



Local 1277

News

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President's report

The List of ATU's Brave, Dedicated Fallen Continues to Grow

By Art Aguilar - President, Local 1277

The coronavirus pandemic continues to spread, unchecked. Our country, reeling from almost 120,000 deaths, now faces new outbreaks in some of the states that "opened up" for business. And our International Union, sadly and horribly, must add 11 more members to our way-too-high number, bringing the ATU's loss of life to a terrible 54—fine co-workers now gone far too early.

- **Charles Jackson**, Local 1433, Phoenix, Arizona, Bus Operator, 6 years
- **Pedro Balon**, Local 820, Union, New Jersey, Retired Operator, 34 years
- **Clarence Berger**, Local 1338, Dallas Texas, Bus Operator, 8 years
- **Pedro Gafare**, Local 241, Chicago, Illinois, Bus Operator, 8 years
- **Jose Cardenas**, Local 241, Chicago Illinois, Bus Operator, 22 Years
- **Fred Westbrook Jr.**, Local 26, Detroit Michigan, Bus Operator/President - Business Agent, 30 years
- **Jesse Dela Cruz**, Local 192, Oakland California, Retired Bus Operator, 40 years
- **Jesse Bankhead Jr.**, Local 1764 (18 months) and Local 689 (2 years), Washington, D.C.
- **Alfonso Villarmarin**, Local 819, Newark, New Jersey, Bus Operator, 19 years
- **Tiran Billups**, Local 819, Newark, New Jersey, Bus Operator/President – Business Agent. 24 years
- **Richard T Zaib**, Local 1056, New York, New York, Bus Operator/Former President – Business Agent, 25 years

Rest in Peace!

Medical Update

I am pleased to update every MTA-Unit ATU Local 1277 brother and sister about new benefits and conditions concerning your all-important medical-health coverage package.

Blue Cross History: In our current agreement for the Rx (prescriptions), it states co-payments of \$10.00 for generic drugs and \$15.00 for brand names—up to a 30-day supply for retail and a 60 day supply for mail-order.

However, prior to July 1, 2019, the Rx Company was allowing up to a 90-day supply for a one-month supply fee \$10.00 generic or \$15.00 brand name at retail or mail-order cost. Blue Cross originally denied this deal was ever authorized. However, we provided them with information from members who were given prescriptions for up to 90 days and paid the 30-day supply fee—as far back as 2016. We were backed up by the information many of you provided us for our investigation. *Thank you!*

On Friday, June 19, we held a medical meeting, and all our points were confirmed. **Therefore, effective immediately Blue Cross has agreed that if a member is given a prescription for up to 100 days and chooses to go to a retail store or mail order for fulfillment of the order, he or she will only be charged a 30-day supply fee.**

Also, if you were given a prescription for up to a 90-day supply and you chose a retail outlet to fill the order, and were charged a retail price of \$30.00 or \$45.00 dollars, **you are entitled to a refund.** Blue Cross is doing an audit on who is owed the difference. We will update you once the audit is complete.

Vision Service Plan (VSP): We have added two more benefits that will be covered as of July 1, 2020. First, High Index lenses that are for individuals who have a strong prescription. This can make your lenses thinner and lighter, at no additional cost. Second, Poly-carbonate lenses are thinner and lighter than plastic lenses. They are shatter-proof and provide 100% UV protection.

As always, your Union works diligently to provide you with the best-possible, most-affordable medical coverage. We will keep doing so and, please believe me, your input and comments on the benefits we provide are both helpful and welcome!

Notes from the Front Line

Our International Union reports that three *Democratic* senators introduced a bill to keep bus and train operators safe. The **Essential Transportation Employee Safety Act** would require the Secretary of Transportation to work with the CDC and FEMA in order to provide priority testing for transportation workers, *along with* PPE/sanitizing mandates for transit agencies.

We gratefully thank Senators Maria Cantwell (Washington), Richard Blumenthal (Connecticut) and Ed Markey (Massachusetts) for their concern for transit workers and leadership on this critical issue. As Senator Blumenthal correctly noted, *“As these workers continue to serve the public on the roads, railways and in the skies, they must have priority access to coronavirus tests, readily available PPE, and a safe workplace to protect their health.*

Amen to that!

In early June, ATU International President John Costa spoke to Congress about the **Pandemic Heroes Compensation Act**. Brother Costa forcefully detailed the challenges, fears and concerns of ATU members who continue to bravely report to work, as they have since the start of this outbreak.

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He said, “Driving a bus has always been a tough job, even before the coronavirus. Now, we are dealing with an invisible challenge out there, and it’s an enemy that we cannot see. Unfortunately, it is going to get worse before it gets better.”

Referring to the federal government’s slow response to the crisis and ATU members’ needs, President Costa add, “They call us heroes, but when we get to the bargaining table, we are zeroes.” He blasted the continuing lack of masks, gloves, PPE, sanitizers and other essential health-protection supplies our members across the U.S. and Canada so badly need.

We have a strong voice representing us in Washington, D.C., brothers and sisters!

