



# Local 1277

# News

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## President's report

### Keeping a lookout at MTA

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

By Jeff Shaffer  
President, Local 1277

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 a bus/train or at one of our facilities.

When requested to observe, oversee, or birdog 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 inattention 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-section 6):

*“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 to not 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, LACMTA will follow the above procedure. If available, 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!

\* \* \*

## The Importance of COPE As We Look Ahead To State and National Elections

Our International Union, in a recent e-mailing to all our Locals, is once again stressing the great importance of the ATU Committee on Political Education (COPE) Fund. With this in mind, I want to take the opportunity to review what exactly COPE is, what it does, and why it is so vital for Local

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1277 brothers, sisters, and families to contribute what they can to this fund.

Simply put, COPE is the political-action arm of the ATU International and, by extension, our own Local Union. Remember the tried and true words of Samuel Gompers, the founder of the American Federation of Labor near the end of the nineteenth century: ***“Organized labor supports our political friends and opposes our political enemies.”***

These stirring words rang true in the 1890s, formed our political philosophy all through the political and social upheavals of the 20<sup>th</sup> century, and ring true now even more in the third decade of the 21<sup>st</sup> century. *It matters* who we elect to political offices! *It matters*, at all political levels—city, county, state, and federal—who is crafting the legislation that affects our jobs, careers, families, and futures! Just consider how organized labor has fared so well under the pro-labor President Biden administration and how we were hung out to dry under the previous one!

*And, brothers and sisters, never forget that as public employees, we are even more at the mercy—so to speak—of the politicians in city halls, county administration buildings, statehouses, and Washington, D.C.! Their bills can—and often do—affect every aspect of our lives, from pro-labor legislation, and health and education to state and federal court appointments and social/ economic equality! Progressive bills can greatly help us all, and regressive, right-wing bills can crush our hopes.*

## Leveling the Playing Field

Organized labor, *your* voice, and the voice of working men, women, and families, is constantly and depressingly outspent by corporate, management, and anti-union right-wing individuals and political-action groups. This isn't crying over spilled milk or shouting, “woe is me,” this is cold, hard fact. In many crucial political campaigns—where we want to elect a pro-working person or defeat an anti-working family candidate—our political enemies, big business, corporate America, right-to-work advocates, and others of their kind can and do out-spend labor by huge margins, sometimes up to *10 times* the money we can raise; sometimes even *more!*

***The ATU COPE Fund is our best way to level the political playing field.*** Of course, our phone banks, precinct walking, slate mailings, and get-out-the vote efforts are very important and often can tip an election our way. But, bottom line, ***“Money is the mother’s milk of politics,”*** as the ultimate political insider, former California Assembly Speaker Jess Unruh, so memorably stated many years ago.

He was right then, and he is right now. Money speaks loudly—maybe *too* loudly—in political campaigns, especially in California, where media buys (television, radio, newspapers, billboards, on-line advertising/outreach) are horrendously expensive.

## How You Can Help

It is as simple as it is important: *Please contribute what you can to the ATU COPE Fund.* Every dollar matters. It matters because organized labor *must* level the political playing field. It matters because all ATU Local 1277 brothers, sisters, and families *must* become politically aware and knowledgeable about the candidates (those we support and those we oppose), their views

on the issues we care about, and their legislative efforts, both for and against our interests.

You can contribute in one of two ways: A one-time or periodic contribution, or by arranging an automatic monthly contribution. If you contribute as little as \$12.50 per month (total of \$150.00 for a calendar year), you will receive a Local 1277 jacket as a “thank you” and recognition of your political involvement and generosity. Please contact Cristina Soto (323/222-1277, extension 105) to sign up for this vital effort.

