



Local 1277

News

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President's report

He's earned our support

A "Shout Out" to Governor Newsom!

By Art Aguilar - President, Local 1277

Back in pre-pandemic 2018 (can you remember those "good old days"?), Gavin Newsom, when running for governor of California, promised to take care of the needs and goals of our state's working men, women, and families.

I am pleased to report to you that he *has*—and then some. In the early days of the Covid-19 pandemic, he promised to deliver tens of thousands of N-95 facemasks to the front-line mass-transit workers who continued to serve the riding public, often at the risk of their own health and lives. *He kept his promise.*

As governor, Newsom pledged to support the rights of working people and their unions, and expand, as possible, the reach and utility of mass transit in California cities and across the state. *He has worked hard to fulfill that pledge.*

Perhaps most importantly and dramatically, on March 15, 2021, Governor Newsom made it an official state policy: *All mass-transit workers were classified as front-line responders and automatically became eligible to receive free one of the three available Covid-19 vaccines—no matter one's age, health/insurance status or location in California.*

Because of the governor's leadership and people-oriented priorities, California—with the largest population of any state—is now well ahead of most others with respect to vaccinating its residents. Again, Newsom has delivered.

Now the Partisan, Vengeful Knives have Come Out

As we have unfortunately seen in shocking, depressing ways since last November—in the horrific storming of the nation's capital and refusal of tens of millions of voters to acknowledge the results of our *legal* Presidential election—our democracy is fragile and is repeatedly being attacked by dangerously ignorant and violent fellow citizens across the country.

Here in California, people who *should* know better, but choose *not* to, have mounted a spiteful, anti-democratic and very destructive campaign to recall the governor. It is backed by millions of dollars in corporate and *Republican Party* fat-cat contributions. This unholy alliance was the backbone of the national effort to overturn last year's Presidential-election results. Now the state version of this attempted power grab is working to throw California into a political food fight while we are still struggling to protect the health of our residents and dig ourselves out of a deep economic hole.

This misguided effort must not succeed! A small, wealthy group of sore losers and anti-democracy agitators cannot be allowed to attack and try to oust a pro-working people governor who has steered the sixth-largest economy in the world through a crippling, unprecedented global health crisis.

Governor Newsom deserves—and will have—our support, along with that of organized labor, if the plotters' recall effort makes the statewide ballot sometime later this year. We must —and will—do what we can to help someone who has helped us. As always, organized labor supports its friends.

Has the governor's term in office been perfect? Of course not. Has he always made the correct policy or personal decisions? Of course not. He's a human being, with all the strengths and faults that come with humanity. But, on balance, has he been a leader in the fight against this terrible plague? *Yes.* Has he been a friend to not only the ATU, but to working men and women throughout California? *Yes.* Are his policies and agenda closely aligned with those of working families? *Yes.*

Can't ask much more than that!



Notes from the Front Lines

We warmly congratulate President Joe Biden for leading the fight to pass the \$1.9 trillion American Rescue Plan. With his leadership, and that of House Speaker Nancy Pelosi (from San Francisco) and Senate Majority Leader Chuck Schumer (of New York)—both strong *Democrats*—the badly needed economic stimulus package passed Congress and was signed into law by the President.

The massive relief plan includes *\$30.5 billion* in emergency funding for hard-hit public-transit systems. For example, here in Los Angeles, the LACMTA had planned to extend a *20% service cut* on bus and rail lines used by mass-transit dependent riders. Because of the welcome federal action, the proposed cut has been eliminated. This what sensible leadership and policy at the federal level can mean for us!

ATU International President John Costa, a friend of the President, said at the signing, "The ATU has lost **141** brothers and sisters, with thousands more infected with this deadly virus. This much-needed funding for transit agencies, front-line workers, and riders will help save lives. We applaud President Biden and the *Democrats* for getting this historic bill passed to deliver immediate and direct relief aid for the American people."

Note President Costa's distinction: The American Rescue Plan was passed by *Democrats* in both houses and signed into law by a *Democratic* President. **Not one Republican supported this vital, commonsense bill. Not one!** Makes you think, doesn't it?

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President Biden's Department of Labor has already gone to bat for working people. On March 11, the DOL *blocked* anti-worker legislation from the (thankfully!) former Trump administration that would have made it easier for management to classify workforce members as independent contractor rather than as employees entitled to the basic rights of minimum wages and overtime.

The old rules were set to go into effect in mid-March, as sort of a last stab at working men and women by the previous administration. Biden's DOL formally stated that those rules would

now be on hold until May, and then reconsidered under the new and positive policy of federal labor law "to broadly cover workers as employees." This will *reverse* a harsh and unfair Trump Era claim that working people would benefit from a policy that classified more and more of them as independent contractors, with few of the essential rights that unions provide.

As noted by Democratic California Congressman Mark DeSaulnier, "President Biden is restoring power to workers and sending the signal that he is joining the fight to protect workers from predatory practices masquerading as 'innovation' and 'flexibility'."

Amen to that!

