areas.

## 6. DUES

Initial dues will be \$3.00. Further assessments will be made as necessary.

## 7. PARLIAMENTARY PROCEDURE

- A. The rules contained in Roberts Rules of Order, Revised will govern the Association in all cases to which they are applicable, and in which they are not inconsistent with the Constitution or Bylaws of the Association.
- B. A parliamentarian will be appointed by the membership.

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[JBH Papers - Duplicate]

REPORT OF ARTIST RELATIONS COMMITTEE  
July 30, 1969

Susan Bernstein, Chairman  
John Garrigan  
Larry Kardish  
Jennifer Licht  
Renee Neu  
Carla O'Rourke  
Bernice Rose  
Sally Weiner

I. INTRODUCTION

Since our committee has been in existence for only 6 weeks, and the summer vacation schedule has caused varied and fluctuating attendance at weekly meetings, our decision concerning the nature of this report is to review the topics of greatest concern and to preview the goals selected as major objectives.

II. DEFINITION OF COMMITTEE'S ROLE

Since there is an active Executive Committee meeting on the subject of artist relations, it was necessary for us to determine our function in relation to that committee. We decided to serve as a supplementary working unit, helping to find practical solutions to problems concerning the Museum's relationship with artists, in other words, to concentrate our efforts on areas of potential change and to attempt to supply the Executive Committee with specific information in support of a recommendation for actual change.

III. MUSEUM ATTITUDE

In our discussions of the Museum and the artist and how the relationship might be improved, it quickly became clear that at the root of every discussion was the question of the Museum's relationship with its public in general. We felt that by limiting our discussions to situations of concern only to artists we would be dealing



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with symptoms related to a much deeper problem. Moreover, in discussing the improvement of our attitude toward the public in general, we would automatically cover the areas of importance concerning our relationship with artists.

#### IV. ISSUES OF CONCERN -- INSIDE THE MUSEUM

The issuing of artist passes in a fair and equitable way is a complicated matter which this committee is just beginning to explore. However, the committee recommends that the two categories of passes (artist and student) be merged into one category, and that the cost to artist and student be \$5. In addition, we suggest that a printed brochure and application blank be prepared to hand out to anyone requesting a pass to lessen the possibility of disputes concerning credentials presented to members of the Information Desk.

Our difficulty in dealing with the matter of issuing Artist Passes led to a discussion of the importance of free entrance to the Museum. Presumably, the Museum's wish is to distribute passes among artists of professional commitment who may be in early stages of development of whose work may not have acquired sufficient status to provide a livelihood. Under our current system of passes, this is precisely the category which is excluded. The question remains: how can a serious, aspiring artist with limited means gain access to the Museum's collections and facilities? One possible solution is to institute a period of free entrance, which would benefit all members of the metropolitan community unable to pay the Museum's admission fee, artists and general public alike. After considerable discussion, the committee felt that Thursday evenings from 4 to 9 p.m. would be the most practical and beneficial time to give this a trial; however, since our last meeting, we have learned that a plan is underway to investigate the possibility of opening the Museum free of charge on Tuesday evenings. At any rate, the committee agrees that which ever night is selected, a free evening should be considered an experiment to be tried over several months, that special funds be raised to make the venture possible, and that the plan be well publicized.

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The committee is divided about the issue regarding the exhibition of works by Black artists. While some members feel that such an exhibition would encourage further separatism, the majority seems open to the possibility of yielding, under pressure, to outside forces urging us to exhibit "Black art." As far as we know, this is an area of disagreement with the Executive Committee. We feel that the topic should be studied further and that a discussion between the two committees should take place. However, all agree that the entire curatorial staff should be urged to see more work by Black artists..

The attitude and reception within the Museum is felt to be generally hostile (not only to artists, of course). One knows from personal experience that a good feeling or memory about any place can be made or marred by the human contact associated with it. This becomes, then, an important job and it is clearly unrealistic and irresponsible to leave the greater burden of the reception and handling of the public within the galleries totally in the hands of the security staff. The committee would like to recommend, therefore, that the guard force be supplemented with an information team, similar to those one sees in many European museums. Naturally, this corps would also improve the protection of works in the galleries. Investigation of the details of this plan is still underway. Some of the questions involved are: How would this team be considered in relation to the guards and their union? Could (or should) the existing security staff on each floor and wing be reduced because of this plan? Could this program be considered intern work for art history students, and therefore receive financial support from sources outside the Museum? Under whose jurisdiction would the program fall? Since gallery talks have been eliminated from the Museum program, gallery guides could be especially useful now.

#### V. ISSUES OF CONCERN--OUTSIDE THE MUSEUM

The committee believes that the Museum should become more involved in issues



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concerning artists' lives -- matters of housing, copyright, etc. While the Museum as a non-profit educational institution might be prohibited from making statements about public issues, certainly Museum facilities could be made available to organized groups of artists (for example, meeting place, offset equipment, numerous lists of a non-confidential nature, etc.) and individual staff members could be encouraged to affiliate themselves with those artists' activities which interest them.

#### VI. CONCLUSION

The committee feels that in the Museum's relations with the general public, and artists in particular, there is a pervasive air of hostility, and, in the bestowal of privileges, of "grace and favor" that could and should be broken down and changed. The Museum should assert itself in a role of disinterested public institution and be considered as an open house, responsive to the needs and committed to the support and encouragement of all people interested in art.

As I mentioned in the opening statement, this paper is intended as a preliminary report. However, there are some specific points which we have discussed in our meetings and which we shall continue to explore, including royalties, rental fees to artists for exhibiting their works, the Artists' Equity pamphlet and the advisability of reprinting it, the availability of the curatorial staff for viewing works, relaxing requirements for artist passes, and, finally, the possibility of establishing a permanent mediating committee, appointed by the Executive Committee, to deal directly with artists and matters of concern to them.

As a closing note, I would like to suggest that since our discussions of artists consistently involved issues relating to the community at large, that a separate committee be appointed to deal with community relations.

Respectfully submitted,

*Susan Bernstein*  
Susan Bernstein  
Chairman