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“As an ATU 1277 member for almost 20 years, and a Shop Steward for over five years, the Labor Notes weekend really gave you a chance to enhance your obligation to see things through from a different angle. The classes offered a deep perspective of options that you have from state labor laws, improving your communication, whether it be a management issue or a one-on-one with a member to better understand issues that arise, or simply resolving an issue. Labor Notes gives you great knowledge, improving skills that you take with you for the future.”
Christopher Vore
ATU Local 1277 Shop Steward, RTA Maintenance

Social Media Responsibility

Think Before You Post

By Jeff Shaffer

Financial-Recording Secretary

The constant rise and development of technology presents new challenges and concerns in today’s workplace. From employer monitoring of employee workstations to the complexity and increasing use of social media as evidence both at arbitration and in the courts, the role of privacy interests with respect to social media in this new technological landscape has never been more timely or urgent.

It is very important to remember that the laws concerning social media are still relatively unsettled. Legislation like the Human Rights Code, privacy legislation, and the Occupational Health and Safety Act are often able to provide an adequate legal framework for dealing with issues relating to social media.

Employers may monitor employee social media use at work, but monitoring must meet the *reasonableness* requirement. Impartial monitoring is o.k., Big Brother is *not!*

What Exactly is Social Media?

Let’s start with a definition and some statistics.

*Social media has been defined as “the use of web-based and mobile technologies to turn communication into interactive dialogue”. Some common examples of social media include: Facebook; Twitter; Linked-in; Instagram; YouTube, and a seemingly endless number of blogs.

*Both Twitter and Instagram have hundreds and hundreds of millions of users. As of March 31st, 2017, Facebook has more than 1.94 billion active users; today, that number has vastly increased across the globe. Worldwide, five new Facebook profiles are created every second. As of May 2013, 4.75 billion pieces of content were shared daily. That figure has since grown exponentially.

Here are the upcoming Local 1277 membership meetings for August & September. 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, Aug. 2:	Los Angeles area members:
Tuesday, Sep. 6:	L.A. Building Trades Council, 1626 Beverly Blvd., Los Angeles. Morning Session 10:00 a.m. Evening Session 5:00 p.m.
Wednesday, Aug. 3:	Metrolink Unit members:
Wednesday, Sep. 7:	Local 1277 Office, 1744 North Main Street. Morning Session 8:30 a.m. Evening Session 5:00 p.m.
Wednesday, Aug. 3:	Riverside area members:
Wednesday, Sep. 7:	IELC Building, 1074 E. La Cadena Dr., Riverside Morning Session 10:00 a.m. Afternoon Session 3:00 p.m.
Thursday, Aug. 4:	SunLine area members:
Thursday, Sep. 8:	Hilton Palm Springs, 400 East Tahquitz Canyon Way, Palm Springs Morning Session 10:00 a.m. Afternoon Session 4:00 p.m.
Thursday, Aug. 4:	Long Beach area members:
Thursday, Sep. 8:	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.

*Years ago, Statista, a data-research website, projected that there would be over 2.5 billion social media users by 2017 and almost 3 billion by 2020; again, today those numbers seem “small”. Today, in the United States, well over 80% of the population is currently using at least one social-media platform.

Social Media as a Hiring Tool And in the Workplace

In the United States, a survey of hiring managers found that more than 43% of employers use social networking sites to research their job candidates. Companies also inspect personal social media in workplace investigations.

Social Media Monitoring - Can I Be Fired?

Twenty-eight percent of employers report that they’ve fired people for using the Internet for *non-work-related activity* (such as shopping online or checking out Facebook, for example) during the workday, and 18% have dismissed employees because of something they posted on social media. Whether an employee can be fired for social media use depends on the policies your employer has in place and the applicable state laws. For example, many companies have social-media policies that limit what you can and cannot post on social networking sites about your employer.

Some states have laws that prohibit employers from disciplining an employee based on off-duty activity on social networking sites unless that activity can be positively shown to damage the company in some way.

(see: <https://www.privacyrights.org/workplace-privacy-and-employee-monitoring>)

(see: <https://www.nlr.gov/news-outreach/fact-sheets/nlr-and-social-media>)

Conclusion

Social media is an increasingly growing field in the United States, and indeed all over the world. The laws among various countries continue to evolve to meet the legal challenges posed by this still-relatively new technology. For this reason, employees of the United States must stay knowledgeable and up-to-date regarding their rights and responsibilities concerning the use—and *misuse*—of social media.



