



# Local 1277

# News

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## International President Hanley Relays Important Drug-Testing Information

By Art Aguilar - President, Local 1277

In an important and timely memo to all ATU local unions, dated October 18, 2018, ATU International President Larry Hanley has passed on vital information concerning random drug testing for safety-sensitive employees at all transit agencies that receive federal assistance. The memo, from the Federal Transit Administration (FTA), states that, beginning *next year, fully 50% of transit-agency safety-sensitive employees must be randomly tested for drug use.*

Since our brothers and sisters who perform safety-sensitive work have the great and daily responsibility to ensure that the mass-transit using public rides completely safe and thoroughly inspected vehicles, President Hanley's notification is both timely and very important.

### Here is the entire FTA memo:

*As mandated by its drug and alcohol regulation, the Federal Transit Administration (FTA) will, effective January 1, 2019, increase the minimum rate of random drug testing from 25 percent to 50 percent of covered employees for employers subject to FTA's drug and alcohol regulation. This increased random drug testing rate results from a recent uptick in the proportion of violations identified through random drug testing.*

*The 50 percent random drug testing rate will apply to entities receiving Federal assistance under 49 U.S.C. 5307, 5309, 5311 or 5339, including grantees, subrecipients, and safety-sensitive contractors. The required minimum rate for random alcohol testing is unaffected and will remain at 10 percent for calendar year 2019.*

*The FTA is required by statute, at 49 U.S.C. 5331(b)(1), to issue regulations establishing a program that requires public transportation operators that receive financial assistance under certain FTA programs to conduct, among other types of testing, random testing of public transportation employees responsible for safety-sensitive functions for the use of a controlled substance in violation of law or a Federal regulation.*

*The FTA's implementing regulation for random testing, at 49 C.F.R. 655.45, sets a default that the minimum annual percentage rate for random drug testing must be 50 percent of covered employees. The regulation allows FTA discretion to lower the minimum random drug testing rate from 50 percent to 25 percent where data for the two preceding consecutive calendar years indicate that the reported positive violation rate is less than 1.0 percent. In 2007, this condition was met and FTA exercised its discretion to reduce the random drug testing rate to 25 percent. The rate has remained at 25 percent since then, but FTA's regulation further mandates that, if the reported positive violation rate relapses back to 1.0 percent or greater, FTA must increase the random drug testing rate back to the default of 50 percent. Per recent validated data reported by the industry for calendar year 2017, the random drug testing violation rate is now 1.06 percent. Accordingly, FTA is required to increase the minimum annual rate for random drug testing to 50 percent. This change will be effective January 1, 2019.*

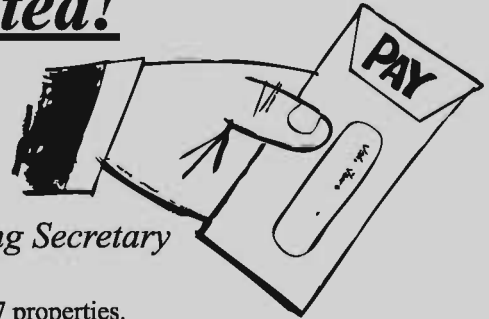
*The continued safety of public transportation customers and workers remains FTA's focus. The FTA is committed to working with you to provide technical assistance in implementing the forthcoming increase in FTA's random drug testing requirement. If you need additional information or assistance, please feel free to contact Henrika Buchanan, Acting Associate Administrator for FTA's Office of Transit Safety and Oversight, at (202) 366-5010 or [Henrika.Buchanan@dot.gov](mailto:Henrika.Buchanan@dot.gov).*

### **Please Update Us on Any Address Change, So You Will Be Eligible to Vote.**

Your Union, ATU Local 1277, always needs to know if you have moved or in any way changed your address. We need this information both to ensure that you receive your newspaper and all other Union mailing, and (under Article 21.8 of the International Constitution) your official ballot for our upcoming Union elections. We also need updated contact information whenever we file claims or actions on your behalf. It is not enough just to notify management and your friends if you move; *your Union has to be updated, too. Thank you.*

## Don't take anything for granted!

### Always Check your Paystubs Every Time you Get Paid!



By Adolfo Sotto - Financial-Recording Secretary

This is an important reminder for our brothers and sisters at all Local 1277 properties.

*It is both financially responsible and just plain smart to check your check every time you get paid.*

Always closely examine your pay stubs, to check on deductions for any benefits you may be enrolled in. For example, you may have signed up for a particular insurance. So then you think your coverage is valid because your deductions are active. *But* later you receive a letter notifying you of *non-coverage* and the fact that you owe money to the insurer!

