



Local 1277

News

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President's report

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California Changes its Definition Of Domestic Partnerships

By Art Aguilar - President, Local 1277

On July 30, 2019, Governor Gavin Newsom signed SB 30, which eliminates previous restrictions concerning who can form a **domestic partnership**. The new provisions of SB 30 become effective on *January 1, 2020*. The new legislation would make it easier for people to obtain domestic partnerships in California.

Under **current** California law, the rights and responsibilities of *Registered Domestic Partners* are the same as those of married spouses. **Existing** law defines domestic partners as two adults who have chosen to share one another's lives in an intimate and committed relationship of mutual caring.

A domestic partnership is formed when two people file a *Declaration of Domestic Partnership with the California Secretary of State's office and pay the required fee.* At the time of this filing, under current law, the two persons involved also must:

- o **Not** be married or in a domestic partnership with some one else
- o **Not** be related by blood
- o **Be** at least 18 years of age
- o **Be** capable of consenting to the domestic partnership
- o **Be** members of the same sex, *or* one or both is eligible for Social Security benefits and *over* the age of 62.

Effective January 1, 2020, SB 30 eliminates the limitations on who may form domestic partnerships, thus allowing *opposite-sex* couples *under* the age of 62 to be eligible to form domestic partnerships but other requirements still have to be met such as not being related by blood, must be at least 18 years old, capable of consenting to the domestic partnership and not being married or in a domestic partnership with someone else.

Please keep in mind, however, federal law still does not recognize domestic partners as a legal marriage. As such, for federal tax purposes domestic partners are still required to file their federal income taxes separately and unless the domestic partner and dependent child are considered a tax dependent under the Internal Revenue Code imputed income must be paid on the portion of health benefits paid of those dependents. The imputed income would be reported on a Form W-2 equal to the fair market value of the domestic partner (or child's) coverage. You should seek advice from a tax or legal professional if you have any questions about tax consequences regarding a domestic partnership.

Local 1277 Members and the New Law

It is possible that the current health plans covering members of ATU Local 1277's MTA, Metrolink, Riverside, SunLine and Long Beach Transit Units may require amendments to the definition of an eligible domestic partnership *if those plans currently offer benefits to domestic partners.*

Employers at the properties we serve must evaluate whether any change in definition will affect their health plans in terms of cost and administration. Additionally, management should review their plan documents in order to ensure that the definition of Registered Domestic Partner coincides with California law.

I will continue to look into this matter, brothers and sisters, to see how the new provisions of SB 30 affect you under the terms of your medical and pension plans at our properties. I will keep you all posted on what I learn.

Tens of Thousands of California Workers to be Classified as Employees, not Independent Contractors

Under the provisions of Assembly Bill 5 (Gonzalez, *Democrat* – San Diego), tens of thousands of California workers in the so-called "Gig Economy" will be re-classified as *employees* rather than independent contractors. Enactment of AB 5—which hopefully will go into effect on *January 1, 2020*—means that employees in ride-hailing services like Uber and Lyft (and other businesses that rely heavily on independent contractors) will have many of the same, commonsense protections under state and federal labor laws that you, as Local 1277 members, enjoy at your worksites.

You may already know this, but those Uber and Lyft drivers you call when necessary have long been classified as *independent contractors*. That means they have been working *without* basic job protections and benefits. They work strictly by the rules and whims of management. To Uber and Lyft management, and the bosses in similar businesses that rely on individual contractors, these hard-working, long-hours workers are just disposable items; if one doesn't like the working rules, there are always others to replace them.

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Employees Now—With Rights!

No more. Under AB 5, this enormous—and growing—group of California working men and women will acquire those labor rights and protections that you already receive through your Union’s efforts. After January 1, these “Gig Economy” employees will be eligible for health-care subsidies, unemployment insurance, paid parental leave, overtime pay, workers’ compensation, and a guaranteed \$12.00/hour minimum wage.

In other words, these working people will finally get the basic, sensible protections and benefits that millions of other working Americans have received for years! And it’s about damn time, too! AB 5 has cleared the state assembly and, as of this writing, is being considered in the state senate, where it should easily pass. Then the bill would go to the governor for his signature.

Of course, Uber, Lyft and other “gig” employers are crying “foul”, complaining that AB 5 will cut into their profits. *Boohoo.* They are upset that being forced to treat their employees as *people*, not disposable contractors, will hurt their operations and precious “bottom line”. Tough! *Their drivers’ work is what brings in their profits; they are nothing without them. It’s high time to treat them accordingly!*

I warmly commend Democrats Wiener and Gonzalez for their untiring and timely efforts to level the economic playing field on behalf of consenting adults and “gig” workers. These progressive legislators are making a tremendously positive difference in the lives and futures of countless California working people and families!

They’re Going Too Far!