Local 1277

News

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President’s report

Poor Transit Worker Protection May Hamper Hiring and Upgrades

By Art Aguilar
President, Local 1277

It continues to make me very sad and angry when I hear about our ATU brothers and sisters across the United States and Canada *still* being verbally and physically attacked while they are performing their vital public service. It is beyond just *wrong*. It is a sickening symptom of the breakdown of civility and decency which is contaminating our political, economic, and social fabric. *It is nothing less than a cancer spreading across our country.*

And, of course, it’s not just ATU members who are being victimized for their “crime” of simply showing up and doing their jobs effectively and diligently. *All* transit workers—be they unionized or not—are being subject to riders’ anger, frustration, prejudice, and ignorance.

It shouldn’t be this way. Even beyond the *moral* wrongness of these attacks, there are supposed to be *legal* constraints, too. As part of its major bipartisan infrastructure bill, Congress passed long-fought-for provisions aimed at improving transit workplace safety. This was in response to rising violence against transit workers during the early stages of the Covid pandemic.

They key requirement of the bill: *Transit agencies and transit unions were to join forces to form safety-planning committees to address this crisis.*

But—and, brothers and sisters, this is a *huge* but—the federal agency responsible for overseeing the process, the Federal Transit Administration (FTA), has said it will *not enforce these common-sense, worker-protection provisions until the end of 2022!* And, worse (if that’s even possible), the group that represents public-transit agencies, the American Public Transit Association (APTA) *is pushing to extend the delay indefinitely!*

This is insanity! As coach and rail operators, along with maintenance crews, face a growing risk of attacks, economists warn that any delay in implementing safety rules will most likely hinder recruitment and retention of badly needed transit workers. One immediate effect of this: *The infrastructure bill’s much-needed \$39 billion in new public-transit funding will be far less effective and helpful if there aren’t enough trained and skilled workers to operate the various systems across the U.S. and Canada!*

The Effects of Violence Against Transit Workers

The violence against our brothers and sisters leads to fewer people using mass transit, which results in less money flowing into the systems and, therefore, fewer resources for solving problems like expansion and upgrading. Across the country, the reported instances of violence against public-transit workers are spiraling upwards—both in big cities and in smaller districts. It is an epidemic—in its own way, as bad as the Covid pandemic.

People seem to think it is o.k. to take out their frustrations and anger—over Covid, the economy, their own lives, whatever—on the people whose jobs it is getting them safely where they have to go. Beyond being stupid, dangerous, and just wrong, it is counterproductive: *What happens if there’s no public transit because operators fear for their safety and refuse to work?*

Under the legislation, public-transit agencies must set goals for improving worker safety, and *they must include workers and their unions in their safety-planning process.* Also, agencies must collect data on assaults against workers and submit it to the FTA. The FTA *claims* it is moving as fast as possible on this issue, saying it has given transit agencies firm deadlines for reporting. Maybe, but APTA keeps insisting that its member agencies need more time to amass all the pertinent data. *Months longer to comply with any deadline!*

This sounds like APTA (management) is playing the delay game, trying to run out the clock, so to speak. Our International Union President, John Costa is, as usual, more blunt: *“APTA just doesn’t want unions involved in the process. The agencies are holding us up because they’re fighting back,”* Costa says. *“They’re just angry and they’re pushing back, and they’re trying to take away any voice that we may have because they want to be the sole person to dictate and be able to run the agency the way they think they should.”*

Transit unions, including the ATU, have been pressuring the FTA to move faster on the matter of transit-worker safety. The unions’ position is this: *“Our members should not be asked to wait another day to feel safe on the job.”*

Damn right!

Union Input is Needed

Transit unions rightly say that there is no reason why the FTA couldn’t *immediately* have rolled out certain regulations. Again rightly, union leaders pointed out that

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the Federal Aviation Administration (FAA) reacted quickly and decisively when flight crews complained loudly about uncalled-for violence during flights. The FAA and Department of Justice quickly cracked down, issuing big fines and criminal penalties against offenders.

