



Local 1277

News

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President's report

This is a Vital Decision for You: Pre-Designate Your Personal Doctor

By Art Aguilar - President, Local 1277

At any time during the year—but especially during *this unprecedented coronavirus pandemic*—all of us, actives and retirees, may have to make significant and clear-headed choices about our medical care future.

These decisions are more than important—they literally can be life-and-death choices!

The transit agency you work for has been, or soon will be, going through open enrollment for your medical insurance for the upcoming year. *This important period is also the time for an important reminder about pre-designating your personal physician.*

An historical note: On April 19, 2004, SB 186 was signed into law by the governor of California. *This law gives all our active members the permanent right to pre-designate your personal physician as the medical professional who you want to treat and care for you.*

In essence, SB 186 lets your employer know in no uncertain terms that if you are hurt while on the job, your *personal physician* is to be called in to deal with your medical condition. *There is no need, then, ever to have to go to see your employer's hired doctor, whose loyalty and diagnosis are often more likely to be in management's favor than for your own best health and welfare.*

After all, who knows your medical better than the man or woman who has been treating you over the years? Who else would you rather confide in when it comes to your health?

The Pertinent Regulations

There are a number of regulations that come with this very important right. You should be fully aware of them. In order to have *sole* rights to treating you, your personal physician must have:

- Treated you *before* your jobsite accident or injury
- Maintained your medical history and records *before* your accident or injury.
- Agreed to treat you for a work-related injury or illness *before* you got injured or ill

There are two more provisions of this law that we all must abide by in order for us to have a seamless transition to the physician of our choice:

- A completed form, signed by you and your doctor, must be on file for **30 days** before it can go into effect.
- The Pre-Designation form is good for only one year. A new signed form is needed every year.
- When you submit your Pre-Designation form, make absolutely sure that management stamps it, thus acknowledging that it has been received. ***Then be sure to keep a copy of that stamped form for your own records!***

Once your pre-designated physician's name is on file with your employer, you will be treated by him or her in the event of a jobsite accident, illness, or injury. You do *not* want to see the company doctor, nor do you have to. You most definitely want the kind of personal medical attention that you are used to with *your own doctor*.

This is a very important consideration, brothers and sisters. It can be even more than that: It can be a *life-saving* decision, especially during this unprecedented—and still raging—pandemic. Please think it over very carefully!

Alex Padilla Makes History as California's First Hispanic-American U.S. Senator

Just Before Christmas, Governor Gavin Newsom appointed California Secretary of State *Alex Padilla* to fill out the remaining two years of Vice President-elect Kamala Harris' seat in the United States Senate.

This is a very welcome and deserving appointment for *three* important reasons:

First, Alex Padilla has always stood with working men and women, and their families. In a varied and successful political career—as a Los Angeles City Councilman, a California State Senator, and State Secretary of State—he has consistently and vocally supported the agenda of working people and the unions that represent them.

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Padilla has fought long and hard for adequate and affordable health care for everyone, better public education, union rights and representation, income equality, a cleaner environment, expanded mass transit, and fair and free elections. He has been with us, brothers and sisters, at the *municipal and state* levels, and now Alex Padilla will be a strong voice and advocate for our needs and goals at the *federal* level, in the U.S. Senate.

Second, Hispanics make up 40% of California's population. 40%! But we have *never*—until now—had a Hispanic-American representing our state in the U.S. Senate! Certainly, Hispanics have ably represented—and continue to do so—Californians at the city, state, and U.S. Congressional levels. However, Padilla's appointment recognizes a long-overdue appreciation of the increasing political power and influence of nearly half of the population of our state!

Third, Padilla's appointment is a *generational* turning point. This is a factor that many political observers and commentators seemed to overlook in their speculations on who Governor Newsom might appoint to fill Harris' seat. What's that factor? ***The accumulation of seniority.***

The United States Senate runs on seniority. The longer a senator is there, the more power and influence he or she accumulates. For better or worse, it's as simple as that: Stay around long enough—keep getting re-elected—and you become a real mover and shaker in the Senate.