***With nothing less than the presidency of the United States, 33 U.S. senate races, the entire U.S. House of Representatives, and dozens of state and local elections on tap for 2024, it is not at all too early to think about these races, how these outcomes will affect our careers, lives, and families, and why we must “Support our political friends and oppose our political enemies”!***

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## ATU International, Local 265 Slam “Whitewash” Report on Tragic May 26, 2021, Mass Shooting

In late March, our ATU International Union and our sister Union, Local 265, blasted the Santa Clara Valley Transit Agency’s (VTA) “independent investigation” into the awful mass shooting at their property on May 26, 2021, which took the lives of 10 cherished members. They denounced the report as ***“as unacceptable, insufficient, and designed to get VTA off the hook.”***

Local 265 President John Courtney had this to say about VTA’s recently released report: *“VTA should be ashamed of this so-called independent investigation, with its completely false narrative that lets the agency off scot-free in the face of on-going litigation.”*

In response, our International and Local 265 offered a series of solutions to prevent future violence. In a letter to VTA, they outlined their proposed remedies, as well as numerous reasons why they believed the VTA report on the atrocity was a *“transparent effort by the agency to avoid any accountability or blame for the tragic events of May 26, 2021.”*

ATU International President John Costa reacted strongly to VTA’s “independent investigation”: *“The report was a sham and an insult to the families of the victims and our brothers and sisters at Local 265, whose lives will never be the same after this tragedy.*

***“As an epidemic of violence against transit workers continues unabated, we call on VTA, the FTA, and indeed all transit agencies to incorporate comprehensive Violence Prevention Programs into their Public Agency Transit Safety Plans, which the ATU helped secure under the landmark bipartisan Infrastructure Law.***

*“We owe it to those whose lives were lost in San Jose and to all the heroes serving our nation’s transit systems every day.”*

Brothers Costa and Courtney are right on target with both their criticisms and calls for action to end once and for all the unprovoked and senseless violence against our members who serve the mass transit-dependent public every day across our country and Canada.

## **Easing Into the Job:**

### **Probationary Employees**

*By Victor Rodriguez  
Board Member-at-Large*

Being the new brother or sister on the job can be an exciting time, but also a stressful one. You are new to the company and might not know too many people, or anybody at all, on the job. The new-hire probationary period is a testing period for the employee and the company. Both evaluate each other on whether you are a good fit for the *transit agency*, or the agency is a good fit for *you*. Hiring on at any one of our properties means you have applied, successfully passed a few interviews, a physical exam, a drug screen, and are on your way to training.

While on probation, you will be monitored and evaluated, and you will receive feedback on your current performance. *Don't take constructive criticism the wrong way!* Learn from it. Learn from everywhere you get advice, especially from your co-workers who have the seniority and experience that can help you—and who have already been through your probationary experience. Know the provisions of your contract; this is where all your rights as a member are listed. It is best for you to read and fully understand your contract. If you have questions, ask a co-worker or your Shop Steward. Read all the rules and regulations in the handbooks the company provides; you always want to know the rules that are in effect where you work.

Work! Do the work you were hired to perform *safely and to the best of your ability*. Know that being a new employee means you are being monitored and evaluated daily. Find opportunities to shine, hold yourself to high standards of work, and in down time seek opportunities that allow you to go above and beyond expectations. Build a network of support among co-workers who can help you.

*And, very importantly, always rely on your Shop Stewards, who have the work experience and knowledge to answer questions about contract provisions and any working conditions. Finally, of course, your Executive Board officers are here to serve you in any way they can.*

So welcome aboard! If you so choose, you can have a long, successful career at one of the five properties ATU Local 1277 represents. Work smart, be safe, work well with your union brothers and sisters, and when in doubt don't hesitate to ask questions. *And if you are called to meetings to discuss working conditions, or any matter that can affect working conditions, and may lead to any discipline, be sure to request that your Shop Steward be present. It is your right!*

## **Time very well spent!**

### **The Importance of Training And the Sacrifice Service Requires**

*By Mauro Varela  
Treasurer, Local 1277*

Your Executive Board has *always* taken seriously members' requests for more training so that they can better perform their jobs and serve the public. In response to this, your board was recently able to secure valuable training for our

members and Shop Stewards on two extremely important topics: *Workers Compensation and Social Security disability*.

