



# TWU LOCAL 100 IN THE NEWS

as seen in the Friday October 12, 2018 issue of

# The Chief

## In Violation of 2017 Law

# Transit Unions Say MTA Not Giving 'WTC' Workers Mandated Sick Leave

By BOB HENNELLY

Well over a year after Governor Cuomo signed legislation requiring state agencies, authorities and municipalities outside of New York City to honor sick-time requests by their employees fighting World Trade Center-related certified health ailments, the Metropolitan Transportation Authority is still not complying with the law, according to union officials.

"They seem to acknowledge the law happened, but it's just inertia in terms of them implementing it," said Transport Workers Union Local 100 Vice President J.P. Patafio in a phone interview.

The MTA press office did not offer a response by press time to requests for comment.

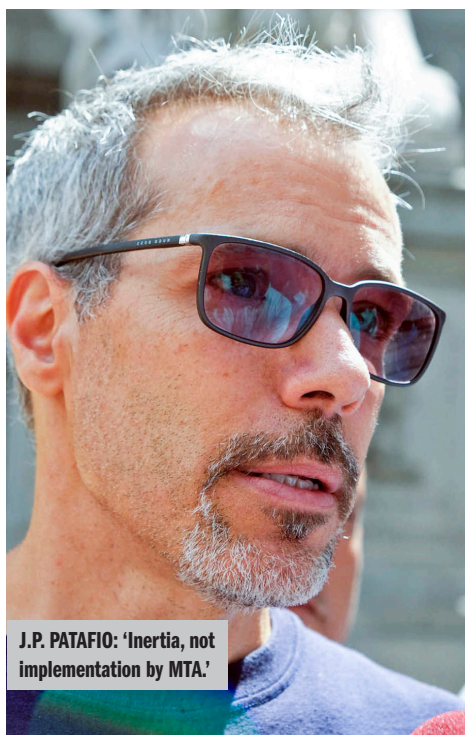
### 'They Are Covered'

"These people are covered," said State Sen. Martin Golden. "I don't get it. The MTA better figure it out because their workforce is covered."

He and Assembly Member Peter Abbate were co-sponsors of legislation to ensure that civil servants who worked for the state or municipalities outside the city and are battling illnesses related to their work in the vicinity of the World Trade Center were given unlimited sick time to continue treatment.

In June Mr. Patafio, who oversees the Brooklyn Bus Division, submitted a request on behalf of Bus Operator Anthony Tousius, who under the law was due 93 days of sick-time used to deal with two WTC-certified health conditions: prostate cancer and chronic sinusitis.

"You start at the depot level; that's the first level where we submit the paper," Mr. Patafio said. "We gave it 30 days but after nothing happened, I escalated it to Labor Relations at 2



J.P. PATAFIO: 'Inertia, not implementation by MTA.'

Broadway and a few weeks later we followed up with senior labor relations."

### 'Two-Track Strategy'

As the weeks turned into months, Mr. Patafio sought out Local 100 President Tony Utano and the union's general counsel, Denis Engel. "We kept hearing it was going to happen but it didn't, so we decided on a two-track strategy: formally file a grievance so eventually, it would have to be arbitrated, while our general counsel kept reaching out to his counterparts in the agency."

"Here we had close to 3,000 TWU Local 100 members who went down there and did the



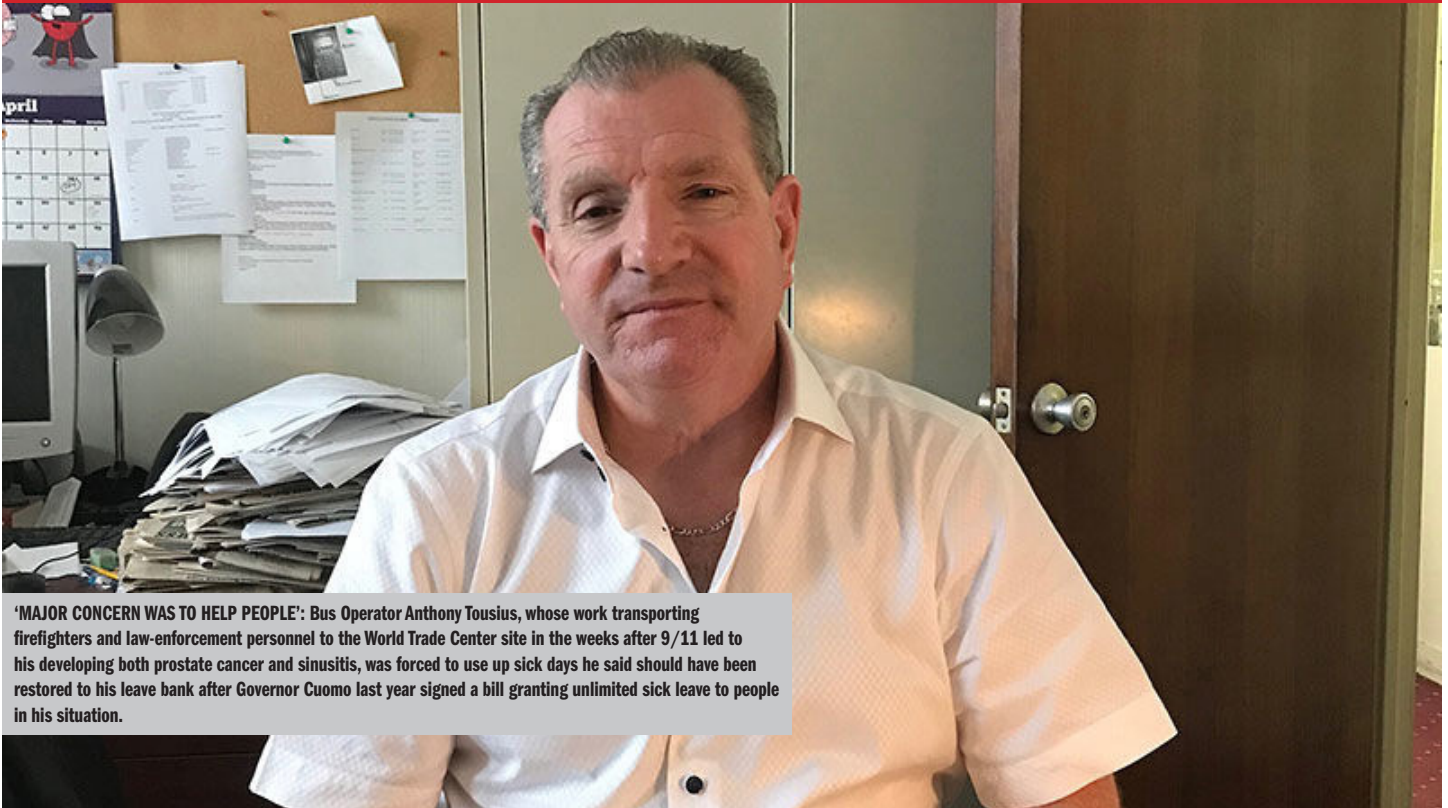
TONY UTANO: 'The MTA says they don't waste money? Well, what's this?'

