



# Local 1277

# News

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## **You Need to Exercise them!** **Your Weingarten Rights Are Valuable** ***Always Use Them When Necessary!***

*By Errol Frazier*  
*Vice President, Local 1277*

Your important and hard-fought *Weingarten Rights* have been written about many times right here in this publication. Most unfortunately, and because of a general lack of attention or understanding of them, many ATU Local 1277 brothers and sisters *continue to allow these valuable union rights to be squandered or left unused. This is both dangerous and inexcusable for you!*

Recently, a seasoned member of our Union had a brain-freeze moment while working on the bus line. An investigatory meeting was held to discuss the alleged misunderstanding. Days after the meeting, while in conversations with a Shop Steward and the member, we figured management would be scheduling another meeting. We, however, did not know what *kind* of meeting it would be. Would our member be asked more questions or be served with discipline?

Because management was playing this situation very close to their vest, we took time and tried to prepare our member just in case management called for a meeting *without* the knowledge of the Union. Our member was given one of our business cards and reminded to turn it over. On the back of the card is a union member's Weingarten right. They read:

***"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, officer or steward be present at this meeting. Without representation present, I choose not to participate in the discussion."***

Armed with this card, our member was asked to read out these guaranteed protections to management if a Local 1277 representative was *not* there.

***Unfortunately, the member was clandestinely called in to a meeting with management and fired!***

### **Trying to Save our Member's Career**

I received a call from our member after the meeting and was informed of what took place. I asked the member what happened, and then I asked the vital question: *Did he read out the very clear protections stated on the back of the card?*

**No, I didn't, was his reply.**

I received the mandatory paperwork a few days later and promptly filed a grievance for our member. This action will allow our member one slim chance for us to try and save his job.

Brothers and sisters, *this disturbing and possibly ruinous situation did not have to happen at all!* There was absolutely *no* reason for our member to be forced to sit at home, waiting and hoping for a call saying we had won his appeal, and he would be going back to work. Our member will have no choice but to wait through the whole process of an appeal and, if need be, an arbitration hearing. Bottom line: Our member can return to work only if we are successful.

### **A Priceless Benefit**

Let me be crystal clear here, brothers and sisters: *Your Weingarten Rights are some of the valuable career-saving benefits of union membership! Make no mistake about this.* And, *never* forget that these protections were not simply handed to us because management wanted to be "nice guys" about it. Organized labor, including our Union, had to fight long and hard to secure your Weingarten Rights. ***They are there to be used if and when the need arises!***

*You*, as the union member, must invoke your union rights for yourself. *You* must say the proper words, at the right time. *You*, as the member, must say them to management so they can protect you in the way they have

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been designed to do. *Your Shop Steward cannot say those words on your behalf. I, as a Local 1277 Union officer, cannot say those words on your behalf.*

My advice, after decades of jobsite experience and service as an Executive Board member, is this: *Always—always—carry a copy of your Weingarten Rights when you are at work!*

*Only you can rely on and speak those words to protect yourself from management, in order to give yourself a fighting chance to save your job, if such a situation arises! Invoking your Weingarten Rights may well save you a lot of time, your career, and your own family's security. Do not let them go to waste!*

\* \* \*

## **Avoid needless discipline!**

# **No Calling, No Texting on the Job!**

*By Victor Rodriguez  
Board Member-at-Large*

Over the years, most of you will remember that Brother Adolfo Soto warned us time and again about the dangers of *mis*using cell phones at work. Now it's *my* turn to warn everyone, with an emphasis on drivers.

Cell phone usage has been on the rise at several of our properties. Members use them either behind the wheel, at no-phone zones, or in cell phone-restricted areas. I'm writing this article to remind everyone to be mindful of the law, safety for ourselves and passengers, and *overall safety at our work locations*. Discipline, suspensions, and even *terminations* are on the rise, and I want to keep us all employed and safe on the job.

## **What You Need to Know**

There are texting and mobile-phone restrictions for commercial motor vehicle (CMV) drivers. The Federal Motor Carrier Safety Administration (FMCSA) and the Pipeline and Hazardous Materials Safety Administration (PHMSA) have *specifically* prohibited interstate truck and bus drivers, and drivers who transport certain quantities of hazardous materials from texting or using hand-held mobile phones while operating their vehicles. These joint rules are the latest actions by the U.S. Department of Transportation to end distracted driving. Violations can result in fines and/or driver disqualifications, and will impact a motor carrier's or driver's Safety Measurement System (SMS) results.

## **No texting while driving!**

CMV drivers are prohibited from texting while driving. So, what qualifies as texting? *Texting means manually entering alphanumeric text into, or reading text from, an electronic device.* This includes, but is not limited to, short message service, e-mailing, instant messaging, a command or request to access a Web page, or pressing more than a single button to initiate or terminate a voice communication using a mobile phone, or engaging in any other form of electronic text retrieval or entry, for present or future communication.

