



Local 1277

News

February, 2022

1744 North Main Street • Los Angeles, CA 90031 • (323) 222-1277

Website: www.atu1277.com

President's report

© 2022 AMALGAMATED TRANSIT UNION 203

Our Union Democracy at work!

By Art Aguilar - President, Local 1277

Brothers and sisters, I and your Executive Board take our Union democracy as seriously as you should. Every three years, we ask you to participate in ATU Local 1277's free and open election process. As you know, we elect our five-member Executive Board, our hard-working and dedicated Shop Stewards, as well as the delegates to the ATU International Convention.

Last year, 2021, marked another in an unbroken series of Union elections in which you, our members and retirees, vote for the leadership team you wish to have in place for the next three years. I am proud and pleased to report the 2021 elections results to you:

Local 1277 officers:

(All five Executive Board members received white ballots, and we are very grateful for your continuing confidence in us).

President/Business Agent: Art Aguilar
Vice President/Asst. Business Agent: Errol Frazier
Financial-Recording Secretary/Asst. Business Agent: Jeff Shaffer
Treasurer: Mauro Varela
Executive Board Member-at-Large: John DiRito

LACMTA Shop Stewards

Division 1: Lester Duboise (Incumbent – white ballot)
Division 2: Mike Miranda – 26
Louie Palomino (Incumbent) - 13
Division 3: Robert Singleton – 24
Leo Garcia (Incumbent) - 7
Division 4/10: Mark Garcia (Incumbent – white ballot)
Division 5: Mike Ashford (Incumbent – white ballot)
Division 7: Aaron Williams (Incumbent – white ballot)
Division 8: Chris Kane (Incumbent – white ballot)
Division 9: Barry Richter (Incumbent) – 20
Sal Portugal – 8
Division 11, Blue Line: Ronnie Burt (Incumbent) – 20
Juan Ballesteros - 6
Division 13: Ismael Rodriguez (white ballot)
Division 14, Expo Line: Zack Rakisits (Incumbent – white ballot)
Division 15: Ben Clemente – 23
Oscar Valesco (Incumbent) – 21

Division 18: Ralph Oliver (Incumbent – white ballot)

Division 20, Red Line: Rafael Mastrangelo
(Incumbent – white ballot)

Division 21, Gold Line: Julio Marquez – 11

Oscar Salinas – 4

Division 22, Green Line: Henry Chavira (Incumbent – white ballot)

Division 24, Monrovia: Marcos Martinez (Incumbent) – 17

Duane Anderson – 12

WEM/FET: Jorge Carlos (Incumbent – white ballot)

Rail WEMS: Daniel Carapia (Incumbent – white ballot)

FM “A”: Christian Sandoval – 7 (After run-off – 20)

Bruno Angel (Incumbent – 7 (After run-off – 17))

FM “B”: Rick Anzures (Incumbent – white ballot)

CMF “A”: Mustafa Salahuddin-Bey (Incumbent) – 16

LaToisha Woods – 11

CMF “B”: Julian Torres (Incumbent – white ballot)

Rail FM: Thomas Nieto (Incumbent – white ballot)

ECT: Ray Amerson (Incumbent – white ballot)

ITS: Kevin Owens, II (Incumbent – white ballot)

S&Z: Leo Gomez (Incumbent – white ballot)

RECI: Ricardo Johnson (Incumbent – white ballot)

Signal Insp.: Randy Larsen (white ballot)

TPI: Bill Robles (incumbent – white ballot)

Track Insp.: Hassan Dicken (Incumbent – white ballot)

Riverside Shop Stewards

Operations, Seat 1: Michelle Santa Cruz – 82

Daniel Villaman – 12

Operations, Seat 2: Sylena Parrill – 60

Cheryl Heeny – 34

Maintenance: Chris Vore (Incumbent – white ballot)

SunLine Shop Stewards

Operations: Maria Miller (white ballot)

Paratransit: OPEN – Special election in January

Maintenance: Steve Huizar (Incumbent – white ballot)

Maintenance Supervisor: Francisco Ojeda (white ballot)

Continued to page 2...

Continued from page 1...