Over the course of two excellent training sessions, attorneys Scott Ford and Cheryl Wallach, from their firm Ford and Wallach, educated our members, Shop Stewards, and Executive Board officers on the complexities and provisions of the Workers Compensation system.

In addition to their legal work, Mr. Ford and Ms. Wallach are instructors at the famed Los Angeles Technical Trade College. They graciously provided us with a condensed version of the course they teach at Trade Tech. And in addition to the excellent Ford-Wallach training, ATU Local 1277 was fortunate to have Rebeca Padilla, from the Potter, Cohen, Samulon & Padilla law firm, speak to us about state disability and social security disability regulations and conditions.

### **More Valuable Training Planned**

This was just the first of the training programs that your Executive Board has in store. We are currently looking into securing more timely and informative training in the future. *Providing training is only the first piece in our overall plan for educating our members and Shop Stewards.*

However, providing all that training is only the beginning. *Participation is the key! Your participation!* By attending the training, and then passing on the information that was learned to all our members is an unquestioned benefit and gain for the entire Local 1277 family. Let's not lose this knowledge or let opportunities go by the wayside by not participating in the training that we can provide for you. If we let opportunities like this pass us by, we will all be worse for it!

Advancing the goals and influence of our Local means we *all* need to participate. I am not going to lie—participation can not only be difficult, it can also take dedication, commitment, *time*, and sacrifice. Rest assured that your Executive Board secures these training opportunities to ensure that you are provided with the best representation on all our properties.

What does this mean for you? I know you've heard it all before, *"Attend your Union unit meetings."* This is always true, because even as you have heard this before, Union meetings are *not* just for the Shop Stewards and Executive Board officers. *These meetings are for the entire membership.* Believe me when I say that I know it can be very difficult to sacrifice your time, but attending a membership meeting once a month or attending training when it is available is the best way to ensure that you stay informed and more involved in *your* union. This is a rewarding sacrifice that surely pays many dividends.

*Our Union isn't your Executive Board, it is all of us.* Don't take it from me, just listen to some of your brothers and sisters who made the time to attend the recent Worker Comp and Social Security training.

### **Our Members Appreciate The Training They Receive**

*"As a Union Relief Shop Steward, I attended a Workers Compensation training course on April 1<sup>st</sup> at our union offices. This class broadened my knowledge concerning how and when to file, also on the importance of legal representation. Our instructor was very informative and kept the course interesting,*

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easy to understand and provided great examples. To those who are unsure or have a small doubt on how Workers Composition is beneficial to them, I recommend taking this course to keep informed on how it can be used to better serve union members.”

**Carlos Leohr, Member, MTA Division 7**

“On Wednesday 3/22/2023 and again on Saturday 4/1, ATU Local 1277 welcomed attorneys from the firm of Ford and Wallach to the Los Angeles office to educate leadership and members regarding Workers Compensation. Open to all members, and lasting a few hours, this occasion was an opportunity to learn about the history and modern applications of Workers Comp, offered by specialists in the field.

“The presentation began with a background on national, as well as local state legislation, juxtaposed with a vision of labor relations before their implementation. An emphasis was placed on using Workers Comp to be made whole and get back to work (no one gets rich off Workers Comp!). Several example scenarios were discussed, relating to specific provisions, limitations, and qualifications required to receive compensation. These were balanced with the obligations faced by employers, including circumstances which might be overlooked at first glance.

“A major takeaway was that employees’ right to litigation was ostensibly traded for expeditious access to benefits: we can’t sue, but we shouldn’t have to fight to be compensated for various injuries we may receive in the line of duty. Of course, the system doesn’t always work as intended, and options were discussed for when a worker might face unexpected opposition.

“This presentation was a concise, informative, and at times humorous primer on an important facet of U.S. labor protection, as well as an excellent opportunity for membership to get educated on how to protect themselves and each other.”