Apparently, Uber, the ride-hailing giant, isn’t content to have altered the face of private transportation. Now, it wants to muscle into public transit—*our profession and livelihoods!*

In some American cities, Uber and Lyft have been used by mass-transit agencies to help boost accessibility (like rides to bus and train stops). As an aid to increasing mass-transit use, these ride-hailing services may actually help our profession. But that may not be enough for them.

In a small-city experiment, Uber offered the Canadian town of Innisfil, Ontario, cheaper rides (as a per-rider cost to the city). *In effect, Uber has replaced Innisfil’s public-transit system.*

Carpool rides have replaced their buses. Fine, you might think, it’s a small town in Canada, but the major *American* city of Denver has been talking with Uber about its Innisfil operation.

These may well be *our* jobs on the line here, brothers and sisters. Maybe this is only a move by Uber to shake things up. Maybe this is only a proposal that would work in a small town. Maybe. *But maybe Uber might have enough muscle and money to throw around to make some mass-transit agencies in our region start to think thoughts that could negatively affect our Union and your jobs and futures!*

Where might Uber hold its next “We want to run your transit system” conversation?

In Case You Ever Doubted The Reality of Income Inequality!

Here, brothers and sisters, is the most *in-your-face proof* of the terrible curse of income inequality that plagues our country. The non-partisan, non-profit Economic Policy Institute has just released the following fiscal shocker: ***Pay for corporate CEOs has grown by 940.3%—that is not a typo!—since 1978.*** I repeat: That is not a misprint—and that obscene figure is adjusted for inflation!

Now, take a guess at what rate wages for the average American worker has grown since 1978. Try ***11.9%***. And, again, that is not a typo! These disastrous pay/wages figures include salaries/wages, bonuses (have you gotten a lot of those?), stock awards (or those?) and long-term incentives.

Oh, and just to “sweeten the pot” a bit more: ***There has been exactly a zero% increase in the national minimum-wage level since 2009. Zero.*** But we are assured from Washington, D.C. that income inequality is “fake news”. Right!



Attention All Veterans: The L.A. County Fed Needs Your Help



The Los Angeles County Federation of Labor is establishing a Union Veterans Committee, and is seeking to engage, support and involve United States military veterans in its member unions and throughout communities in Los Angeles County. By joining a national network of local chapters of union veterans, the County Fed will be able to raise the voices of working-class veterans. I urge you to take a few minutes to fill out a short survey. Thank you for your service and your participation in this important effort.

Log onto: <https://www.surveymonkey.com/r/unionveteranssurvey>

SOLIDARITY!

The Glue that Holds the Union Movement Together

By Mauro Varela - Treasurer, Local 1277

I am pleased to report that I had the honor of attending the 50th anniversary celebration of the historic, almost legendary *United Farm Workers Union (UFW)*. I was proud to represent ATU Local 1277, earlier this year, joining many other unions and socially involved organizations in honoring the struggle and glory of one of the most famous unions our movement and this country has ever seen. This was a milestone celebration *of half-century of fighting for human dignity and workers' rights*.

Under the determined and inspired leadership of *Cesar Chavez*, the UFW fought long and hard to overcome decades of racial prejudice and abusive anti-union activities on the part of the big produce growers in California, who happily exploited poor, hard-working migrant farmers (*Braceros*), who picked and sorted their fruits and vegetables under hot and grueling conditions.

During the violent, society-changing 1960s, the plight of the badly treated farmworkers, along with opposition to the war in Vietnam and the rise of the Black power movement, were the principal causes taken up by unions and their progressive allies across the country. The UFW's fight became *organized labor's* fight. And rightly so.

What the Stakes Were

These poor, ill-treated men and women (and often children!) toiled in fields throughout California, harvesting the fruits and vegetables that the rest of the state and country enjoyed at home and restaurants. They were routinely exploited by the Agribusiness giants that knew that these desperate people 1) had no other way to scratch out a living, 2) they were providing an endless supply of fresh products that tens of millions of customers wanted, and 3) fattening their corporate bottom line. *Worker safety, fair wages and dignity be damned—there were piles of money to be made and workers to be used and replaced whenever necessary!*

Over the course of hard-fought, very often dangerous and violent confrontations and strikes that lasted years, the UFW, under Chavez and Dolores Huerta, and with the financial and solidarity support of unions and progressives, slowly but surely won basic rights for its members. It was a long and bruising battle, not unlike the civil-rights movement, but things did improve.

But: Our anniversary celebration was tempered by stories and memories of some of the farm workers in attendance: personal accounts of hard, grueling work under a broiling sun, sexual harassment, no sanitation or safety standards, and outright opposition to farmworkers' rights and their needs just to get by—to survive.

Flash forward to today, and consider Starbucks, everybody's home-away-from-home, it seems. One of the huge coffee chain's biggest product suppliers is Dairy Gold, a group of 12 dairies in the Pacific Northwest. *Even today, UFW-represented workers on these properties face substandard working and living conditions, and they are constantly exploited by managers who know that these men and women are afraid to formally complain because of their fear of deportation.*

This is happening in 2019, not 1969!