Alex Padilla is 47 years old. Assuming his very likely election in 2022 (when he has to run on his own for his seat), Padilla could easily rack up 25-30 years of Senate longevity, giving him increasing clout in the years to come. *This is very significant when it comes to committee chairmanships, passage of legislation important to him and California's working families, and overall influence among his colleagues.* While some of the other possibilities for the Harris seat would have been solid, pro-union, pro-working people choices—Congresswomen Karen Bass and Barbara Lee, for example—neither would have had the chance, because of age, to pile up the seniority that Padilla can. This is no small consideration and one, I am sure, the governor thought about.

And there's another bonus here: With the Democrats now in control of the United States Senate—thank you, voters of Georgia!—Padilla's voice and progressive vote will now be even more important during policy crafting and debate, as legislators work to advance a more working-families agenda. Further, Padilla will most likely have a broader selection of committee assignments which will help him work for us.

So, congratulations to Alex Padilla on what should be a long and progressive career in the Senate. Governor Newsom made an excellent choice, and unions, working families' agenda, and the State of California will benefit from it!

Biden Picks Strong Union Man to Head Federal Department of Labor

In yet another solid appointment to his cabinet, ***President*** (boy, doesn't that read well!) Joe Biden has nominated Boston Mayor ***Martin Walsh*** to be Secretary of Labor. Mr. Walsh, 53, is a veteran leader in organized labor, having been head of Boston's powerful Building and Construction Trades Council for two years before being elected mayor in 2013.

In selecting Mr. Walsh, President Biden has picked someone who will work long and hard to help fulfill a number of his 2020 campaign promises that will positively affect working men, women and families. They include: Strengthening union rights and influence; making it easier for unions to organize working people; improving pay; making *all* jobsites (public and private) healthier and safer; expanding OSHA's power and reach, and reversing some of the truly awful anti-labor policies put forward by the Trump Administration's Labor Department.

Mr. Walsh's ties to organized labor run long and deep. He dropped out of college to take a *union* construction job and later rose to become a local official in the Laborers' International Union of North America. In 1997, after winning a seat in the Massachusetts State Legislature, he earned a college degree and rose steadily to become head of Boston's building trades council.

As a major union leader and spokesman for working families, Mr. Walsh pressured local construction companies to reserve at least 40% of the jobs on large and public projects for racial minority workers. His record, both at the Building and Construction Trades Council and as Mayor of Boston, has been progressive and pro-working people, and it bodes well for what he will try to accomplish at the DOL.

ATU International President John Costa warmly praised the appointment: ***"In choosing union-card carrying Walsh to head a department tasked with administering and strengthening our nation's labor and employment laws, and protecting our workers, President-elect Biden has shown his support for labor unions. We have a friend in Marty Walsh."***

We at ATU Local 1277, and all of organized labor throughout California and across the country, are pleased with President Biden's choice and wish him and Secretary Walsh nothing but success in addressing and advancing the agenda of working people and families. What a refreshing and much-needed change both men are after the past four dreary, chaotic and anti-union years!

Are You Committing Fraud?

By John Dirito - Board Member-at-Large

Good morning, afternoon, and evening, brothers and sisters, I hope this newspaper finds you and your family well.

As the title asks, are you committing fraud? Hopefully, you've actually given pause and thought about it. Some of you may simply dismiss the question because you associate fraud (willful cheating) with *criminal* activity. While, yes, some instances of fraud will lead to a criminal record, I am posing this question in a broader sense, and I'll give you some for-instances.

A few years ago, I ran into an issue at one of our represented properties, where mechanic leaders were asked (and then eventually *ordered*) to sign on to a bus number so that "undocumented time" was at a minimum, even if the said leader never worked on the bus! I went around and around with management at the time and was told that it had gotten "marching orders" from higher up. So, I filed a grievance and explained that the order was, in reality, *forcing members to falsify job-on time*.

Fast forward to just recently, and the grievance is heard at the 2nd level GRC committee, where, in fact, those "higher-ups" are present and the issue should, for all intents and purposes, be resolved. Well, we did reach an agreement that members were inadvertently falsifying information and that the original message from management had been distorted. We also got a promise from management it would issue an official written notice to all personnel and clarify that leaders should only job-on to equipment when they are working, helping, or ordering parts for same equipment. As of right now, I have yet to see any such notice, and when I inquire about it, I get "Oh, we're still working on it."