Another example: You may have a deduction from your wages for something you never signed up for and know nothing about. You might be paying for “coverage” that isn’t there, and that deduction, through no fault of your own, comes out of your pocket! And, of course, there would be no coverage if you ever filed a claim.

Finally, please be sure that what should be deducted is being deducted regularly in every check. *Be proactive—make a habit of looking at the paystub details on your checks.* The devil is in those details, brothers and sisters. You always want to have everything that you’ve worked hard for coming to you, and you always want to be sure that nothing is going out that shouldn’t!

\*HAPPY\*  
**Retirement!**

#### Twenty Two Local 1277 Members Retire from Careers at MTA

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

**John Carroll**, Rail Electronic Communications Inspector, Rail Comm., 28 years, June 29, 2018; **John Rice**, Mechanic A, Division 7, 16 years, July 4; **John Gardner**, Mechanic A, Division 9, 19 years, July 6; **Otis Harrell**, Traction Power Inspector, Track-Light Rail, 15 years, July 15; **Eduardo Monge**, Mechanic A, Division 18, 28 years, July 15; **Ronny Terrazas**, Laborer A, Stops & Zones, 32 years, July 16; **Christina Castro**, Senior Service Attendant, Division 3, 37 years, July 23; **Louis Supall**, Mechanic A, Division 5, 34 years, July 28; **David Veloz**, Property Maintainer A, Facility Maintenance, 29 years, July 29; **Howard Buchanan, Jr.**, Senior Service Attendant, Green Line, 28 years, July 31; **George Wallace**, Senior Service Attendant, Division 18, 15 years, August 5; **Christopher Newsom**, Mechanic A, Division 15, 38 years, August 8; **Genene Lulseged**, Rail Electronic Communications Inspector, Rail Comm., 24 years, August 8; **Loi Tran**, Mechanic A, Division 18, 19 years, August 17; **Stephanie Davis**, Senior Service Attendant, Red Line, 32 years, August 24; **Scott Lanski**, Mechanic A, Division 8, 40 years, August 25; **David Martin**, Rail Electronic Communications Inspector, Rail Comm., 28 years, August 26; **Ezequiel Cobian**, Track Inspector, 3927, 24 years, August 28; **Wilfredo DeGuzman**, Electrician's Helper, 3924, 15 years, August 31; **Hien Bui**, Rail Electronic Communications Inspector, Rail Comm., 16 years, September 1; **Edgar Glenn**, Mechanic A, Division 9, 36 years, September 7, and **Ramon Frivaldo**, Facilities Systems Technician, 10 years, September 26.

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

## Know your contract

### The Good News



### Article 16: "Leaves Of Absence"; Section F: Bereavement

By Douglas Kurowski - Board Member-at-Large

A few months ago, in our newspaper, ATU Local 1277 President Art Aguilar listed many of the valuable and much-needed benefits you get by having membership in our Union. Over the past century, organized labor has won major concessions from management on behalf of the working men, women and families it represents.

These achievements range from jobsite safety rules to representation at grievance and disciplinary hearings, from anti-age discrimination regulations to wrongful termination laws, from secure pensions to adequate, affordable healthcare coverage.

Recently, I found out—the hard way—about the value of another union-won benefit: Bereavement Leave. This important benefit had been negotiated in our Collective Bargaining Agreement (CBA) with MTA, and I can tell you that it came in very handy for me when I had to use it.

*But I was greatly upset to find out that some employers do not pay for bereavement leave! That's right, brothers and sisters: Because of a death in the family, some employees have to use up Family Medical Leave Act (FMLA) time to be allowed to attend a funeral. That's a disgrace!*

*Time off for bereavement is not mandatory, which it should be. You are at the mercy of your employer if the appropriate bereavement-time provisions have not been negotiated into your contract!*

*Because of the diligence and determination of your Union, all of our properties have negotiated Bereavement Leave into your CBAs. Please be sure to reference your handbook for the specific language pertaining to Bereavement Leave.*

For example, Article 16, Section F of our CBA with MTA states:

*"A Bereavement Leave of Absence up to three (3) working days shall be granted employees as a result of death in the immediate family without reduction in pay. In the event of travel outside the state of California to attend the burial, memorial service or gathering, an absence of up to five (5) working days, without reduction in pay, shall be granted. Verification of death and out-of-state travel, if applicable, will be required by the Authority within one (1) week of returning to work.*

*"The immediate family is considered to be employee's parents (including step-parents or foster parents; grandparents; sisters; brothers; spouse or registered domestic partner and children; spouse's or registered domestic partner's parents (including step-parents or foster parents); grandparents; sisters and brothers; grandchildren of the employee or the employee's spouse.*

*"Employees may use floating holidays and up to five (5) days vacation in connection with bereavement leave. An employee may take up to five (5) days off (vacation, floating holidays or CTO) to attend the memorial service of step-grandparents, brothers in law and sisters in law."*

Brothers and sisters, this is a valuable and compassionate benefit that has been negotiated by your Union. I hope you rarely have to use it, but rest assured it is there if you ever need it.