work the MTA required they do and now they are getting sick and they have to use their own sick time despite a law signed last year by the Governor," Mr. Utano said in a phone interview. "The MTA says they don't waste money? Well, what's this? Now we all have to use lawyers and we have to actually grieve this even though it's the law. And remember, we were told the air was safe."

### One Guy Made a Difference

"I really got to give credit to Anthony Tousius because he had done the research on the law and he brought it to me and he has been in the forefront on this," Mr. Patafio said. "But we are

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**'MAJOR CONCERN WAS TO HELP PEOPLE':** Bus Operator Anthony Tousius, whose work transporting firefighters and law-enforcement personnel to the World Trade Center site in the weeks after 9/11 led to his developing both prostate cancer and sinusitis, was forced to use up sick days he said should have been restored to his leave bank after Governor Cuomo last year signed a bill granting unlimited sick leave to people in his situation.

potentially talking about a lot of people here: Bus Operators, Maintainers, Mechanics, all kinds of MTA titles."

Union officials in the past estimated that between 2,000 and 3,000 members played some role in the response and recovery effort at the WTC. Based on a detailed cross-referencing of 2,100 names and payroll records of union members known to have participated, union officials say 150 have already died.

By every measure, Bus Operator Tousius is a WTC Health Program success story, exemplifying what can happen when employees get screened early and take action. The 61-year-old former currency foreign-exchange broker and cancer survivor loves his job and gives off the energy of a man 20 years younger.

### A Full Recovery

He was diagnosed with prostate cancer in February 2011. "I had the surgery May 2011 and we are already seven years later, and as a matter of fact, I just saw a WTC doctor a few weeks ago and my PSA came back basically negative," he said in an interview.

"I have more or less 10 months to continue working and I am eligible for my regular retirement."

Mr. Tousius calculated that he went through 63 sick days involving prostate cancer and approximately 30 involving chronic sinusitis. "These are my two WTC-certified related ailments," he said. "We are talking \$30,000 to

\$40,000 if you look at my record. I never used sick time for my first 10-to-12 years of being on the job, so I had intended to bank all this sick time and eventually get paid for it. However, that plan fell apart when I was diagnosed with prostate cancer."

On 9/11 Mr. Tousius was working at the Jackie Gleason Bus Depot in Brooklyn.

### Drove Rescuers to Site

"As of the very next day we began to bring police, fire, and military down to the site from Fort Hamilton, from firehouses, police precincts to the WTC site," he recalled. "What happened was New York State Troopers were located at various posts around lower Manhattan and everyone coming in and out was carefully screened by the police and the New York State Troopers. So, the only way in and out was by New York City Transit Authority bus."

He recalled the declaration from then-U.S. Environmental Protection Administrator Christine Todd Whitman that the air in lower Manhattan was completely safe to breathe. "But, to be honest, I didn't really think about it. The major concern was to try and help people."

So far, Mr. Tousius said, he's gotten radio silence from the MTA. "They said they would give an answer in a couple of days and I am still waiting; four and a half months and I have received absolutely zero communication from upper management."

Now he is on a campaign to help fellow 9/11

responders learn about the state's sick-time law. "The most important thing is not only that New York City Transit Authority employees, but all other job titles...get the support they deserve and are legally required to receive...I believe that speaking up will help everyone," Mr. Tousius said.

### 'A Catch-22 Situation'

He continued, "I know of a Bus Dispatcher in Brooklyn who continues to work and has leukemia but he doesn't want to burn his sick time. It is a very Catch-22 situation."

That Bus Dispatcher is Salvatore Marchese, 52, a member of the Subway-Surface Supervisors Association. He was diagnosed with WTC-related leukemia in 2014. He started as a Bus Operator in 1997.

"Nobody seems to know anything about this," he said in a phone interview. "I am still going to work, but I used to be able to work overtime to build up my retirement, but my doctors tell me to take off if I get tired."

He continued, "I used a lot of vacation time because I didn't want to burn my sick time that I will need since I am on the list for a bone-marrow transplant and the doctors say I will need six months to recover."

"The MTA has to comply with this state law that was signed back in 2017," said SSSA President Mike Carrube. "Our people were down there at the site and served. Is the agency just waiting for them to die?"