The union brought these grievances to Starbuck's attention, and predictably enough the giant, hugely profitable corporation ignored the pleas—it stated that it did not get involved with the production affairs of their suppliers. They took the easy way out and cheerfully went on earning their uncountable millions of dollars!

Yeah, we all like what Starbucks serves. And they know it. But maybe before we shell out for that *Latte*, we should remember the history and glory of the UFW, and its fight *today* on behalf of ill-treated workers. One of the few weapons working people have against the power and influence of corporate America is our ability to buy—or *not to buy*—the products that big business must sell in order to remain big business.

It's something to think about, brothers and sisters. Solidarity built and has sustained the union movement which has helped us all. Solidarity worked for the UFW in the 1960s, and we need it to work for that union again today—and for all unions and working people and families!

*Si Se Puede! Yes we can! Together we fight....
Together we win!*



Thinking about “our” holiday

The Labor Movement

By Errol Frazier - Vice President, Local 1277

As you dug into mouth-watering barbecue and shared the nice weather with good friends, neighbors and con-workers, I hope you took a moment to think about what Labor Day means and celebrates.

Unions have been around in one form or another since before our country’s formal birth in 1776. The labor movement began and grew because of the need to protect the workers. For their members, organized labor has fought long, hard and sometime violently for reasonable working hours, better wages and benefits, and safer working conditions. The union movement has benefitted the greater good—our communities and American society as a whole. *Simply put, unions mean a better life for us all.*

The arrival of the pilgrims at Plymouth Rock in 1620 was the foundation of the labor movement in a colonial America. Carpenters, cordwainers (shoemakers), cabinet makers and other working craftsmen of the like were some of the first to arrive. Many of these workers played a large role in the fight for independence, and the “pursuit of happiness” through shorter hours and higher pay. The first strike, (History.com/Labor Movement-Facts & Summary) occurred in New York in 1768—eight years before our Declaration of Independence. The strike was a protest against a wage reduction for journeyman tailors.

Around the 1820's, the few organized labor groups that existed started a push to reduce the regular working day from a very long 12 hours down to a more manageable 10 hours. This is around the time that the steam engine was invented, and the use of water power to operate heavy machinery was starting to flourish. In effect, this was the infancy of the industrial revolution in America. This was the beginning of the big-factory system. *This was the era that would produce great wealth for the few and dehumanizing poverty for many* (the start of income inequality—see the corresponding item in President Aguilar’s report about that).

This is also the period that organized labor would start to make its greatest gains with respect to the number of members. In many cities across the nation, unions would join together to form federations. Formed in 1866, such a federation, the Nation Labor Union, was able to persuade Congress to pass a law that would make 8 hours the standard work day for Federal workers. That would eventually become the standard work day for all Americans.



In 1911, on New York’s lower East Side, the Triangle Shirtwaist Company caught fire. Almost all of the 150 employees, mostly young women, died horribly. Some burned, but many jumped to their death. They perished because all of the fire escapes had been locked shut—allegedly to “prevent theft”. This and many other tragedies like it because the battle cry, the rallying demand of organized labor: *improve workers’ safety*. This early fight brought about much-needed change and paved the way for overdue reforms in industrial standards for jobsite safety.

All of the gains that can, and should be attributed to the fight by the labor movement have also been enjoyed by others. For instance, consider the aforementioned standardized 8-hour work day and the reforms that have increased workers’ safety. It is also a fact that increases in wages won by organized labor raised the average compensation in industries throughout the country. Vacations and the amount of time accrued (seniority) are also benefits that have been enjoyed by non-union workers through the efforts of unions.

I really hope you enjoyed your long weekend, but let’s never forget that many of the advantages we enjoy were won by brave people who come before us and fought hard. And for the many will come after us, it is now *our* time to proudly carry the torch for the movement!

Here are the upcoming Local 1277 membership meetings for September and October. Please make every attempt to attend the meeting for your unit. It’s **your** Union, and we need your participation at our meetings! All members will receive credit for the meetings.

Tuesday, Sept 3: Tuesday, Oct 1:	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, Sept 4: Wednesday, Oct 2:	Metrolink Unit members: Union Offices, 1744 North Main Street. Morning Session 11:00 a.m.
Wednesday, Sept 4: Wednesday, Oct 2:	Riverside area members: 1074 E. La Cadena Dr., Riverside Morning Session 10:00 a.m. Afternoon Session 3:00 p.m.
Thursday, Sept 5: Thursday, Oct 3:	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, Sept 5: Thursday, Oct 3:	Long Beach: Machinist Hall, 319 W. Broadway, Long Beach Morning Session 10:00 a.m. Afternoon Session 3:00 p.m.