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## Testimony to the MTA Board – January 29, 2014

Good morning... my name is Anthony Simon and I am the General Chairman of the International Association of Sheet Metal Air Rail and Transportation Union, known as the United Transportation Union on the Long Island Rail Road. Thank you for providing me with the opportunity to speak to you this morning. I stand before you today with the hope to convey a strong message that will end the overwhelming concerns and potential ramifications of a looming strike on the LIRR. I negotiated a successful agreement during our last round of negotiations. I'm confident we can achieve the same success once the MTA accepts PEB 244 and we see no reason why this should not happen.

I am the spokesperson for a coalition of LIRR unions, which also includes TCU/IAM, NCFO/SEIU, and Smart Sheet Metal. We represent 70% of Unionize workforce on LIRR

I'm certain you have all been made aware through various print and media avenues that labor and management are in an extremely fragile state on the LIRR. I understand there are struggles throughout the agency between labor and management, and I support my brothers and sisters throughout our MTA family, and I thank TWU President John Samuelson for his support. I would like to take a moment to share with you some important facts relative to labor's position in our present contract dispute on the LIRR.

Over the last 3 to 4 years, labor has not had any consistency in leadership to negotiate with. We are all aware that we have had CEO's that chose to move on to bigger and better things... some may have been bigger, but not necessarily better. Because of these choices, labor was left to negotiate with MTA staff. It was clear from the start that the Agency did not take the negotiations seriously and were not prepared at all, where labor was focused and prepared from the start. There never seemed to be any thought or consideration from the Agency, it was always 3 net zeros along with pension and health care concessions... take it or leave it. And as we went through the motions of the negotiations, for countless reasons stemming from politics to poor priorities... we got nowhere in this process.

Let it be known that during all of these failed, non-productive talks, our labor workforce delivered throughout the years, time and time again, storm after storm, mishap after mishap...MTA and LIRR workers delivered...we rebuilt and restored service, all while receiving zero wage increases. And yet while labor received absolutely nothing for their hard work, the Agency continued to convey the message that management was "sharing the pain" by receiving zero increases as well, but as it turns out, that didn't seem to be the case after all. The appointed Board members of PEB 244 determined that there were in fact raises given to management. It appears that creativity was used in order to provide these raises, things such as productivity and added responsibilities were used, however, the PEB Board saw right through those claims and exposed the real truth.

While labor continued to work diligently under expired contracts, it became very clear that the only thing left to do in order to resolve this ongoing dispute was to utilize the process afforded to both parties through the Railway Labor Act...

Mediation through the National Mediation Board finally took place...Then an eventual and inevitable release from that same NMB process, which ultimately led to a request for a Presidential Emergency Board by the MTA. If the MTA is unable to willingly deliver an offer to its employees, and if labor is not willing to accept an agreement that offers wage freezes and give backs that are inconsistent with the commuter rail industry, then there is a process that both parties will hopefully be able to live by... and that is, accepting the PEB recommendations that have been presented to us.

At this time, both sides have now spent countless hours and valuable resources preparing their cases to deliver to a non-biased board of experts, who have the ability to make recommendations that can settle this dispute. In December, with the cooperation of both sides, this very process took place, and the recommendations that resulted from PEB 244, along with the supporting details, were published.

While the results of PEB 244 were NOT everything labor had hoped for, we couldn't lose sight of the obligation we have to the riding public. While the recommendations do include modest wage increases, they also opened the door to health and welfare contributions, which are historic and a sensitive issue for our commuter railroad and a great step for the Agency in funding health care costs.

The reality now is that our labor organizations on Long Island are prepared to make these recommendations work and are ready to obtain ratification from the respective memberships for the good of the Agency and most importantly, the riding public. We are respectful of the process and DO NOT want to exercise our legal right to strike, however, we are in disbelief that the MTA is not accepting these recommendations.

To date, the MTA has NOT requested a second PEB which is the next step in this painful process. What this means is that on March 21<sup>st</sup> labor has the legal right to strike. These tactics which are being utilized by the Agency are causing tremendous concern to all parties, especially our riders. Additionally, the MTA makes statements in every news release that they don't negotiate in the press, but yet that is completely false. It is just done through back door quotes to the newspapers, continually mentioning that if they don't achieve zero wages and raises must be provided, fares will increase drastically. It is very obvious that this is negotiation through the press, and our front-line employees are being put at risk every day due to these public comments about raises that will cause higher fare hikes. I find it quite disturbing and completely irresponsible that the Agency is turning the public against the unions who keep everything together and make this place run. It seems that when money needs to be found to accommodate mandated legislation or politically motivated projects, the MTA finds it, but the hard working employees always come last time and time again. Most successful companies encourage and reward their employees and say things to motivate and support its workforce, but apparently this is not the case here.

And while MTA does in fact try to negotiate through the press, they don't negotiate with the involved unions. Since the PEB issued its recommendations, MTA has declined to even meet with us.

Also, I would like to congratulate the MTA PBA on their well-deserved agreement that does not include the 3 net zeros wage freeze. The MTA had the ability to provide raises to the PBA, but from our point of view, this continues to be a tough thing to swallow when they claim they can't pay their remaining workforce. But yet, everyone takes credit for the great job our members do during the worst possible conditions. They give themselves hefty salary packages, equity raises, hay point raise, and the employees toughing it out day in and day out get offered zeros.

As general chairman of the largest organization and spokesman for our coalition I cannot express enough the disappointment we all feel toward this agency. We as labor leaders made a commitment on behalf of our respective memberships, and that commitment was to our 285,000 daily commuters. Our main goal day after day is to get them to their destination safely, no matter what obstacles we may encounter. While we made that commitment and continue to deliver on our promise, this agency has slapped our members in the face and said they don't deserve raises. In spite of all this, we will remain the professionals that we are, but no longer will these Union leaders or our members stand quietly off to the side.

It's time for action... I ask this Board to become actively involved to help end this dispute now. Stop waiting for Agency recommendations and urge them to accept the PEB which will avert unnecessary job action which will ultimately hurt us all in the end. The history of the MTA's unwillingness to honor third party involvement in settling disputes has not turned out well.

Our Organization, the Transportation Division of SMART, along with the TCU, are the largest unions on LIRR property. We and our NCFO and Sheet Metal coalition partners, will continue to be at the table waiting for the Agency to take the recommendations provided from PEB 244 and respect our memberships and agree to what they deserve.

Mr. Chairman and Board Members, please, let's take these recommendations and move forward so that we can start working toward the future once again, and get this Agency back on track. Labor would like to get back to focusing on what matters most, which is providing safe, reliable transportation to our riders.

Thank you.