



Local 1277

News

October, 2017

1744 North Main Street • Los Angeles, CA 90031 • (323) 222-1277

Website: www.atu1277.com

© CHARTER 1201 LOCAL 1277

Trump's war on working people escalates!

Conservative Supreme Court Could Deal Crippling Blow to Union Movement

By Art Aguilar - President, Local 1277

On Tuesday, October 3, a *dangerously* re-aligned United States Supreme Court convenes for its new session. Why is it dangerous? *Because, "thanks" to an out-of-control, anti-union, anti-working families President Trump, a harsh, conservative court may well strip unions of their financial and organizational base, in effect making them much less able to represent the needs and goals of their membership.*

Here's the background and situation:

A couple of years ago, an unholy gang of rich and powerful business and anti-union interests pushed a case to the Supreme Court, aimed at stripping away the strength of public-sector unions. In the case of *Friedrichs v. California*, these anti-working family interests wanted to allow union members to *opt out of paying union dues* (or, agency or fair-share fees) but *still get the benefits of union collective bargaining efforts which led to higher pay, better benefits and safer worksites.*

In effect, this was an effort to put "right-to-work" laws into effect across the country!

The Supreme Court was set to rule on this case (and it likely would have been 5-4 *against* unions) when very conservative Justice Scalia passed away. So the court was deadlocked 4-4 in *Friedrichs*, and no final verdict was handed down. The union movement breathed a sigh of relief, figuring that then President Obama would nominate a fair-minded, pro-working families justice to replace Scalia.

He did—but the *Republican-controlled* U.S. Senate, in a fit of divisive and ruinous party politics, *refused to confirm him!* The result? The disaster of Trump's election allowed him to nominate a very conservative justice—Neil Gorsuch—to fill out the court. And the *Republican-controlled* senate confirmed him. *This has allowed the same gang behind Friedrichs to try once again to gut the union movement.*

Friedrichs 2.0

The new test case, which will be heard during this Supreme Court session is *Janus v. AFSCME* (American Federation of State, County and Municipal Employees). It has been put forward by the notorious anti-union National Right to Work Legal Defense Fund, and it has the same goal: *Allow workers to refuse to pay union dues, even while they benefit from union collective bargaining.* Basically, *Janus* would not only encourage "free-loading", *it would strip unions of the funds they require for political, organizing and other pro-working people activities.*

The result of a Supreme Court ruling confirming *Janus* could be ruinous. By law, unions *must* bargain on behalf of every worker within a bargaining unit, regardless of whether each individual employee join the union. *Janus* would allow workers to quit paying dues but still reap the benefits of union membership. *This is mean-spirited "unfairness" to the max!* Collective bargaining costs money—for lawyers, financial experts and outside mediators, if necessary. And union political activities have become as expensive as they are so very necessary.

Take away members' dues and the union movement is hamstrung. This is why most union contracts require non-union members to pay agency or "fair-share" fees. To gain from union representation in all matters, employees must pay their fair share towards maintaining the strength and influence of that union. This is only common-sense fair.

The *Janus* case asks the Supreme Court to essentially make "right-to-work" the law of the land (please see Brother Shaffer's article in the August paper about the bulls--- of "right-to-work" laws). *Now with Trump's new appointee sitting in, it is very likely the court will rule 5-4 in favor of Janus and against unions, working people and families, and just plain fairness.*

What would ruling really mean? ***Lower wages and lesser benefits:*** employee earnings and benefits in right-to-work states are notably lower than in other states. ***Increased Republican political influence:*** The Democrats rely heavily—especially in key political states—on union financial contributions and campaign manpower. Gut union finances and that help is greatly reduced. ***Declining Democratic pro-union support:*** *If Janus goes down the wrong way,*

Continued on page 2

Continued from page 1

union political influence is slashed, and even Democratic politicians, elected with union muscle, may decide they don't have to listen to union leaders and concerns so much anymore. And as union influence declines, the sway and power of big business and anti-working people forces increases.

The short-term and long-range political and social stakes couldn't be higher, brothers and sisters. With a bad decision in Janus from the newly re-aligned Supreme Court the result will likely be that unions, which represent the best interests and goals of working people and families, will be dealt a very significant defeat!

Once again, it's all about politics. It's all about political influence. It's all about electing good and bad people whose decisions—and appointments!—affect our lives (Do you think any Democrat would have nominated such an arch-conservative to the Supreme Court?). It's all about getting involved in the political process. It's all about understanding that politics matter!

