



TWU LOCAL 100 IN THE NEWS

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Other Transit Workers Won It Cleaner Attacked by Subway Rider Joins Drive for Tougher Penalty

STILL SUFFERING, STILL WAITING: Marisol Delgado, a 17-year veteran subway Cleaner, said that she still suffers significant pain after she was punched by a passenger nine months ago and fell to the ground. She dislocated three discs in her neck and may have to get surgery. Ms. Delgado hopes lawmakers will pass a bill increasing penalties against Cleaners to a felony. Bus and Train Operators, Conductors and Station Agents already have that protection.

By **SARAH DORSEY**

Marisol Delgado still has some trouble sleeping at night.

It's been nine months since a passenger on a Brooklyn R-train platform sucker-punched her, knocking her to the ground. The woman's ring left a permanent dent in her forehead.

Alone With the Riders

Until Sept. 24, 2015, Ms. Delgado had never been harmed by a customer. She has been a subway Cleaner for 17 years, which can mean working graveyard shifts alone on isolated platforms.

On that night, the passenger, Julie Ramirez, tried to slip a friend in through the service door, dodging the fare. She got into an argument with a Conductor, and Ms. Delgado spoke up.

"Very nicely, I said to the customer, 'Why don't you go downstairs and he'll meet you somewhere,'" she recalled. The passenger became enraged and continued arguing. Ms. Delgado turned to leave.

"I [turned] my face to the right and she punched me out of nowhere," she said.

The attack and fall dislocated three discs in Ms. Delgado's neck, and though she recently got an epidural to help with the

pain, it still bothers her. Surgery, her doctors fear, may be on the horizon.

But it was the legal system that heaped the insult onto her injuries. The passenger recently struck a possible plea deal with prosecutors, Ms. Delgado said. The offer: seven days of community service. Though the victim would be granted an order of protection, the attack would be considered a mere misdemeanor under the law.

Vulnerable Workers

Cleaners are the lowest-paid employees in the New York City Transit system, except for Traffic Checkers, according to Marvin Holland, the political director for Transport Workers Union Local 100.

And they're among the most vulnerable.

"We're sitting ducks because we're out there more with the customers than Conductors and Train Operators," Ms. Delgado said. "So we confront customers every day. We have to step around customers and pick up garbage."

Though Train Operators and Conductors are subject to plenty of abuse from the public, they are at least protected by a partition and a locked booth. Even Bus Operators are being shielded by new partitions going into all city buses. And Station

Agents have a token booth to huddle in.

Yet all of those workers have something crucial that Cleaners lack—a law that makes assaulting them a Class D felony.

Ms. Delgado was outraged to learn that she and her colleagues were originally going to be protected by that law—but state lawmakers in 2002 excluded them before passing it.

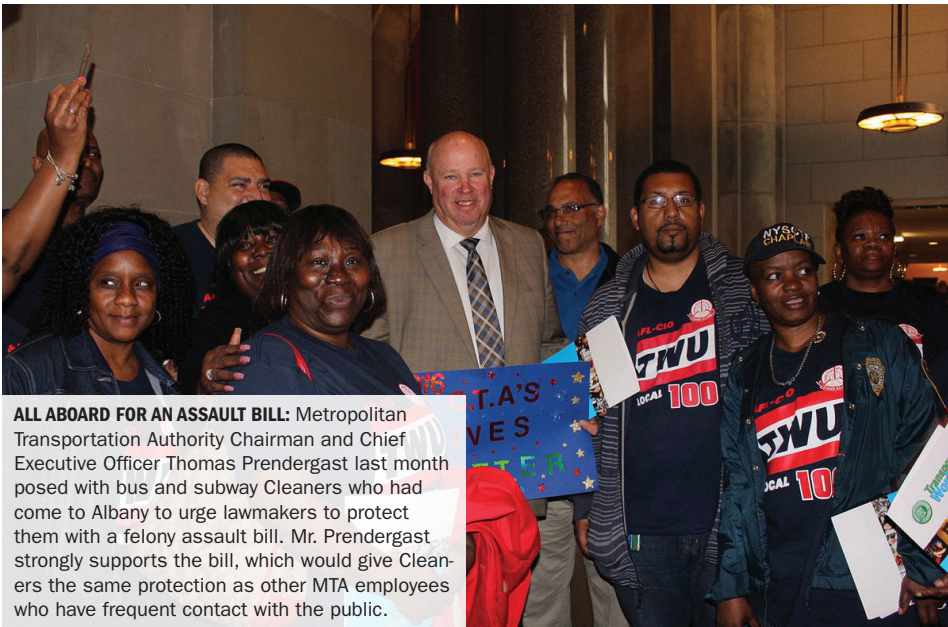
'I Was Disgusted'

