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From: [Antonio Ortiz](#)

To: [Arlene Engelhardt](#) ; LaVarn@pacifica.org

Cc: [KPFA LSB](#) ; [PNB](#) ; [Margy Wilkinson](#) ; summer@pacifica.org ; [Christina Huggins](#) ; [Sasha Lilley](#) ; [Philip Maldari](#)

Sent: Wednesday, February 01, 2012 4:33 PM

Subject: Bounced Paychecks and 403(b) Retirement Accounts

Dear Arlene Engelhardt and LaVarn Williams,

It has come to the attention of our union that Pacifica has bounced the paychecks of some employees, including at KPFA, for the pay period ending January 15, 2012. It is our understanding that KPFA had wired Pacifica enough money to cover KPFA's payroll -- that whatever shortfall caused the checks to bounce originated from somewhere else in the network.

There was, to our knowledge, no effort by Pacifica to communicate to workers at KPFA that some of their checks might bounce. This is not acceptable.

It is **illegal** for an employer to bounce payroll checks.

This has become a pattern. Last year we learned that Pacifica illegally diverted employee contributions to the 403(b) retirement accounts of workers at KPFA and other stations over the course of 18 months. Despite promises to make workers whole by December 31, 2011, Pacifica still has not paid interest on the diverted money. And we have now found out that **Pacifica illegally diverted retirement account payments in January.**

We have advised the workers who draw pay at KPFA to report Pacifica to the California Division of Labor Standards Enforcement should any of their paychecks bounce. This will trigger automatic financial penalties for Pacifica, and may result in criminal charges against Pacifica employees responsible for bouncing paychecks.

Please let us know what immediate action you plan on taking to rectify both of these issues.

Thank you for your attention.

Antonio Ortiz
Sasha Lilley
Philip Maldari
Union stewards
CWA 9415