Do Not Commit Fraud!

Brothers and sisters, *all* of our represented properties tout safety as their number 1 priority! It is rarely easy to do the right thing, but it is simply what we must do! If you did *not* work on, or fix, a piece of equipment, then do *not* attach your name to it as though you did! Heaven forbid there be some kind of accident investigation and yours is the name attached!

I've also had members ask about daily reports that their immediate supervisors have asked them to *not* "make so detailed" so they won't raise suspicions. But guess what, this very same scenario has led to the termination of one of our own members! Because he was following what was common practice, one that had been done time and again, the company decided to target him and make an example of his "fraudulent" behavior. Doesn't really sound fair, does it? We don't think so either, and our Union is still fighting this case.

Operators, did you know that the days of Line Schedulers are gone? They are a dying breed, with new software programs taking the place of these important workers. Many of you may realize by now that the runs, lines, and shift splits that you are being told to work are not made by somebody from the industry,

but rather a complex computer program based on algorithms that are designed not to make an Operator's life easier, but simply to save the company money! That's right: Your comfort or working conditions aren't taken into consideration for a moment; it's all about saving a dollar.

What do you think would've happened if our CBAs or MOUs weren't in place and effective? And I'll ask you this: Are you taking the time to take your earned break? Stopping to use the bathroom? Driving safely?? Or are you simply 'sucking it up' to make the time given you for your run?

Stop committing fraud! Do not defraud yourselves, brothers and sisters. So many of our hard-working labor families have struggled and fought to improve working conditions throughout our industry. By not taking the time to do what is right (your right), you are simply defrauding yourselves and those that will be employed after you. Don't be afraid to take a stand and do the right thing. Know your rights and use that knowledge when it comes to defending your right to have a safe, friendly, and healthy work environment.

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A vital reminder to *all* members

Know Your Weingarten Rights!

By Jeff Shaffer - Financial-Recording Secretary

This is not the first time I've written about this, brothers and sisters, but it is very much worth repeating: ***Always know how and when to use your Weingarten Rights. This is a very valuable, hard-fought benefit, one you must understand and be prepared to use if need be!***

While most of our "old hands" know about their *Weingarten Rights*, I want to especially bring this important benefit to the attention of our *new hires*. Specifically, some of you new ATU Local 1277 members may never have worked in a union shop before. You may not be familiar with the many advantages your union provides: representation; benefits; collective bargaining, security, and all the other essentials that relate to your job, families and future.

Once you complete your "Probationary Period" (a provision of all our CBA/MOU's), which is defined as a period during which the company evaluates you as a new employee in order to determine your ability to follow instruction, policies and company/agency practices, you will find that you have the advantage of well over 100 years of union experience on your Executive Board to help and serve you, whenever you may need it.

Note: Even though you may be on probation, this does not mean that you can't ask for union representation to be present if you feel your job is in jeopardy. It simply means that during this probationary period, you must follow all company/agency policies in order to avoid the risk of failing your probation. During this time, a union brother or sister can still file a grievance to correct, for example, a payroll error (if it has gone uncorrected through a verbal request).

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Your Weingarten Rights

Once you have successfully completed your probationary period, it is vitally important that you remember you now have *Weingarten Rights*. If and when you have to exercise them, you can be assured that you have ***the absolute right to union representation whenever you are called into a meeting by management in order to discuss your employment status.***

Under your *Weingarten Rights*, you, as an employee, have the unshakable right to say to management, **"If this discussion could in any way lead to my being disciplined or terminated, or cause an effect on my personal working conditions, I respectfully request that my union representative, executive officer or Shop Steward be present at this meeting. Without representation present, I choose not to participate in this discussion."**

These rights are particularly important and valuable if, as a result of that discussion with management, you believe you could be disciplined, discharged, or have your personal working conditions affected. **However, you must first request representation and inform management that you choose not to participate in such a meeting without union representation!**

You, Brothers and Sisters, Are Our Eyes and Ears!