Arbitrations at Riverside Transit

You Win Some, You Lose Some

By Mauro Varela - Treasurer, Local 1277

Arbitrations, brothers and sisters, are somewhat like a coin flip: There's always a 50-50 chance it can go your way or the other way. Although, here at ATU Local 1277, we have shown over the years a pretty good record of taking good, winnable cases to arbitration, there always seems to be one in particular that's a real head scratcher. That one case we lose, which keeps us wondering just *how* we lost.

Well, unfortunately, we had one of those cases recently, a decision which will have a great impact on our brothers and sisters at the Riverside Transit Agency. We fought the case long and hard and, please believe me, we made great arguments. Yet the arbitrator saw it the company's way.

I want all of RTA Unit members to understand this decision and what it means to them. The case revolved around the matter of **Floating Holidays**. Our union strongly argued that the long-standing practice of losing your floating holiday for not completing your "complete scheduled workday before or after" was being interpreted incorrectly. We made several great arguments, but unfortunately, the arbitrator saw the issue differently.

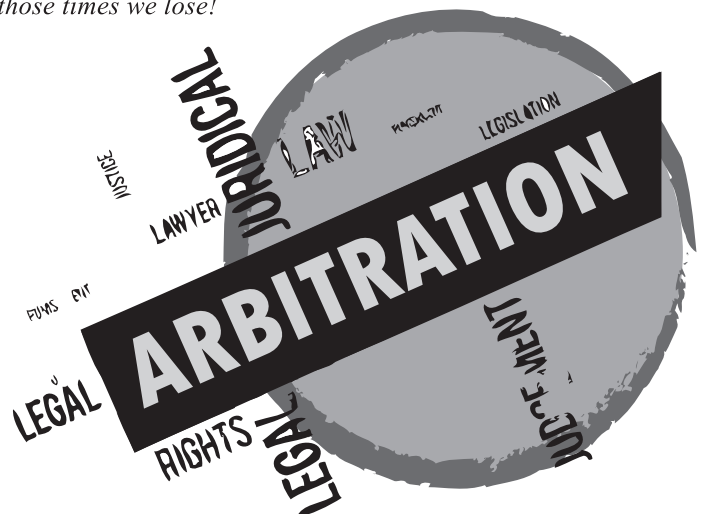
So, what does this mean to our RTA members? Well, *it means that if you are late, absent, or leave early on your first scheduled workday after your Floating Holiday, or if you are late, absent, or leave early the last day prior to your Floating Holiday, you will not get paid for that Floating Holiday—regardless of the reason for leaving early, being late, or absent.*

Yes, you read that right: Regardless of the reason, like an act of God, or things that are completely out of your control. It does not matter.

Now, there is still language in our Memorandum of Understanding that will allow for payment, even if you do not complete your shift. For example, Article 39, Section b-3, which reads, "*Any employee that misses the last complete scheduled workday before, or the first complete scheduled workday after the holiday, will not be paid for the holiday, unless they provide a note from a physician that they or FMLA-eligible dependent family member received treatment on the date missed before or after the holiday.*"

Please, do *not* forget this information the next time you know you will not complete your first or last scheduled workdays before or after a Floating Holiday.

I will not lie, brothers and sisters: This decision really hurt. But remember, it was only a couple of months ago that we put the same hurt on RTA with the LC233 arbitration decision. As we prepare to go into negotiations with the agency in a few months, I'm sure there are topics of discussion that will arise from both of these arbitration decisions. Even though we were not successful in the Floating Holiday matter, Local 1277 does have a good record with respect to arbitrations. We are not afraid of the fight, and we know that, over time, we will win some and we will lose some. *What's truly important is what we learn from those times we lose!*



What's happening at SunLine Transit

A Quiet Little Town...

By John DiRito - Board Member-at-Large

With a quiet little transit agency. That's what I was told when I was assigned to represent Sunline Transit Agency: "We're just a small little agency, with only a few hundred employees, nothing compared to Metro." Well, they are right in a sense. Certainly, STA does not compare in size to Metro L.A., Long Beach Transit, and possibly may even be smaller than Riverside Transit. Yet, with its small size, how can such an agency have so many problems?

Well, according to reports and audits, STA is doing just dandy. Striving, meeting all fiscal goals, giving squeaky-clean reports to its Board on a regular basis. So, what problems am I talking about? Well, if you are a Sunline Operator or Maintenance employee, you'd have an idea. In fact, you'd be *living* it.

Just like at any other agency, there is a steady flow of disciplinary write-ups—from absenteeism to miss-outs, to safety concerns, and moving violations caught on camera. Ah yes, the cameras on the buses that were installed under the guise of "safety". You know, the ones that are presented in the 1st level hearings as evidence against a member of wrongdoings. *Those very same ones, let me remind you, that record at the slightest bump, hard turn, and panic stop, and are even capable of being used with a live feed.*

But the cameras aren't the only issue our unit members have on their mind. It seems like lately, there's a new threat on the horizon (or should I say has already arrived?): ***It is the threat of job insecurity.***

What is Security?

