



Local 1277

News

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President's report

ATU's List of Dedicated Fallen Continues to Grow

By Art Aguilar - President, Local 1277

It just goes on and on! Our national death toll due to coronavirus is over 170,000, with no end in sight. And our International Union, sadly, has to add seven more names to the list of honored dead, bringing our grim total to 83 members and retirees who have left us far too early.

- **Peter M. Castillo**, Local 694, San Antonio, Texas, Storeroom Clerk.
- **James McIntyre**, Local 1395, Pensacola, Florida, Bus Operator
- **Gil Beltran**, Local 1433, Phoenix, Arizona, Bus Operator
- **Jose Mulato**, Local 1225, Marina, California, Bus Operator
- **David Perez**, Local 1704, San Bernardino, California, Bus Operator
- **Darryl Willis**, Local 1704, San Bernardino, California, Bus Operator

• **Francisco Monreal**, Local 1277, retired Mechanic A, Division 3

Notes from the Front Lines First Shot Fired in Organized Labor's To Defeat Proposition 22

As you know, our Union, along with *all* of organized labor in California, is going all out to defeat the awful state Proposition 22 on the November ballot. This anti-working people scam by ride-hailing giants Uber and Lyft would eliminate the sensible provisions of last year's AB 5, which mandated their drivers be treated as *employees*, thereby granting them basic protections of pensions, healthcare and collective-bargaining rights. Prior to passage of AB 5, these drivers were treated as private contractors, completely at the "mercy" of the companies.

On Monday, August 10, a San Francisco Superior Court judge upheld the State of California's request to recognize Uber and Lyft drivers as employees, eligible for the common sense protections of AB 5. The judge blasted Uber and Lyft for their "prolonged and brazen refusal to comply with California law" (AB 5).

To be sure, this is only an opening shot in our fight against Proposition 22. Uber and Lyft will appeal the decision and stall for as much time as they can while the legal process works itself out. Still, it's an encouraging sign that a judge has

seen through the Uber-Lyft smokescreen and is calling out those companies for the anti-working people frauds they are. Uber and Lyft's position is, if you are employed through an app, then you are an independent employee and *not* entitled to benefits. If they win (if Proposition 22 passes), you can bet that every employer will start hiring through apps. *And then, all that we have fought so hard for will be lost!*

Bottom line: We must defeat Proposition 22 and help grant basic workplace and human rights to tens of thousands of Uber and Lyft drivers throughout California!

ATU Calls for Extensive Funding For Public Transit in New Stimulus Bill

With Congressional Democrats and Republicans fighting over the amount of money and the spending priorities for a new coronavirus aid package (as of mid-August), the ATU led the important effort to secure *\$32 billion* in emergency federal funding for cash-strapped public-transit systems through 2021, as our industry continues to struggle to meet the travel needs of Americans during this unprecedented global pandemic.

The requested funding is badly needed to maintain—and expand—services, including keeping existing lines throughout the country, avoiding layoffs among our brothers and sisters, buying PPE and ensuring the safety of our professionals on the job.

The ATU, along with other transit unions, agencies and riders' groups, has laid it on the line: *If Congress fails to add \$32 billion in funding, mass transit in the U.S. faces "irreversible harm."* Stay-at-home conditions and physical-distancing rules have taken a serious toll on the demand for public transit. This drop-off threatens services, routing and transit workers. If and when states and cities *safely* "re-open", there will be an increased demand for public transit. If systems fail, if agencies and their employees cannot serve the public, both communities and the U.S. economy will greatly suffer.

"No Zeroes for Heroes"!

Calling for a new contract, ATU Local 1342 (Buffalo, New York) President Jeffrey Richardson is demanding hazardous pay for our members who are working through the pandemic. "Our members came to work every single day without complaining, without all the PPE we needed," he said. *Finally*, after a hard fight that never should have been needed, Local 1342 members got their badly-needed PPE. *What took management so long, one might ask?*

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California State Federation of Labor En

As it does every two years, the California State Federation of Labor has issued its slate of endorsements in partisan and ballot-initiative elections for *Tuesday, November 3*. The state-fed endorses only those candidates who commit to advancing our agenda of progressive legislation.