**Ethan Brennan, member, Long Beach Transit**

“On April 1st, I was provided an opportunity to attend a Workers Comp training session. The training was invaluable. I learned about the great compromise of 1913 and how it's a no-fault system, no more punitive or compensatory damages. The employer has 90 days to investigate the incident. That it's also important to do your research on the doctor who will treat you. Make sure he's well educated in Workers Comp law and an advocate for the employee, not the business. One of the most important parts of workers comp law is that the employer provides you with medical treatment to make sure you can return to work. The whole goal of workers comp is to help you return to work healthy. I would like to thank the Union and Ford and Wallach for providing this informational training.”

**Lester DuBoise, Shop Steward, MTA Division 1**

“Workers Compensation is a state-mandated program for employees who become injured or ill in the course of their employment. As a union Shop Steward, I have been seeing a lot

of drivers go out on Workers Compensation. I had many questions and concerns about the process of how Workers Compensation works. The training gave me knowledge and a thorough background in California’s complex Workers Compensation system. I learned what happens to an injured worker at every step of the process, from injury to medical treatment, legal issues, disability issues, and the return to work.

“I also learned the ins and outs of how insurance companies and medical providers operate in California. The class provided a detailed examination of the appeals process and the rights of the injured workers. By the end of the class, I had a clear understanding of California Workers Compensation, and the resources that were available to support the injured workers.”

**Michelle Santa Cruz, RTA Operations Shop Steward**

“One thing that is often taken for granted, and misunderstood, is California’s Worker Compensation program. I recently realized this at one of ATU’s training sessions about Workers Comp. Being a Shop Steward, I often advise my members about injuries and accidents at work and this training is vital to giving good, sound advice. During the training, we also learned about filing injury claims for Social Security Disability Insurance. What became plainly obvious to me that Saturday was that this is information that everyone should know, not just union Shop Stewards.

“For instance, did you know that the California Workers Compensation program has been around since 1913 and is in the California State Constitution? The “Great Compromise of 1913” is when the system was created, and it took away the employees’ right to sue their employers for punitive and compensatory damages in most cases. What the workers received in return was a system that compensates an employee regardless of fault. However, damages for workers are capped in the amount of compensation they can receive, and they can only receive benefits for a certain amount of time. Also, did you know that if you travel out of town for work you are covered 24/7? Did you know that if you are disabled you can also file with the Social Security Insurance Program? These are just some of the things I learned. Very interesting, I think.

“My eyes were open to the complexity of the California Workers Compensation system. What is available to workers, what must be done to file a claim. I would suggest that anyone and everyone learn about this system. It is the only way to protect yourself if you get injured at work, or if your job contributed to an injury.”

**Aaron Williams, Shop Steward, MTA Division 7**

That was just a small sample of what your brothers and sisters who attended our last training have to say. We, your Executive Board, are always working to secure more training in the future. Keep your eyes open and don’t let opportunities for training pass you by!

Here are the upcoming Local 1277 membership meetings for May and June. Please make every attempt to attend the meeting for your unit. It's <b>your</b> Union, and we need your participation at our meetings! All members will receive credit for the meetings.	
<b>Tuesday, May 2:</b>	Los Angeles area members:
<b>Tuesday, Jun. 6:</b>	L.A. Building Trades Council, 1626 Beverly Blvd., Los Angeles. Morning Session 10:00 a.m. Evening Session 5:00 p.m.
<b>Wednesday, May 3:</b>	Metrolink Unit members:
<b>Wednesday, Jun. 7:</b>	Local 1277 Office, 1744 North Main Street. Morning Session 8:30 a.m. Evening Session 5:00 p.m.
<b>Wednesday, May 3:</b>	Riverside area members:
<b>Wednesday, Jun. 7:</b>	IELC Building, 1074 E. La Cadena Dr., Riverside Morning Session 10:00 a.m. Afternoon Session 3:00 p.m.
<b>Thursday, May 4:</b>	SunLine area members:
<b>Thursday, Jun. 8:</b>	Hilton Palm Springs, 400 East Tahquitz Canyon Way, Palm Springs Morning Session 10:00 a.m. Afternoon Session 4:00 p.m.
<b>Thursday, May 4:</b>	Long Beach area members:
<b>Thursday, Jun. 8:</b>	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.