Let's ask ourselves, what do we consider a "secure" job? One with consistent pay and hours of operation—after all, we want to plan our family lives when we're not working. One where my job is not in danger of being sub-contracted out. One that might actually take care of me if I get injured or assaulted while on the job!

Those conditions would make for a great start and a great place to work; and if it's a quaint, little transit company in the desert, it should be no problem to jump these hurdles. With only a few hundred folks, it should be as easy as a warm desert breeze in summer. *But it isn't.* Our members currently face a wide range of issues. Now, I realize because of Covid-19, we all are charting unfamiliar waters, and the agency has done well to not lay anyone off so far.



How about our maintenance employees who now find themselves being cut out of work that is normally theirs? STA management has decided to sub-contract out the work of repairing or changing flat tires on the road when a coach goes down. The company has gone forward with this plan regardless of ATU Local 1277 filing grievances and holding conversations, pointing out contract language that protects our Union jobs! This is a fight we are undertaking, and we need all the ammo we can get (and by that, I mean grievances!). ***If you see that your job is being given away, we need a grievance.*** Every time! I don't care if you think "nothing will happen", it can be, unfortunately, a long road to victory, and your grievances help pave the way there!

SunLine Must Do More for Us

As of now, it has been a chore to get Sunline to do more for our members, especially those that have been harassed and assaulted by the very same public we serve. Brothers and sisters, I need you to do this: ***I need you to file a police report when these incidents happen! I need you to press charges when people become a danger to our friends and co-workers!*** These reports empower the police and district attorneys to either get these people off the streets and/or the help they need so that *you can be safe while doing your jobs.*

Sadly, these are only a few of the things happening right now, things that we are desperately trying to change. *I implore you to join us at our monthly ATU meetings via Zoom.* Heck, maybe even attend a STA Board meeting—they're holding them via Zoom as well, and they're available to the public! The more we know about what's happening, the better we can work to change things that must be changed. If you need guidance on how to file a grievance, or anything concerning these matters, please contact your Shop Steward, me or any Executive Board officer. We are in this together, and it'll take all of us together, to make things better.

Before I sign off, ask yourself, for such a quaint, little transit agency, why do these kind of problems exist? And even a better question, *why did a whole department of SunLine employees recently organize and ask union representation?* Could it be that they also want worker rights? That maybe they are not treated so well? The answers could provide some insight into why these problems exist in the first place.

Keeping a lookout at MTA

Don't Underestimate The Importance of Observing Warranty, Campaign, or Subcontracting Work

Jeff Shafer, Financial - Recording Secretary

From time to time, our members are asked to go and observe either some warranty work or a subcontractor who is providing a service to MTA. Sometimes, members are asked simply to keep an eye on a vendor who is introducing a new product to the industry, and would like to try it out on the bus or at one of our facilities.

When requested to observe, oversee, or birddog a vendor, it is important that you do so for a couple of reasons. *One is to safeguard the Authority property, and the other is to safeguard your fellow MTA-Unit members.* Sometimes, contractors are just left unattended; this unattention could have far-reaching effects. For example, things like tools or supplies can simply disappear. Or, some damage may result to the Authority's property—and that could lead to one of our members being wrongly accused of causing it. If no other witness is present during this time, the blame may fall on a fellow member.

The ATU-MTA CBA Provision

Here is the relevant provision in our current contract with MTA (Article 11, Section C—General Contracting—Sub-section6):

“Any and all maintenance and repair work when a warranty is in effect. If the work is done at an Authority facility, an ATU-represented employee will be assigned to work with the employees of the subcontractor; in such case, the ATU-represented will receive his/her regular rate of pay or the W.E.M. rate of pay, whichever is higher.”

“If the work is not to be done at an Authority facility, an ATU-represented employee need not be assigned to work with the subcontractor's employee.”

2009 Side Letter of Agreement

This further interprets and confirms the right of an ATU Local 1277 member to observe warranty or subcontracting work.

Bus Warranty

“For warranties on bus, at least one ATU-represented employee will be assigned to work with the employees of the subcontractor for each warranty component listed in Side Letter 2006-005, excluding the warranty on the complete bus.”

“However, if multiple employees of the subcontractor are working on the same component on multiple buses, at least one ATU-represented employee will be assigned. This provision applies to components under warranty repair on a location basis. For components not listed in the side letter, W.E.M.s will have the first call on the above warranty work”.

Rail Warranty

“Rail cars are accepted on a conditional basis prior to commencement of the warranty period. Beginning 9-27-2012, new rail warranties have a nine (9) month limit after conditional vehicle acceptance before commencement of the warranty period. During the period of conditional acceptance, and prior to the commencement of the warranty period, LACMTA will assign one ATU-represented employee to work with the employees of the subcontractor.”

“After full acceptance (or the nine-month period referenced above, whichever occurs first) of the rail car, and during the warranty period, LACMTA will assign at least one ATU-represented employee to work with the employees of the subcontractor for each component under warranty repair at each location.”

So, brothers and sisters, please take these job assignments, if and when they are offered or assigned. What may at times feel like a waste of your time is most certainly *not* one; your time and attention could very well save jobs and lives!