June 5, 2020

Statement from Art Aguilar, Chairman, ATU’s California Conference Board

Our country—the home we have always been encouraged to love and respect—lies broken and bleeding. Our President—the leader we have always been assured has our best interests and goals at heart—is both missing in action and, from his White House bunker, deliberately fanning the flames of hatred, ignorance and intolerance.

While more than 108,000 Americans have died from the still-unchecked coronavirus, ordinary, defenseless citizens—overwhelmingly black and brown—are assaulted and murdered, essentially because they *are* black and brown. While our national, state and local economies are tanking, and unemployment is at the level of the Great Depression—with more lost lives, jobs, savings and futures to come—law enforcement has become a dangerous sick joke: Elements of those who are supposed to *protect* us, are *killing* us.

The death of George Floyd, in Minneapolis, is far more than a needless, mindless tragedy: It is an indelible stain on our nation, our values, ourselves. It is an unmistakable road marker on the path to American society’s convulsion, loss of national self-respect, and complete eclipse of our international pride, influence and leadership.

His murder is *beyond* a wrong that must be righted. His death is *beyond* another grim example of an issue that desperately needs to be addressed and fixed. It is a cancer in our national body, and it will kill us as surely as the coronavirus and the destruction of our planet.



And just as the completely understandable and necessary Black Lives Matter movement is a strong, daily reminder of past sins and the long way we still have to go in order to heal our poisonous racial/economic divide, so we must thoroughly grasp that the frustration and outrage of disadvantaged, marginalized and often *terrorized* citizens of our country is both justified and an outgrowth of hundreds of years of intolerance, hatred, ignorance and rabble-rousing fear.

Above all, let us not simply express outrage and despair, and then go back to our normal lives. We *must not* see what’s happening, wring our hands, and then put the incident out of our minds until the next incident stirs us up again. These deaths, these protests, are not dots on a chart; they make up a pattern of mistreatment, prejudice, inequality and violence which we must overcome before those dark forces overcome *us*.

The ATU’s California Conference Board, representing over 13,000 hard-working, dedicated, frontline public transit professionals and their families, *condemns*—in the clearest, strongest-possible words and feelings—the terrible deaths of George Floyd and far too many other victims of law-enforcement overreaction and contempt for people’s rights and lives. We hate what our country is becoming, and fully and gratefully support Black Lives Matter and similar groups that are in the forefront, along with organized labor, in fighting this evil that threatens to destroy the country we have always thought of as a positive, special ideal and place.

Legal advice you need to know!

You May Refuse Unsafe Work During Times of Civil Unrest

By Jeff Shaffer - Financial-Recording Secretary

Let's face reality here, brothers and sisters: Even without the added hazard of the still-unchecked coronavirus, a lot of the work we do can be classified as unsafe. Coach operators face unruly, uncaring, sometimes violent passengers. Our members at the various repair and maintenance facilities we serve may well be exposed to dangerous chemicals and run the risk of mechanical or other accidents.

But now, add to all that the daily (and nightly) danger of civil unrest, brought about by the pretty-much justified local and national outrage over the indefensible killing of unarmed George Floyd by the worst elements of the Minneapolis Police Department.

You brothers and sisters, who diligently and bravely continue to report to work at all hours of the day and night, can run a real risk of injury—or worse—as you simply try to move from your homes to your worksites. Our jobs can be hazardous enough (add to that, the fact that transit coaches have been attacked and burned in some cities). Your careers simply must *not* be further jeopardized because you commute to and from work!

Just as it is completely wrong for African-Americans to have to risk their lives simply by being outside and minding their own business, it is equally wrong for dedicated, front-line working people like yourselves to have to risk injury or worse for serving the public by performing your important work, and also transporting both detainees and law enforcement!

Our International's View

The ATU International takes the threat of civil unrest to your health and safety very seriously.

The International's legal team wants every ATU brother and sister, wherever they work, whatever job they perform, to fully understand this: **You have the absolute legal right to refuse any work that can reasonably be defined as unsafe! Be very clear about this, brothers and sisters: The current civil unrest is just another condition that can be classified as unsafe for you to work in—along with the coronavirus and dangerous worksite conditions!**

Our lawyers further stress that this protection *may* vary considering in what state or local jurisdiction you work in, what kind of work you do, and whether or not you work for a public or private transit agency.

However, the basic rule applies: If *reporting* to work, or *doing* your work, puts you in any kind of danger, **you have a protected legal right to refuse that assignment!**

For example:

- You refuse assigned work (or reporting in) out of a *genuine* fear for your safety
- **Your fear is reasonable: Unsafe working conditions; the coronavirus and, now, civil unrest**
- You have personally asked your supervisor for safe work
- **Your employer has failed to provide you with safe work**

If you refuse work:

- *Immediately* contact a union representative to assist you.
- **Demand safe substitute work at your current rate of pay while your employer is (hopefully) fixing the problem. If your employer places you on non-paid status, file a grievance immediately.**
- *File a grievance* immediately to challenge any disciplinary action or retaliation of any sort.