## **Do not type or read a text message while driving a CMV!**

Use of mobile phones is restricted for CMV drivers. The rules restrict a CMV driver from reaching for or holding a mobile phone to conduct a voice communication, as well as dialing by pressing more than a single button. CMV drivers who use a mobile phone while driving can only operate a hands-free phone located in close proximity. In short, the rules *prohibit* unsafely reaching for a device, holding a mobile phone, or pressing multiple buttons.

*What happens if a driver is caught using a hand-held phone or texting while driving?*

The rule for driver offenses includes civil penalties up to \$2,750.00 and driver disqualification for multiple offenses. Motor-carrier agencies are also *prohibited* from requiring or allowing their drivers to text or use a hand-held mobile phone while driving, and they may be subject to civil penalties up to \$11,000.00. Violations will impact SMS results. Texting and calling on a hand-held phone carry the maximum violation-severity weighting in SMS!

It's worth mentioning here, *even 16 years later*, that the horrific Chatsworth crash that involved a Metrolink commuter train and a Union Pacific freight train, killing 25 people and injuring another 125 passengers, *came about because the Metrolink driver was texting, causing him to blow right through a stop signal and plow into the oncoming train!*

## **What are the risks?**

Besides penalties and possible driver disqualification, recent research shows that the odds of being involved in a safety-critical event (e.g., crash, near-crash, unintentional lane deviation) are **23.2** times greater for CMV drivers who text while driving than for those who do not. Texting drivers took their eyes off the road for an average of 4.6 seconds. *At 55 mph, this equates*

to a driver traveling the approximate length of a football field—without looking at the roadway!

For CMV drivers who dial a mobile phone while driving, the odds of being involved in a safety-critical event are *six times* greater than for those who do not. Why take chances? Bottom Line: Using a handheld device while driving is a serious traffic violation that could result in a driver disqualification.

## Holding a Cell phone and or Talking on a Cell phone

FMCSA rules restrict the use of all hand-held mobile devices by drivers of commercial motor vehicles. This rulemaking restricts a CMV driver from holding a mobile device to make a call or dialing by pressing more than a single button. Research commissioned by FMCSA shows that the odds of being involved in a safety-critical event (e.g., crash, near-crash, unintentional lane deviation) are *six times* greater for CMV drivers who engage in dialing a mobile phone while driving than for those who do not. Dialing drivers took their eyes off the forward roadway for an average of 3.8 seconds. *At 55 mph (or 80.7 feet per second), this equates to a driver traveling 306 feet, the approximate length of a football field, without looking at the roadway!*

## What is the definition of using a mobile telephone?

- Using at least one hand to hold a mobile phone to make a call
- Dialing a mobile phone by pressing more than a single button
- Reaching for a mobile phone in a manner that requires a driver to maneuver so that he or she is no longer in a seated driving position, restrained by a seat belt

## What does this rule mean to drivers and carriers?

**Fines and Penalties:** Using a hand-held mobile phone while driving a CMV can result in fines and driver disqualification. A driver can be fined up to \$2,750.00, and agencies that allow or require drivers to use a hand-held communications device while driving up to \$11,000.00

**Disqualification:** Multiple violations of the prohibition of using a hand-held mobile phone while driving a CMV can result in a driver disqualification by FMCSA. Multiple violations of State laws prohibiting use of a mobile phone while driving a CMV is a serious traffic violation that could result in a disqualification by a State of drivers who need to have a Commercial Driver's License.

## What are the risks?

Using a hand-held mobile phone is risky because it requires the driver to reach for and dial the phone to make a call. Reaching for a phone out of the driver's immediate area is risky, and so is dialing because these actions take the driver's eyes off the roadway. The rules apply to drivers operating a commercial motor vehicle on a roadway, including moving forward or temporarily stationary because of traffic, traffic control devices, or other momentary delays.

*Violations negatively impact SMS results, and they carry the maximum severity weight!*

Remember: No calling, No texting, No discipline!

Be smart!



Here are the upcoming Local 1277 membership meetings for November and December. 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, Nov. 5:** Los Angeles area members:

**Tuesday, Dec. 3:** L.A. Building Trades Council, 1626 Beverly Blvd., Los Angeles. Morning Session 10:00 a.m. Evening Session 5:00 p.m.

**Wednesday, Nov. 6:** Metrolink Unit members:

**Wednesday, Dec. 4:** Local 1277 Office, 1744 North Main Street. Morning Session 8:30 a.m. Evening Session 5:00 p.m.

**Wednesday, Nov. 6:** Riverside area members:

**Wednesday, Dec. 4:** IELC Building, 1074 E. La Cadena Dr., Riverside. Morning Session 10:00 a.m. Afternoon Session 3:00 p.m.