Long Beach Shop Stewards

Operations, Seat 1: Victor Rodriguez
(Incumbent – white ballot)

Operations, Seat 2: Gaynell Cooper
(Incumbent – white ballot)

Operations, Seat 3: OPEN – Special election in January
Operations, Seat 4: James Taylor (Incumbent – white ballot)

Maintenance, Seat 1: Keith Leidholdt
(Incumbent – white ballot)

Maintenance, Seat 2: Rodolfo Mercado
(Incumbent – white ballot)

Metrolink Shop Stewards

Chief Dispatcher: Avram Stanton (Incumbent – white ballot)

Dispatcher: Chad Hochholzer (white ballot)

Comm. Coordinator: Roxy Nunez
(Incumbent – white ballot)

CRR/Sr. CRR: Alvyna Sanders (white ballot)

Delegates to the ATU International Convention

Seat 1: Art Aguilar (white ballot)

Seat 2: Jeff Shaffer (white ballot)

Seat 3: Mauro Varela (white ballot)

Seat 4: Errol Frazier (white ballot)

Seat 5: John DiRito (white ballot)

Seat 6: Mike Ashford – 432

Cheryl Heeney – 327

Seat 7: Aaron Williams – 432

Thomas Nieto – 299

Seat 8: Louie Palomino (white ballot)

Seat 9: Victor Rodriguez – 279 (after run-off – 375)

Lester Duboise – 170 (after run-off – 299)

Sylena Parrill – 165

LaToisha Woods – 149

Seat 10: Julian Torres – 214 (after run-off – 373)

Josie Garcia – 257 (after run-off - 303)

George Hernandez – 180

Avram Stanton – 124

Seat 11: Michelle Santa Cruz – 317 (after run-off – 388)

Mustafa Salahuddin-Bey – 233

(after run-off – 280)

Rodolfo Mercado – 218

Seat 12: Maria Miller – 289 (after run-off – 341)

Rick Anzures – 224 (after run-off – 333)

Randy Larsen – 168

Franchot Larsen – 88

Seat 13: Marcelo Rubio – 232 (after run-off – 346)

Chris Vore – 213 (after run-off – 312)

Alberto Prieto – 156

Keith Leidholdt – 149

There you have it, brothers and sisters: With the exception of a few January special elections, this is the new ATU Local 1277 leadership team. A dedicated experienced team that is committed to serving you and all your needs and goals for the next three years. I warmly thank every Local 1277 active member and retiree who took the time to think about the candidates and cast their votes. Our Union—*your* Union—is a democracy and will always remain so in order that we can keep moving ahead on jobsite issues and benefits, as well as political and social matters.

I wish to thank the hard-working members of our Election Committee, who supervised this election and ensured its fairness and accuracy. You did a terrific job! I heartily commend Committee Chair **Noe Zendejas** and Assistant Chair **April Moreno**, as well as Committee members **Jovania Aruz Torres** and **Carlos Leohr**.

Notes from the Front Lines

Some good news for our sister local, 265, in San Jose: Some 1,500 members, Bus Operators and Mechanics, along with Light Rail Operators and Mechanics, are voting on a new contract with SCVTA. It includes wages hikes and an “*appreciation pay*”, and is being considered long before the September 2022 expiration date.

This one-time “*appreciation pay*” of \$3,500 is a management acknowledgement of the extremely stressful year our brothers and sisters suffered through—with the tragic May 26 shootings still looming in their thoughts.

These skilled, hard-working brothers and sisters richly deserve this financial gesture from SCVTA!

The ATU demands adequate training and paid sick leave after new misguided CDC guidelines on Covid quarantine: The CDC, normally a rock of common sense and scientific thinking when it comes to public health, has really dropped the ball with *its irresponsible decision to shorten the duration of Covid quarantine for asymptomatic people down to five days.*

Noting the skyrocketing number of Covid-related infection across the country, ATU International President John Costa said, “*This new guideline should not be used to abuse sick employees by forcing them to return to work after testing positive and before they’ve fully recovered. We call on transit employers to go above and beyond to protect their front-line hero workers as we at the ATU have since this pandemic began. Since the pandemic is far from over, at the very least, a negative test should be required before employers force employee back to work.*”

Amen, brother.

The ATU is very disappointed with a federal court order: Just recently, a federal court ruled *against* the Department of Labor’s (DOL) excellent proposal to fully enforce the Section 13(c) worker protections.

As you may recall from previous stories, on October 28, 2021, the DOL correctly ruled that California’s PEPRA was *inconsistent* with Section 13(c) provisions, and that the state had to conform to the federal guidelines. Simply put, 13(c) says that transit agencies that receive federal transit funds *must ensure that employees’ collective-bargaining rights are preserved.*

Now, with this order from a federal court, the DOL—for now—has to refrain from implementing its ruling to protect transit workers' rights. The result—again, as of right now—transit agencies in California are still able to receive federal transit funding (which they are not entitled to!) while denying their employees—you and our sisters and brothers!—to fully and fairly bargain over pensions and other issues. This is exactly what Section 13(c) was created to *prevent!*

International President Costa summed it up best: *“We are very disappointed with this court order to halt implementation of the DOL decision.”* **This very misguided ruling will be appealed!**

The ATU demands that the DOT fast-track transit worker safety measures: Because of an alarming and very depressing epidemic of attacks on ATU brothers and sisters who are performing their important jobs diligently and bravely, our International Union has called on Department of Transportation Secretary Pete Buttigieg (a proven friend of working families) to fast-track transit worker safety measures included in the massive federal Infrastructure Bill.