So why can't the feds do the same for transit workers on the ground? Aren't we as vulnerable, or important, or family members as our brothers and sisters in the sky? *Yes, we are!* Bottom line: **The FTA must act as quickly and decisively to protect transit workers as the FAA did on behalf of flight crews!**

We'll see. The FTA has told transit agencies that they must establish their safety committees by July 31 of this year. They will then have until December 31 to update their safety plans based on what their committees suggest. The FTA better act then—*decisively and in favor of transit workers!*

Maybe there's some hope: Very recently, the FTA expanded the definition of what counts as an assault against a transit worker. That's a good first step. Organized labor's friends

in Congress, led by the strongly pro-labor *Democratic* Senator from Ohio, Sherrod Brown, have said that they will keep FTA's feet to the fire, ensuring that transit agencies meet the required deadlines for recommendations and action.

These requirements protecting transit workers take on an even greater significance when it is estimated that *some 40% of today's transit-worker force is eligible to retire within the next decade.* If local agencies—regardless of their size—cannot come up with ways to keep their all-important transit professionals safe on the job, it stands to reason *that fewer and fewer young people will want to apply for these vital jobs! Without adequate, reliable, and safe public transit, the United States will literally come to a halt.* And with it will come the gutting of the \$39 billion for sorely needed public transit improvements and expansion.

No common-sense safety for transit workers, no future employees. No future public-transit employees....well, you can figure it out, brothers and sisters. **The feds better get their employee-safety act together—and soon!**

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All Our “Retired Souls” are Invited To the Spooooky Old Timers Get-Together!

It's that joyous, good-memories time of the year again! ATU Local 1277's fun-filled Old Timers reunion and party. After the unfortunate break due to the Covid pandemic, we are more than happy to invite our retired brothers and sisters to *celebrate* and eat, drink, and reminisce about the “good old days” on the job!

This year's festivities—with a real spooooky theme—is set for 11:00 a.m. – 3:00 p.m., Saturday, October 1, at the Quiet Cannon, 901 Via San Clemente, in Montebello, 90640.

As always, your Executive Board and active members are pleased to invite eligible retired brothers and sisters, along with one guest, to the party. Our Old Timers bash is one of our Union's favorite events, and we are really glad to bring it back this year!

So, dig out your sheets, vampire teeth, masks, and cobwebs and join us for the fun!

All attendees must have their Union dues paid up for 2022. Party invites will go out in mid-August. Reservations must be submitted by Friday, September 16.

You may bring any additional goblin or ghoul for \$80.00 per ghost.

Meal options are: Prime Rib of Beef, Baked Garlic Chicken, and Pasta Primavera.

And, of course, what would our Old Timers party be without terrific prizes to be raffled off! Every attendee is eligible for the prizes, including our always-exciting *grand prize*. **As always, you must be in attendance to qualify to win—and must be current with your Union dues.**

Following lunch, there will be a few remarks and presentations, including honoring our Local 1277 Shop Steward of the Year with the President's Award.

It would be scaaaary to think you won't be there! Please join us!

Report all Jobsite Injuries. The First Step to Workers Comp

By Mauro Varela
Treasurer, Local 1277

Brothers and sisters, we all try to avoid jobsite injuries. We work as safely as possible so we will not get hurt while performing our important jobs, yet sometimes, no matter how diligent we are, accidents happen; we still get hurt at work. If

this happens to you, there are a few things that you have to keep in mind, and a few things that you simply *have* to do ASAP.

First things first: **Report all accidents/injuries, no matter how small you may think they are.** This is the first step to what is known as a *Worker's Compensation claim*. A knock to your knee might be o.k. when you walk it off, but you don't know how your body will react after a few hours or overnight. You might wake up to a swollen tennis ball-sized knee right where you hurt yourself. Now, just because you report your injury does not mean

you have to go to a clinic, *but it is important because it documents what happened, where, and when the injury occurred. And this vital data will be on file should you have to go to a clinic later.* So, if you do wake up with your knee the size of a tennis ball, you can call your supervisor and ask to be sent to a clinic for an evaluation. Which brings me to my next point.

What doctor do I go to? If you do not already have a Physician Pre-Designation form on file *30 days* prior to any injury, you *must* go to the not-always impartial *company doctor*. Only after 30 days of the company doctor's treatment, can you request transfer to another doctor for treatment. And just be sure, before you receive any treatment, *establish that whoever treats you knows and accepts workers compensation claims.* If you already had a Pre-Designation form on file prior to your injury, you don't have to wait the 30 days before you go see the physician listed on your form. This is an accepted part of the workers compensation law. This is *not* something that your agency has set up to get your medical info—*it's the law.*

Why is this important? Well, because as an injured worker, you have rights to treatment and compensation in some cases. I am not advocating for anyone to get injured on the job, I simply want you to be aware of *your* rights should you get injured performing your work. I have gone through this painful experience and, without prior knowledge and my failure to ask any questions while trying to navigate the murky waters of the workers comp system, I made some mistakes that I want you to learn from.