Trump's Anti-Union Assault *Continues*

It gets worse, brothers and sisters: The Trump gang is targeting *more* worker-protection and worker-rights regulations. The administration wants to:

- Slash **40%** of the budget for the federal agency that conducts research into workplace hazards across the country, at both public and private jobsites.
- Undo former President Obama's excellent guidelines concerning enforcement of pro-worker employment laws..
- Eliminate a program that helps unions educate workers on how to avoid illness and injury on the job.

Foxes Guarding the Henhouse!

The National Labor Relations Board (NLRB) is the body that investigates and prosecutes corporate and employer violations of federal labor laws. It can issue national and/or industry-wide rulings, and can also pass judgement on individual cases concerning the rights of unions and employees. The NLRB is a five-member board with extensive power and influence over working conditions and employee rights.

On August 2, Trump nominated two new members for the NLRB. As you might expect, they are hardline, pro-business people whose appointment will put the NLRB into Republican hands for the first time since 2009. And this re-alignment (much like that of the Supreme Court) comes at a time of bitter partisan divide and lack of political cooperation for the greater good. Since the *Republicans* control the U.S. Senate, it is likely they will be confirmed, and even more likely that they will lead an anti-union assault on Obama-Era pro-worker rules and regulations.

The first of Trump's nominees, *Marvin Kaplan*, is an ex-Congressional staffer who drafted the bill which made it *easier* for employers to fight union-organizational campaigns. The other nominee is *William Emanuel*, a decidedly pro-management attorney with long experience with legislation crippling union access to employers' private property.

There's a double-dose of trouble! ***Two anti-union operatives on the federal board that is supposed to protect workers' rights and their unions!*** More foxes guarding the henhouse in Washington, D.C. Add this to the debacle that may well come down from the Supreme Court, and working people and families could be facing a lot of trouble. ***Politics do matter, brothers and sisters, and we must always work hard to elect our friends and oppose our enemies, while always keeping an eagle eye on who our elected officials appoint and what they stand for.***

Eleven Local 1277 Members Retire from Careers at MTA

Eleven Local 1277 members have retired from MTA after long and productive careers. They all were hardworking employees and loyal members of our Union.

Lorenzo Lee, Senior Service Attendant, Division 24, 13 years, June 30, 2017; ***Evangelina Torres***, Mechanic A, RRC, 31 years, July 8; ***Edward Padgett***, Rail Electronic Communications Inspector, Rail Communications, 23 years, July 10; ***Miguel Herrero***, Power Yard Sweeper, Facilities Maintenance, 37 years, July 29; ***Darryl Cheaves***, Mechanic A, RRC, 33 years, August 1; ***Brenda Porchia***, Senior Service Attendant, Blue Line, 31 years, August 1; ***James Wilson***, Mechanic A, Division 9, 36 years, August 4; ***Maurice Peterson***, Mechanic A, Division 13, 30 years, August 8; ***Giuseppe Detoma***, Body Repairer A, RRC, 37 years, August 14; ***Christopher Haile***, Body Repairer A, RRC, August 28, and ***Manuel Tadana***, Mechanic A, Division 1, 27 years, August 31.

Local 1277's Executive Board and members wish these brothers and sisters long, enjoyable and healthy retirements. They will be missed!

Five More Local 1277 Members Contribute to Vital ATU COPE Fund

Five members of our Union have generously contributed to the important ATU COPE Fund. As you know, our International Union amasses this war chest in order to support our political friends and causes, and fight the enemies of working people and families. We are proud to present Union pins and jackets to those members who have realized how vital the ATU COPE Fund is for expanding labor's influence in Congress and advancing our agenda.

Juan Valdivia; Joseph E. Sanchez; Jose Dignadice; Osvaldo Ramirez, and Omar Rodriguez Vargas.

To earn a jacket, one must contribute \$12.50/month, for a total of \$150.00/year. Congratulations to those members for their public-spirited and timely action. The ATU COPE Fund is very important. Please contribute whatever you can to it! Thank you.

“Recharging your batteries”

You Are Entitled to Break Periods

By Jeff Shaffer - Treasurer, Local 1277

Under California labor law (which, I am pleased to say, is more generous to employees than *federal* labor law), if you are a *non-exempt* worker, you are entitled to meal and rest breaks. They are: a *30-minute meal break* if you work for more than *five hours* in a workday, and a *10-minute break* for every *four hours* you work.