This is an *incredibly important* election, at the Presidential, congressional and statewide (ballot initiatives) levels. Please review these endorsements and support labor-backed candidates and initiatives. All those endorsed are *Democrats*.

President/Vice President: Joe Biden, Kamala Harris

United States Congress

District 8 – Chris Bubser

District 25 – Christy Smith

District 26 – Julia Brownley

District 27 – Judy Chu

District 28 – Adam Schiff

District 29 – Tony Cardenas

District 30 – Brad Sherman

District 31 – Pete Aguilar

District 32 – Grace Napolitano

District 33 – Ted Lieu

District 34 – Jimmy Gomez

District 35 – Norma Torres

District 36 – Raul Ruiz

District 37 – Karen Bass

District 38 – Linda Sanchez

District 39 – Gil Cisneros

District 40 – Lucille Roybal-Allard

District 41 – Mark Takano

District 42 – No endorsement

District 43 – Maxine Waters

District 44 – Nanette Barragan

District 45 – Katie Porter

District 46 – Lou Correa

District 47 – Alan Lowenthal

District 48 – Harley Rouda

District 49 – Mike Levin

California State Senate

District 19 – Monique Limon

District 21 – Kipp Mueller

District 23 – Abigail Medina

District 25 – Anthony Portantino

District 27 – Henry Stern

District 29 – Josh Newman

District 31 – Richard Roth

District 33 – Lena Gonzalez

District 35 – Steven Bradford

District 37 – David Min

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Brother Richardson added, *“We demand a fair contract that recognizes the commitment of workers risking their lives and the lives of their families each day on the job during this pandemic.*

You got that right, Brother!

Some Riders Continue To be Criminally Mindless!

In late July, in San Francisco, a coach Operator was assaulted by teenage riders who boarded without face masks and refused repeated requests from the driver to put on *mandated* face coverings. One of these thugs attacked the TWU Local 250 brother with a small souvenir-type baseball bat, and all of them hurled racial slurs at the Operator, who is Asian-American.

Local 250’s President noted that these mindless idiots also *spit* on the Operator which, in these days of an unchecked coronavirus pandemic, is even more thoughtlessly dangerous and rude than ever. The Operator was treated for a fractured finger and numerous bruises. I’ve asked this before, but I have to ask again: *What is wrong with some people?*

Too Many Chicago Riders Still Refuse to Wear Face Masks!

Coach Operators in ATU Local 241 (Chicago) continue to be concerned because far too many riders refuse to wear face masks as they board. The Chicago Transit Authority (CTA) does *not* allow our Operators to request that riders put on a mask. Further, Operators *cannot* refuse to let mask-less riders board!

Local 241 President Keith Hill demands that CTA mandate all riders must wear face masks. Our members, he adds, “are putting our lives on the line, our families’ lives on the line.”

Bottom line, Brother Hill says, the *CTA must enforce mask wearing on coaches. Our members and considerate, sensible riders cannot rely on other people’s choice or responsibility when it comes to this life-affecting matter.*

Open Enrollment

MTA Unit members: Open enrollment in the health-coverage plan is *Tuesday, September 8 – Friday, September 25*. Open enrollment for UNUM coverage is *Monday, October 19 – Friday, October 30*.