Lawyer Up!

Perhaps the most important step you *must* follow in the injury/worker comp process is *lawyer up!* This is the biggest missed step our members make; I made it myself. You might ask, why not the union? As Union officers, we can only deal with contractual issues pertaining to the CBA/MOUs. We can help resolve problems, tell you about other benefits, negotiate changes needed in your job, protect you from job discrimination, and refer you to legal services. The right to workers compensation is in all our CBA/MOU's, but issues concerning workers compensation claims are addressed through the *Workers Comp Board*. Presentation of your case at those hearings must be done by you (**not at all recommended!**) or your legal counsel.

There are many benefits to having legal representation, such as the right to have *all* matters go through your attorney. For our RTA brothers and sisters, that means having your attorney present at “investigation meetings” with management, which often lead to “dishonesty” charges followed by termination. That doesn't only apply to our members at RTA, it's for all our members. But our unit members know how RTA can “play the worker comp game.” By having legal representation, you let the agency know that you are represented by an attorney, and it must direct all questions, or have all questioning done, in the presence of legal counsel.

Something else that a worker's comp attorney will help you do is refer you to a doctor who actually cares about your health if there is a dispute over what the company doctor is diagnosing or treating you for. An outside doctor is not just rushing to get you back to work so they can get paid. More importantly, they will be involved in selecting an Agreed Medical Examiner who will ultimately make a decision in your case, if it gets to that point.

It is imperative that you hire an attorney as soon as possible, and not let the thought of having to pay for legal representation stop or scare you. In workers comp cases, attorneys *cannot* charge you anything upfront, and there is a maximum amount of fees that are set by a judge at a later time. This is usually 15% of the settlement. **Do not let cost deter you from having adequate representation in order to secure your health and welfare!**

There's more information about this important matter. Here is a link for a quick read about your rights and the process when it comes to workers comp. Do not hesitate to call any of your Union officers for references if needed. Again, all the information I just went over can be found at: <https://www.dir.ca.gov/InjuredWorkerGuidebook/InjuredWorkerGuidebook.pdf>

Stay safe on the job!

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Local 1277 Shop Stewards Attend Labor Notes Conference

I am very pleased to report that three hard-working, effective Local 1277 Shop Stewards recently attended the *Labor Notes* Convention in Chicago. They learned a lot and are eager to share their experiences with all our brothers and sisters.

“The Labor Notes Convention in Chicago was amazing. More than 4000 people together with the same purpose: To make our Union stronger. It makes you realize how true these words are: TOGETHER WE FIGHT, TOGETHER WE WIN. I send a special thanks to everyone who was speaking in the conference. Thank you for sharing your knowledge with us. It was an amazing experience to see all those union leaders representing their members. Amalgamated Transit Union Local 1277 was present with Stewards from different divisions bringing back with them knowledge to keep protecting our membership rights.”

Maria Miller
ATU Local 1277 Shop Steward, MCO

“Brothers and sisters of ATU local 1277. This past June, I had the opportunity of attending the 2022 conference. It was an honor and an opportunity to learn from our brothers and sisters from around the country and Canada. The learning experience is like no other. I had the opportunity to interact with different sections of labor, and all concur that the labor movement must continue the good fight before we see the corporations privatizing and subcontracting—which would cause worse work conditions and reduce the expenses at public transit agencies. And in the private sector, increase the corporations' profit.

“We must protect the work conditions and the well-being of our brothers and sisters. As you may be aware, when we represent our brothers and sisters, we are seen as “troublemakers”, when all that we are doing is protecting the well-being of our members by ensuring that our agreements are honored.

“The Labor Notes Conference gathers an enormous amount of knowledge and experience, then passes it on to all the brothers and sisters who are interested in gaining knowledge to advance the work conditions. At this conference, I was able to see how important it is for us to continue to support our unions and keep on inviting our brothers and sisters to get involved and keep our guard up.”

Rodolfo Mercado
ATU Local 1277 Shop Steward, Long Beach Transit

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