By Mauro Varela - Treasurer, Local 1277

We have elected a new administration in Washington, D.C., one that promises honesty, decency, rule of law, and an emphasis on the needs and goals of working families: Better health care and public education; a *scientific* approach to resolving the coronavirus pandemic; expanded worker and union rights; a saner foreign policy; emphasis on civil and racial equality; a more progressive legal system, and a new thinking and priorities at the federal Departments of Labor and Transportation.

Here at Local 1277, we are ramping up for a slew of upcoming negotiations. As our brothers and sisters at Long Beach Transit know, we are already bargaining, even though our contract doesn't expire until June. Following that, our brothers and sisters at Riverside Transit Agency will bargain for their new contract.

Why do I bring this up? Well, ***because you are our eyes and ears!*** You are our field reps, so to speak. This is both important and necessary because our Union has only *five* officers and *one* very able administrative coordinator to receive, debate and act on the needs of more than *4,000* members (active and retired) and five major contracts. You can be sure we do our very best to deal with each and every issue that comes before us, as well as enforce our contracts. ***But—and this is critical--we simply cannot do it without you.***

We need you! We need people to file the grievances when the agencies violate our CBAs/MOUs. Grievances are one of the ways we can track what we need to work on during our negotiations. For example, if we keep having the same grievance over and over again, that raises a flag and lets us know that something probably needs to be addressed during negotiations. We

For most of our Local 1277 members, this may come as common knowledge, but perhaps for some of our newer members who may be unfamiliar with a union and the benefits of union representation, *this information could literally save your job!* If circumstances ever dictate, never forget to exercise your *Weingarten Rights*, especially if you feel you are going into a meeting that might affect your job or lead to any kind of disciplinary action!

A suggestion: Clip out this entire article, or at least the paragraph that spells out your *Weingarten Rights*, and carry it with you at work. I hope you never have to exercise this vital right, but if you must, it would be a good idea to have these words in your possession.

If you have any questions about your *Weingarten Rights*, be sure to ask your Shop Steward or feel free to call the Union Office (323/222-1277).

know and understand that everyone's number one concern is always wages, and rightfully so. However, during negotiations, it is also the time to bolster or clean up contract language that deals with benefits, jobsite safety and employee rights.

Why is this important? The better we understand any issue, the clearer language we can draft when it comes to that specific (or any) matter. That can hopefully lead to less confusion from management and more likely to settlement of a grievance at the lowest-possible level. The importance of that has to do with the number of appeals to 2nd level or arbitrations that keep piling up every year. For example, at LACMTA alone, we average more than *400* cases that are appealed to 2nd level every year. About 30% of those cases should have been settled at the 1st level hearing. Because management is often afraid of its own shadow and doesn't always entirely understand what it reads, it most often prefers to let things ride and move cases to the next level. Thus the 400+ cases per year. This issue is not restricted to LACMTA; it happens plenty often at RTA, SunLine Transit Agency and LBT. The more cases that pile up, the longer you have to wait for a resolution.

So, we also need you to file a grievance when there is a contract violation, regardless of whether or not it benefits you directly. Just because it doesn't affect you directly, doesn't mean it won't affect a union brother or sister. If you have a question about a contract violation, ask your Shop Steward or any executive officer.

Filing a grievance doesn't make you a bad person, regardless of whatever management may try to tell you. Filing a grievance protects the very rights that we have negotiated, and only makes our contract that much stronger because it shows management that we will not sit by and allow it to willfully violate what we have bargained for. Remember, brothers and sisters, our CBAs/MOUs are agreements between the agencies and ATU 1277. These contracts contain the conditions that both sides must live with until they expire, when we again sit down and bargain.

Help us identify the everyday issues that affect you; things we may not see because we are not at the division level on a daily basis. Make notes and mark up your copies of the CBA/MOU so that you don't forget what issues need to be addressed. Our CBAs/MOUs vary in length from three to five years, which is a lot of time between negotiations. If you don't take down notes, you may forget something important. Keep your eyes and ears open and take good notes when necessary. We'll look to all of you for help when it is time for negotiations.