Endorsements for November 3 Elections

California State Assembly

District 39 – Luz Rivas

District 40 – James Ramos

District 41 – Chris Holden

District 42 – No endorsement

District 43 – Laura Friedman

District 44 – Jacqui Irwin

District 45 – Jesse Gabriel

District 46 – Adrin Nazarian

District 47 – Eloise Gomez Reyes

District 48 – No endorsement

District 49 – Ed Chau

District 50 – Richard Bloom

District 51 – Wendy Carrillo

District 52 – Freddie Rodriguez

District 53 – Miguel Santiago

District 54 – Sydney Kamlager-Dove

District 55 – Andrew Rodriguez

District 56 – Eduardo Garcia

District 57 – Lisa Calderon

District 58 – No endorsement

District 59 – Reggie Jones-Sawyer

District 60 – Sabrina Cervantes

District 61 – Jose Medina

District 62 – Autumn Burke

District 63 – Anthony Rendon

District 64 – Mike Gipson

District 65 – Sharon Quirk-Silva

State Propositions

Proposition 14 (Bonds for stem cell research) – YES

Proposition 15 (Taxing commercial property) – YES

Proposition 16 (Repeals anti-affirmative action laws) – YES

Proposition 17 (Parolees can vote) – YES

Proposition 18 (Voting for 17-year-olds) – YES

Proposition 19 (Revenue for Wildfire Agencies) – YES

Proposition 20 (Felony sentences for some misdemeanors) – NO

Proposition 21 (Expands rent control for residential property) – No recommendation

Proposition 22 (Eliminates Uber/Lyft drivers' job protections) – NO! NO! NO!

Proposition 23 (State regulation of Kidney Dialysis Centers) – YES

Proposition 24 (Amends consumer privacy laws) – No recommendation

Proposition 25 (Repeal law that eliminated money bail system) – YES

Organized Labor's Selection Process

By Jeff Shaffer - Financial-Recording Secretary

As you know, over the years, your Executive Board has recommended that you vote for candidates and office holders who support organized labor, and the needs and goals of working men, women and families. We are most often guided by the choices made by the California State and Los Angeles County Federations of Labor. On occasion, especially in city and county races, your Board directly interviews prospective candidates and incumbent office holders.

Our goal—*always*—is to recommend the very best politicians to you. *Almost all the time, they are Democrats.* Why? Because for more than a *century*, the union movement—at all levels, federal, state and local—has found a home and sincere support and caring within the *Democratic Party*. The *Democrats* have consistently supported organized labor's priorities of social justice, income equality, economic fairness, union rights, adequate and affordable healthcare, quality public education, and fair play for immigrants.

The first step in our selection process is sending out a questionnaire to candidates—both challengers and incumbents—who are running in the races that are important to us.

The candidates' returned questionnaires give our screeners the first idea of their support for us and their understanding of the issues that we deem to be important (any candidate who does not take the time and thought to return a questionnaire is *not* likely worthy of our support).

Naturally, with *incumbents* running for re-election, we already have a track record of voting and support to go on. We know how they think, and we have experience with them and their staffs; we know what we can expect in the future based on their past voting record. There may be follow-up verbal interviews, but generally the incumbents' voting records speak for themselves.

With challengers, perhaps candidates running for the first time, the endorsing process is a bit more uncertain. Our interviewers review the questionnaires, try to form an opinion about the replies, and then arrange face-to-face interviews. In these Q-and-A sessions, we try to go beyond the written answers and draw out the challengers' answers to better get a sense of who they are, what they stand for, and how their background might translate to support for organized labor and its values.

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Along those lines, we most likely zero in on these topics:

- Views on contracting out union jobs
- The role of unions in the workplace
- Organizing and collective-bargaining rights
- Jobsite safety
- Healthcare, education, and social equality
- How will you work to advance our agenda?
- Will you accept contributions from anti-union businesses?
- To what extent do you support public-private partnerships?

After a candidate leaves, the debate among the interviewers can sometimes be lengthy and emotional. After all, an endorsement from the federations that represent working people and families (or an endorsement from ATU Local 1277) is no small thing. We are betting either on the track record of incumbents or the promise of challengers that they will work hard for and vote with the union movement and the families it represents.

In return for that pledge, organized labor—at all levels—contribute millions of dollars to campaigns across the country, in California, and locally. We provide volunteers for phone banks, precinct walking, poll watching and leaflet and sign distribution. We urge our members to vote for our endorsed candidates. *We are there for our candidate every step of the way.* The screening and interviewing of candidates is one of the most important functions of organized labor's participation in our electoral process.

Back to Back Wins For RTA Unit Members!