# The spirit of caring and giving

## **Please Remember Less Fortunate People And Families in Their Time of Need!**

*By Art Aguilar - President, Local 1277*

We begin this holiday season by giving thanks for what we have. We treasure our spouses, children, siblings, parents, and grandparents. *Please always remember to be thankful for what you have, and never take anyone or anything for granted.*

Many of our brothers and sisters, along with their families, are beginning or already in the middle of shopping for families and friends. You will be attending parties at the homes of family and friends, and hosting similar festivities at your house. All this is well and good, and a central part of the holiday season we enjoy so much.

**But—and this is terribly important—please pause in the midst of your celebrations and shopping and think about this:**

*We must take the time to remember those who have been hit—and continue to be hit hard—by an unequal economy. The scourge, the absolute unfairness, of “income inequality” continues to plague our nation. The very rich at the top keep getting richer—largely because of Trump’s disastrous “tax reform”—while tens of millions of American families in the middle and bottom remain in insecure economic straits.*

Yes, the overall economic picture—across the nation and here in California—has been improving. Unemployment is down, but never forget, *when someone is out of work, his or her unemployment rate is 100%! The horribly regressive, anti-working people and families policies of Trump and his pro-corporate America gang in Washington, D.C. continues to negatively impact the working middle class, the bedrock of our society.*

## **Our Brothers and Sisters**

Many of the unemployed and economically distressed continue to be fellow union brothers and sisters, or family friends and neighbors. Too many families still are afflicted; *even more may be only a lost paycheck or two from economic ruin!*

We all need to step up and help out those people who are economically challenged; those brothers and sisters who maybe can't help themselves and may be too proud to ask for assistance.

*I ask every ATU Local 1277 brother, sister and family to make an effort to reach out and help others in need during the upcoming holiday season. Let's all give generously to our favorite local charities. Many churches, community centers and local service groups are collecting food, clothing and toys. We must open our hearts and do whatever we can to help fill someone else's holiday season with some happiness.*

As I do every holiday season, I ask every Local 1277 Shop Steward to please start a food/clothing/toy drive at your property. You might to work in groups in order to minimize costs, and divide your members into small teams, with some participants buying new, or donating your own, food, clothing and toys. It is all about teamwork, as it is so often on the job and in life.

If you are not sure what to buy or donate, then purchase grocery or other-store gift cards and contribute them. Check with your personal tax preparer—such contributions may well be tax deductible.

## **Simply Doing the Right Thing**

When those families who receive our gifts and assistance show their joy and gratitude, then we all know that it was simply so right that we took the time to care and help. And, brothers and sisters, even if we donate and help others, but never actually see people's reactions or hear “thank you”, *we still know in our hearts that we did the right thing. That we got into the real spirit of the holiday season and cared about others less fortunate than we are.*

It is never too late to get involved, to care. *Doing nothing is simply not an option.* Giving and sharing make the holiday season mean all that much more to you and your families. And it teaches your children a fundamental life lesson: We are all together and we must always help each other.

*To our brothers and sisters who have lost loved ones this year, our thoughts and prayers are with you and your families during this special time. Your loved ones will live in your hearts and memories forever.*

**And, also, please remember: Do not drink and drive! Protect your families, jobs and lives! Do not become a statistic! Remember and help those less fortunate than we are!**

Together, we can—again—make a positive difference during this holiday season! Thank you.

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

**Tuesday, Nov 6:** Los Angeles area members:  
**Tuesday, Dec 4:** L.A. Building Trades Council, 1626 Beverly Blvd., Los Angeles. Morning Session 10:00 a.m. Evening Session 5:00 p.m.

**Wednesday, Nov 7:** Riverside area members:  
**Wednesday, Dec 5:** 1074 E. La Cadena Dr., Riverside Morning Session 10:00 a.m. Afternoon Session 3:00 p.m.

**Thursday, Nov 8:** Palm Springs/SunLine members:  
**Thursday, Dec 6:** Cathedral City Branch Library, 33520 Date Palm Drive, Cathedral City Morning Session 10:00 a.m. Afternoon Session 4:00 p.m.

**Thursday, Nov 8:** Long Beach:  
**Thursday, Dec 6:** Machinist Hall, 319 W. Broadway, Long Beach Morning Session 10:00 a.m. Afternoon Session 3:00 p.m.