**Thursday, Nov. 7:** SunLine area members:

**Thursday, Dec. 5:** IBEW Local 40 Electrical Resource Center 39615 Washington Street - Suite G Palm Desert, CA 92211 Morning Session 10:00a.m. Afternoon Session 4:00p.m.

**Thursday, Nov. 7:** Long Beach area members:

**Thursday, Dec. 5:** 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.



# PRESIDENT'S REPORT

## **Do *not* abuse alcohol and drugs!**

### **Lives and Careers Are Still at Stake**

*By Jeff Shaffer  
President, Local 1277*

With the holiday season soon upon us, I feel that it is very worthwhile to remind every ATU Local 1277 brother and sister, retiree, and family that there can be—and very often *are*—very serious, even life-changing, consequences if you overdo it with alcohol or substance abuse!

Or, to put it as bluntly as I can, *if you drink too much and lose control, or if you are a substance abuser (at home, in the car, on the job), you may well be risking everything of value: your health, your career, your families' well-being and security, and even your lives!*

See the words at the top of this article? *Do not abuse alcohol and drugs!* I use those words because I want to be as honest and concerned as I can be. Most people don't fully think about the consequences of alcohol and drug abuse *before* they do it, and *after* they've done it, it may well be too late to help, anyway.

California, along with many other states and cities, always needs new revenue sources. Therefore, among other reasons, state and local law enforcement set up an increasing number of sobriety check points along many streets and highways. You see them in force during the holiday season, but don't kid yourself: they're out there all year round.

You *know* what inevitably comes next: more and more drivers are being tested—and *arrested*—for driving under the influence, the notorious and often ruinous DUI. More and more drivers are involved in fatal and non-fatal crashes.

**Please do not become a statistic.**

Due to the nature of our important work, most ATU Local 1277 members are rightly and honorably considered "safety-sensitive employees". *Your work, your professionalism, directly affects public safety.* With this in mind, please never forget: **Your driver's license is a privilege, not a right!** Your license is, however, clearly a *professional necessity* for our Coach Operators and just about all our other members in your many classifications.

**Please do not drive anywhere or come to work under the influence of anything!**

You may be randomly tested at work, or you may well be pulled over at a sobriety check point. At your worksite, a number of factors come into play:

- Under the influence, you are hampering both your judgment and reaction time to a possible emergency.
- This, in turn, may cost a co-worker, a union brother or sister, injury or even his or her life.
- While driving to and from work—or from social and family events—you may be involved in a serious or

even fatal collision, one which may drastically affect loved ones.

Is this a risk worth taking? *Of course not!* Drive safely to and from work, work safely, and enjoy your free time, but **never—never—abuse alcohol or drugs!**

### **Consequences of Drinking and Driving**

Before you make the terrible mistake of driving under any kind of influence, think of the consequences.

**If you are convicted of Driving Under the Influence (DUI) of alcohol or drugs—while driving a commercial vehicle (testing at 0.04% or higher), or a personal vehicle—you will, for a first offense, lose your Class "A" license for one year.**

**If this is your second conviction within 10 years—while driving a commercial or non-commercial vehicle—your driving license will be revoked for life!**

Once again, we remind you in the strongest-possible way: **Your California Driver's License is a privilege, not a right!**

Please remember: At any time, the risk you are taking at work or on the road will affect you and your family forever. You cannot undo the past. The loss of a loved one, co-worker, or a completely blameless person on the road who has not been drinking or even driving will haunt you for the rest of your life. Even without a loss of life, financial penalties could be crippling.

### **If You Need It, Help is Available**

If you fear you may have an alcohol or substance-abuse problem, help is available. ***Do not wait until you are involved in a life-changing accident before seeking assistance!*** Through your Union, the Employee Assistance Program (EAP) is available for you to use. *Do not hesitate to take advantage of this excellent resource, if you think it may help!* If you have any questions about the EAP, or wonder if it can help you, talk to your Shop Steward or a Union officer. Life is too short to fool around with drinking and substance abuse, and driving.

LACMTA Unit members also have access to the Browning Therapy Group, an outfit that can help you work through and hopefully overcome addiction problems, as well as marital and other personal issues. *Any use of this free service is strictly confidential, and discussions and recommendations from your visits will not be shown to anyone, including LACMTA.* It is part of your healthcare-coverage plan. Contact your Shop Steward or a Union officer for information.

A final reminder: A number of Local 1277 brothers and sisters—*too many*, actually—have been *terminated* for alcohol and drug abuse. ***Never forget this: Management at all of our properties is not fooling around or making idle threats! You can lose your job, your career, your future, and that of your family's! Please get help if you think you need it. Only you can save your job and everything that flows from it!***

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