By Mauro Varela - Treasurer, Local 1277

We won *big time*, brothers and Sisters! ATU Local 1277 scored two major victories against RTA in July. We received the long-awaited decision on the L.C. 233 battle, and we also settled an attendance policy issue that affects counted-absence-points.

As all RTA unit members know, we've been patiently waiting for a decision for over two years on the L.C. 233 case. The original arbitrator who heard the case ceased all communication with our Union and RTA; therefore, this is why a decision has been delayed for so long. After choosing a new arbitrator, and using the transcripts of the original arbitration, we finally got a decision in this case.

He concluded that we correctly argued that RTA had wrongly applied L.C. 233 to any employee's first six absences of a calendar year. Therefore, the arbitrator instructed RTA to cease its policy and follow the law, which states that it is the employees' right to choose when they wish to apply L.C. 233 to an absence, as long as it meets the requirements under the law.

You may recall that L.C. 233 says, "Any employer who provides sick leave for employees shall permit an employee to use in any calendar year the employee's accrued and available sick leave entitlement, in an amount not less than the sick leave that would be accrued during six months at the employee's then current rate of entitlement." This means that half of your annual accrual is eligible for L.C. 233 use. For example, if you accrue 96 hours (12 days) of sick leave, you may use up to 48 hours (6 days) of L.C. 233, or if you accrue 48 hours (6 days) you could only use 24 hours (3 days) of L.C. 233 per calendar year.

Please keep in mind that a calendar year runs January 1 – December 31. Also, remember that in order to use L.C. 233, you must have sick leave hours available in your bank. For more information on your annual accrual and the rate at which you accrue, refer to Article 39, Section C, of our MOU. Also, refer to Article 39, Section C, for a list of applicable family members that L.C. 233 covers.

Another Win

Our second win concerns the attendance policy. As with L.C. 233 leave, RTA has been *incorrectly* charging our members with attendance violations. RTA has an attendance policy that is outside of the MOU. That means, per our MOU, under Article 12, "Notations of one year's standing or more on service record of employee will not be considered in disciplinary cases or promotions, except for theft, drug, and alcohol, insubordination and mishandling of fares."

RTA employs the notion that if you go out on an approved leave, it freezes your "time" and it stops the "count" on your attendance. In some instances, members were out for more than a year, but because of the "stopped" time, they continued to accrue attendance points once they returned to work. That practice is *outside* the one-year time frame for discipline and, yes, attendance points are a form of discipline.

In settling, rather than go back and check each and every employee's attendance record, RTA will meet with an employee and a Union rep to evaluate their point count (as the violation occurs)—if that employee is charged with an attendance violation. This will remain in effect until July 17, 2021, by which time any attendance issue will be over a year old. Only points issued after July 17, 2020 will count. If you need further clarification, be sure to reach out to your Shop Steward or me.

Brothers and sisters, these victories may seem small now, but keep in mind it's the small victories that help win the larger battles.

The I.E. Labor Council & the Census

On August 12, the Inland Empire Central Labor Council released some important news concerning the vital 2020 census. I urge all ATU Local 1277 brothers and sisters in Riverside and San Bernardino Counties read this carefully.

Because of the continuing coronavirus pandemic, the federal government had extended the deadline for responding to the census to October 31. However, the cut-off has arbitrarily and unfairly been brought forward to **September 30**. This is clearly an attempt by some bureaucrats and conservatives to suppress voter turnout among minority and progressive voters.

Further, in eastern Riverside County and the High Desert area of San Bernardino County, response to the census questionnaires has been *dangerously low*. So far, less than 60% of eligible people have answered census questions, down from 2010's too-low response of 62%.

Please remember, brothers and sisters, the vital importance of the census: It accurately records the number of people in an area, and that determines the amount of federal and state aid that will flow into the region to fund badly needed health, educational and social projects. \$1,000 for every uncounted person, per year is lost for that area's use. Since the 2010 census, that lost revenue amounts to nearly \$1 billion! It is vitally important that we fill out the census form and be counted.