There are other requirements concerning breaks, and if your bosses do not comply with these established break requirements, *they must pay you one extra hour of regular wages for each day during which a break violation occurred.*

As with most things, the devil is in the details, so here are some of those details:

Rest Breaks

- If you work at least *3.5 hours* in a day, you are entitled to a rest break.
- **Your boss must give you a rest break of at least *10 consecutive minutes* for each *four hours* worked.**
- Rest breaks must, to the extent possible, be in the *middle* of each work period.
- **Rest breaks must be *paid*.**
- Your boss may require you to remain on the worksite during your rest break.
- **You *cannot* be required to work during any required rest break (California Labor Code 226.7), but you are free to skip your rest break, provided your boss is not encouraging or forcing you to do so.**

Meal Breaks

- If you work more than *five hours* in a day, you are entitled to a meal break of at least *30 minutes*, but you can agree with your boss to waive this meal period, provided you do not work more than *six hours* during the workday. You can also agree with your boss to an on-duty meal break, which counts as time worked, and is *paid*.
- If you want to waive your meal period, or agree to an on-duty meal period, your Union must also agree to this. We do **not** recommend either one.
- **If you work more than *10 hours* in a day, you are entitled to a *second* meal break of at least *30 minutes*. You can agree with your boss to waive the second meal break if you do *not* work for more than *12 hours*, and you did *not* waive your first meal break.**
- Your boss has an affirmative obligation to ensure that you are free to take your meal break *away* from the worksite.
- **You *cannot* be required to work during any required meal break (California Labor Code 226.7). Your boss also has an affirmative obligation to ensure that you are actually relieved of all duty, and are *not* performing any work during meal breaks.**

A final note: There are exceptions to these rest- and meal-break regulations in other industries, but for our profession, these rules apply.

Your health, your safety

Coach Operators: There are Hidden Dangers on Your Job

*By Errol Frazier
Vice President, Local 1277*

You may recall, brothers and sisters, that those of you who attended your September unit meetings discussed and eventually approved a significant **Workstation Initiative** resolution. I want to take the time to strongly emphasize just how *important* this resolution is to you and your career and future. There are dangers, some very subtle and not easily appreciated, that may impact your health and safety.

One of the departments within our International Union, in Washington, D.C., has been tasked with the absolutely vital assignment of improving the health and safety conditions of all of the nearly 200,000 members of the ATU, both in the United States and in Canada.

The first group of members the department focused on was *Coach Operators*, a lot of whom are represented by Local 1277 in Riverside, SunLine and Long Beach. It is only fitting that this group of skilled, hard-working employees was singled out because, as the ATU is about celebrate its *125th* anniversary as a great union, we should remember that it was first formed to serve the needs and goals of...Operators.

Important Data from In Transit

In a detailed article in the May/June 2017 edition of *In Transit*, the ATU International's informative magazine of worksite issues, the progress of union-themed legislation, and the activities of our local unions, the authors laid out a series of disturbing and surprising statistics that directly affect our Coach Operators. For example, when considering longevity on the job, our operators may risk a:



HEALTH + SAFETY AT WORK

- 70% chance of greater Lower Extremity (legs) Vascular problems
- 79% chance of greater Chronic Obstructive Lung disease
- 25% chance of greater Depression
- 63% chance of greater risk of Diabetes

These statistics, disturbing as they are, are just *some* of the negatives that can—and do—affect the health and safety of our Coach Operators. And these problems are above and beyond the *daily* crises they face: The possibility of accidents and injuries; unruly and threatening passengers, and blind spots created by mirror placement and some coach-construction flaws.

Our Coach Operators have a physically and mentally demanding job, and I am glad that our International is taking a careful look at their work conditions, and the health and safety problems they face, and working to do something positive about them.

Here are the upcoming Local 1277 membership meetings for October and November. Please make every attempt to attend the meeting for your unit. It's your Union, and we need your participation at our meetings!

Tuesday, Oct 3: Tuesday, Nov 7:	Los Angeles area members: L.A. Building Trades Council, 1626 Beverly Blvd., Los Angeles. Morning Session 10:00 a.m. Evening Session 5:00 p.m.
Wednesday, Oct 4: Wednesday, Nov 8:	Riverside area members: 1074 E. La Cadena Dr., Riverside Morning Session 10:00 a.m. Afternoon Session 2:00 p.m. Evening Session 6:00 p.m.
Thursday, Oct 5: Thursday, Nov 9:	Palm Springs/SunLine members: Cathedral City Branch Library, 33520 Date Palm Drive, Cathedral City Morning Session 10:00 a.m. Afternoon Session 4:00 p.m.
Thursday, Oct 5: Thursday, Nov 9:	Long Beach: Machinist Hall, 319 W. Broadway, Long Beach Morning Session 10:00 a.m. Afternoon Session 3:00 p.m.