

Kravis loses lawsuit to union stagehands

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Tuesday, December 30, 2008

WEST PALM BEACH — In a ruling that could put millions into the pockets of hundreds of stagehands who lost their jobs at the Kravis Center eight years ago, an appeals court on Tuesday found that the performing arts hall engaged in unfair labor practices and ordered it to reinstate union workers.

"They lost every single point," said Alan Glassman, business manager for the local stagehands union. "As far as we're concerned, it's over. It would be smart for them to say they lost and start negotiating with us. But with them you never know. They've thrown so much money at this."

Neither Kravis Center Executive Director Judith Mitchell nor the Kansas City attorney who represented the center in its estimated \$1 million legal fight returned phone calls for comment.

Attorney Matthew Mierzwa, who represents the union, said the Kravis could ask the U.S. District Court of Appeals in Washington to reconsider its decision. Or, he said, it could appeal to the U.S. Supreme Court. But, he said, either action would be a waste of time and money.

"I would guess there is no chance to get this overturned," he said. "The chance of the appeals court changing its mind or the Supreme Court taking jurisdiction is impossible."

The Kravis Center failed to convince a Miami administrative law judge or the National Labor Relations Board that it was justified when it walked away from contract negotiations in 2000. It fired six full-time workers who were members of the International Alliance of Theatrical Stage Employees and Moving Picture Technicians and Allied Crafts. It stopped using union workers on shows as it had since the center opened in 1992.

The center's action was blasted by the judge and, on appeal, by the NLRB.

"I have concluded that the (Kravis) bargained in bad faith," Judge Raymond Green wrote in a 2002 decision. "In fact, it is clear to me that the intention of the (Kravis) was to essentially eliminate the union's role as a bargaining representative and to reduce its role to being simply another labor contractor which (it) could use at its whim."

Unless the Kravis Center appeals Tuesday's ruling, it must immediately reinstate the six fired workers and begin using union help on its shows.

The appeals court also ordered it to compensate workers for money they lost during the appeal.

Exactly how much the Kravis Center could be forced to pay is unknown, Mierzwa said. By some calculations, he said, it could reach \$6 million, though the total could be in litigation for years. Legal fees are already estimated at \$1 million.

Some stagehands have estimated the lockout has cost them \$20,000 to \$30,000 annually. Instead of being able to work close to home, those who live in Palm Beach County have traveled to the Broward County Performing Arts Center or Miami's Adrienne Arsht Center for the Performing Arts to work in their crafts. Like most other major halls in the state, those centers have union contracts.

In fact, union help is so common in the theatrical world that the Kravis Center was forced to cancel a performance in the spring. Union workers who brought the rollicking Irish show Riverdance to the Kravis in May refused to cross picket lines. The rest of the five-day run was saved when the owner of Riverdance canceled its contract with the Kravis and agreed to put on the show using union help.

The union has also worked at Kravis Center productions that aren't produced by the center. For instance, the Palm Beach Opera and Ballet Florida have used union workers for their shows.

Irma Hale, a former head electrician at the center, said she was pleased by the appeals court ruling. But she was hesitant to celebrate.

"I think it's wonderful," she said. "But my gut reaction is they're going to appeal."