International President Costa laid it out in no uncertain terms: *“Our industry is in the midst of a safety crisis like we have never seen in the history of the Federal Transit Program. I am therefore urging you to fast-track implementation of the key amendments to the surface-transportation law regarding transit worker safety. There is really no time to waste!”*

Damn right!

A personal story that highlights the need for immediate action: Brothers and sisters in ATU Local 1300 (Baltimore) and Local 689 (Washington, D.C.) recently rallied in Baltimore, in a very public demonstration in favor of quick passage of the transit-worker safety provisions in the big Infrastructure Bill. Both of Maryland's *Democratic* senators, along with several members of its Congressional delegation were on hand to support our people.

Sister **Darlene Knox**, from Local 689, made the case bluntly and very personally: *“As an Operator, I have been verbally and physically assaulted on more than one occasion. I was hit with a metal object, then a double assault took place. I have to work to earn a living. While at work, I shouldn't have to fight to stay alive!”*

Amen, sister!

Chicago ATU Locals secure strong contracts. ATU Local 241 and 308 members will soon vote to ratify an agreement with the Chicago Transit Authority (CTA), which will run through 2023. The tentative deal offers solid pay hikes and better work schedules for some 8,500 brothers and sisters who work for the CTA as Bus and Train Operators, Track Workers, and Customer Service Attendants. The great majority of CTA employees are ATU members!

FMCSA Drug and Alcohol Clearinghouse Update: CDL and CLP Downgrades and Transaction Denials, Actual Knowledge Violation Regulation Change

By Jeff Shaffer - Financial Recording Secretary

The Federal Motor Carrier Safety Administration (FMCSA)'s recently published Drug and Alcohol Clearinghouse second final rule establishes new requirements for State Driver Licensing Agencies (SDLAs) to deny “transactions” related to commercial driver's licenses (CDL) and commercial learner's permits (CLP), including issuances, renewals, upgrades and transfers to operators with one or multiple unresolved drug and alcohol violations. The rule also requires SDLAs to begin the process of downgrading these individuals' licenses or permits (i.e., suspension of commercial driving privileges) within sixty (60) days of notification of reported violation(s). Additionally, the rule clarifies current regulations which address certain “actual knowledge” drug and alcohol violations.

The stated purpose of the new transaction denial and downgrade requirements is to enable law enforcement officers who perform traffic stops or other roadside interventions to easily identify individuals who operate commercial motor vehicles (CMVs) despite being prohibited from doing so because of unresolved drug and alcohol violations. While it is not mandatory for SDLAs to comply with the rules relevant provisions until November 18, 2024, they may comply voluntarily prior to then.

As a reminder, CDL and CLP holders in the school bus and over-the-road industries are covered by FMCSA rules. These rules do not apply to most other mass transit employees who hold a CLP or CDL. The first section of this memo summarizes the rule's new transaction denial and downgrade requirements will affect covered operators. The second section reviews the rule's clarifications to FMCSA's “actual knowledge” drug and alcohol violation regulations. For refreshers on employees' rights and responsibilities regarding the Clearinghouse, please see FMCSA's [FAQ](#) page as well as the enclosed memo of January 4, 2021. Note that the portions of the earlier memo dealing with SDLA's duties under FMCSA regulations are superseded by the below information. Otherwise, the memo remains accurate.

CDL and CLP Transaction Denials and Downgrades

SDLAs will be required to query the Clearinghouse's drug and alcohol testing records whenever a CDL or CLP holder applies for transactions including issuance, renewal, upgrade, or transfer of a license or permit. Licensing agencies must deny all the above transactions to applicants who the Clearinghouse indicates have been prohibited from performing safety-sensitive functions due to one or multiple drug and alcohol testing violations and who have not yet fulfilled return-to-duty obligations. Operators will

Continued to page 4...

Continued from page 3...

receive notice of the transaction denial from their SDLAs. They may reapply to complete the same transaction once they have met return-to-duty (RTD) requirements and have a negative RTD test uploaded to their Clearinghouse record. Depending on state laws, it may be possible to contest the transaction denial prior to meeting RTD requirements. Operators are considered to have consented to SDLAs' queries of their Clearinghouse records by applying for any of the above transactions.

FMCSA will be required to notify SDLAs directly whenever a report of a drug or alcohol violation by a CDL or CLP holder licensed in the agencies' respective states is filed with the Clearinghouse. FMCSA will alert the CDL or CLP holder when their SDLAs are notified for a violation. FMCSA will also directly notify SDLAs when an individual previously reported for one or multiple drug or alcohol violations meets RTD requirements and has a negative RTD test uploaded to their Clearinghouse record, as well as when erroneous violation reports are identified. SDLAs must reinstate RTD-compliant or erroneously reported operators' commercial driving privileges and, in the latter case, remove the violation from the operator's driving record. The new rule does not include a timeframe or specific procedures for reinstatement of commercial driving privileges for either RTD-compliant or erroneously reported operators.