A final thought, brothers and sisters: *Don't even think about waiting for management to look after your safety and well-being, either on the job or commuting to and from it! That's a bad strategy. During this period of civil unrest—and who know how long it may go on?—be ready to exercise your right to refuse unsafe work! It's your safety and lives that may well be at stake.*

Eighteen Local 1277 Members Retire from Careers at MTA

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

Steven Cowens, Service Attendant, Division 18, 12 years, January 3, 2020; *Eric Riccio*, Mechanic A, Division 10, 40 years, January 6; *Robert Morris*, Mechanic A, Division 2, 23 years, January 7; *Robert Mitchell*, Mechanic A, Division 10, 23 years, January 12; *Sergio Chaparro*, Senior Service Attendant, Division 15, 12 years, January 30; *Vincent Dorsey*, Rail Electronic Communication Inspector, Rail Electronic Communications, 31 years, February 8; *Steven Haas*, Mechanic A, Division 5, 20 years, February 9; *Tam Nguyen*, Rail Warranty Equipment Mechanic, Rail Warranty, 25 years, February 23; *Donald Caswell*, Mechanic A, CMF, 36 years, March 26; *David Chan*, Mechanic A, CMF, 37 years, March 27; *Lewis Hayes*, Property Maintainer A, Facility Maintenance, 39 years, March 31; *Monica Carney-Hayes*, Mechanic A, CMF, 30 years, March 31; *Nguyen Le*, Electronic Communication Technician, Revenue Collections, 17 years, April 2; *Danny Tsai*, Electronic Communication Technician, Revenue Collections, 20 years, May 1; *Robert Magana*, Mechanic A, Division 18, 12 years, May 2; *George Arredondo*, Mechanic A, Division 9, 41 years, June 8; *Steven Hinojos*, Senior Service Attendant, CMF, 29 years, June 9, and *James Shirley*, Master Mechanic, Division 10, 23 years, June 13.

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

Twenty More Local 1277 Members Contribute to Vital ATU COPE Fund

Twenty 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.

Shawn Vargas; Mark A Garcia; Cesar Salas; Gwendolyn Tillman; Jolonda Montgomery; Pedro Munoz Jr.; Manuel Cabrera; Martin Rizo; Ramon S Gutierrez; Jaime A Cuellar; Enrique Aguayo; Adam Ramirez-Gomez; John Busigny; Pablo Gonzalez Arguello; Rodney McGee; Juan Solano; Anthony Ray; Fernando Garibay; Adam Gordo, and David Derosa.

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.

California Labor Code Section 233

Attention Riverside Unit Members: An Update on Our Arbitration

By Mauro Varela - Treasurer, Local 1277

Dear brothers and sisters, I fully understand that a lot has changed over the last several months. We are facing something very unprecedented in both our health and social wellbeing. The Coronavirus pandemic has hit the entire world extremely hard, and it shows no signs of coming under control. Our country is really struggling to overcome it and somehow get our economy re-started again. Add to that the civil unrest and protests that have been fueled by hate and systemic racism, and we find ourselves living in very unnerving and uncertain times.

Please know that your Executive Board has been working hard during this crisis to try and help ease the worries from reaching your places of work. With other agencies starting to lay off employees, we have so far managed to keep that from happening at all the properties ATU Local 1277 represents.

It is true that some of you might not be overjoyed about the changes that have happened recently, especially affecting our brothers and sisters at Riverside Transit. But please remember: *everyone is still working, and no Local 1277 member has had to worry about joining the long, ever-growing, and very depressing unemployment lines.* This is no small thing!

The LC 233 Arbitration

Aside from constantly trying to prevent our members from being “walked out the door” due to a lack of work, I am pleased to announce a long-awaited arbitration update that affects our brothers and sisters at RTA.

As you all may be aware, back in June 2018, Local 1277 and RTA management went to arbitration held over the implementation of California LC 233. It has been more than two years, but I can report that we will be getting a decision soon! After many unsuccessful attempts by both labor and management to contact the arbiter who heard the case back in 2018, *it was decided to select a new arbiter and have him/her issue a decision.*

I am bringing you this update for two reasons. First, as you all know, RTA continues its practice of implementing LC 233 *as it arbitrarily chooses to do so.* Therefore, getting a decision on this will once and for all settle the dispute over implementation. Second, during these trying times, given all the confusion of sick pay and what qualifies and what doesn't qualify for COVID-19 pay, having the ability to use your LC 233 rights may very well come in handy.

Please know, RTA Unit brothers and sisters, that we will keep you up to date on what is the *longest-awaited* arbitration decision in ATU 1277 history! And, as always, please feel free to contact me (mwarela@atu1277.com, 213/210-7353) with any questions, comments or concerns with any RTA matters.

Rest assured that your Executive Board always has your best interests in mind. If it came to that, we would much prefer to reclassify members into positions that may be needed than have *any* of you lose your jobs, careers and security! ***The absolutely last thing we want to add to your current worries is not knowing how you will pay your mortgage or rent, or if you will have enough money to buy groceries to feed your families.***