When SDLAs learn through either their own queries or through notification from FMCSA that a CLP or CDL holder is prohibited from operation a CMV due to an unresolved drug and alcohol testing violation, SDLAs will have sixty (60) days to begin the "downgrade" process to remove CDL or CLP privileges from

the individual's license. It is possible for operators to complete the RTD process prior to their SDLAs recording downgrades in the Commercial Driver's License Information System (CDLIS). However, it may not be possible to do so if their SDLAs choose to record downgrades before the 60-day window has elapsed. SDLAs may or may not be required to notify CDL and CLP holders of pending downgrades in accordance with state law. In cases where FMCSA notifies an SDLA of the violation, operators will be alerted to the pending downgrade at the same time FMCSA advises them their SDLAs have been so notified.

Actual Knowledge Drug and Alcohol Violation Regulation Changes

Reports of actual knowledge violations based on employers' awareness that a covered CDL or CLP holder was issued a citation for DUI in a CMV will not be removed from the Clearinghouse even if the citation does not result in a DUI conviction. The new rule further requires that this type of actual knowledge violation remain in the Clearinghouse for five (5) years, or until the driver has completed RTD -- whichever is later -- regardless of whether the operator is convicted of the DUI charge. Although actual knowledge violations of this nature will not be removed from the Clearinghouse, operators may add evidence of non-conviction to their Clearinghouse record, which potential employers will be able to view.

2021 Legislative Roundup

By Errol Frazier - Vice President, Local 1277

As always, brothers and sisters, your Union, along with our legislative watchdog in Sacramento—the ATU's California Conference Board—keeps a sharp eye on all bills that might affect working people and families.

AB 1003 (Gonzalez): This bill expands current California law concerning *grand theft*. Under it, grand theft now includes the *intentional* theft of wages, tips, and benefits by an employer in the amount of \$950.00 from one employee or \$2,350.00 from two or more workers within a year. A victimized employee may now recover wages through civil action, and under this bill, individual contractors count as employees. Governor Newsom signed AB 1003 into law on September 27, 2021, and it went into effect on January 1, 2022.

AB 1033 (Bauer-Kahan): This bill, co-sponsored by AFSCME, mandates that employers must grant eligible employees up to *12 weeks* of job-protected time off from work for the purpose of providing care to a parent-in-law with a serious medical condition. This new bill now becomes part of the California Family

Rights Act. Governor Newsom signed AB 1033 into law on September 28, 2021, and it went into effect on January 1, 2022.

AB 397 (Mayes): This bill requires the state Employment Development Department to provide advance notice if it plans to reject a claim, and it must give an employee a chance to correct any mistakes on his or her application *before* they may be disqualified from eligibility. Governor Newsom signed AB 397 into law on October 5, 2021, and it went into effect on

SB 331 (Leyva): This bill makes it illegal and unenforceable for victims of workplace harassment or discrimination to be denied the right to speak out about their bad experiences if they had previously signed a non-disclosure agreement (NDA) with their employer. The bill, also known as the "Silence No More Act", ensures that workers can now call out their employers for their bad and completely wrong actions. "This is how we can begin to change discriminatory behavior," Senator Leyva, a former activist in the union movement, said. Governor Newsom signed SB 331 into law on October 7, 2021, and it went into effect on January 1, 2022.

Here are the upcoming Local 1277 membership meetings for February and March. 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, Feb 1:	Los Angeles area members:
Tuesday, Mar 1:	L.A. Building Trades Council, 1626 Beverly Blvd., Los Angeles. Morning Session 10:00 a.m. Evening Session 5:00 p.m.
Wednesday, Feb 2:	Metrolink Unit members:
Wednesday, Mar 2:	Local 1277 Office, 1744 North Main Street. Morning Session 8:30 a.m. Evening Session 5:00 p.m.
Wednesday, Feb 2:	Riverside area members:
Wednesday, Mar 2:	IELC Building, 1074 E. La Cadena Dr., Riverside Morning Session 10:00 a.m. Afternoon Session 3:00 p.m.
Thursday, Feb 3:	SunLine area members:
Thursday, Mar 3:	Hilton Palm Springs, 400 East Tahquitz Canyon Way, Palm Springs Morning Session 10:00 a.m. Afternoon Session 4:00 p.m.
Thursday, Feb 3:	Long Beach area members:
Thursday, Mar 3:	LBFA Local 372, 2201 Cherry Avenue, Signal Hill CA 90755 Morning: 10:00 a.m. Afternoon: 3:00 p.m. Evening: 6:00 p.m.