"I was very disgusted," she said of an April union meeting where she learned that the system's 1,700 Cleaners had been left out of the bill. "I told [Mr. Holland] I can't talk; I'm leaving."

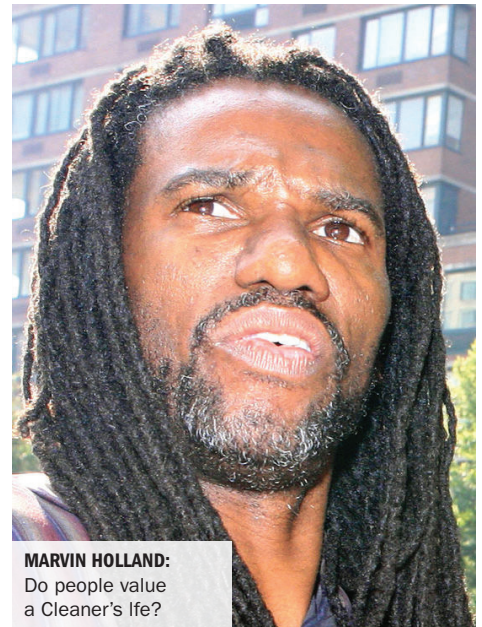
For the last 10 years, the union has been pressing for Station and Terminal Cleaners to be added to the law, and Metropolitan Transportation Authority Chairman Tom Prendergast is behind it, too. This legislative session may be their best shot yet. A bill fixing the oversight has passed the State Senate four times, during eras of both Democratic and Republican control, Mr. Holland said.

The problem has always been in the Assembly, where many members tend to oppose legislation that increases criminal penalties.

CONTINUED OPPOSITE



ALL ABOARD FOR AN ASSAULT BILL: Metropolitan Transportation Authority Chairman and Chief Executive Officer Thomas Prendergast last month posed with bus and subway Cleaners who had come to Albany to urge lawmakers to protect them with a felony assault bill. Mr. Prendergast strongly supports the bill, which would give Cleaners the same protection as other MTA employees who have frequent contact with the public.



MARVIN HOLLAND: Do people value a Cleaner's life?

CONTINUED FROM FRONT

The bill's latest incarnation, S.B. 4550A and A.B. 10048, is sponsored by Diana Richardson in the Assembly and Kevin Parker in the Senate. It's now being considered in the Codes Committee, and a majority of its members favor it, Mr. Holland said. It's also gained 50 Assembly sponsors in just over two weeks, after a busload of Cleaners traveled to Albany to lobby for it.

Still, the issue is coming down to the wire—the legislative session is scheduled to end June 16.

"It's vital in our minds to get this bill passed," Local 100 President John Samuelsen said. "Cleaners have more contact with the riding public than almost any other title and there's no reason they should have been excluded." He noted that ridership has surged in recent years, bringing the chaos that comes with larger crowds.

A 'Violent' System

"We are on the front lines of the biggest transit system in the country and certainly the most-violent transit system in the country," he said.

"I am confident that Speaker Heastie will recognize the improper exclusion of our Cleaners and correct it."

Criminal-justice reform has been a priority recently for some progressive Assembly Members. In 2009, state lawmakers repealed most mandatory minimum sentences for drug offenses. But the felony bill for Cleaners wouldn't create any new minimum sentencing. Defendants could still plead offenses down, but it would give prosecutors a tool to fight for stronger penalties. Last December, Emergency Medical Services personnel gained similar protection.

Mr. Holland said that some of the fiercest proponents of criminal-justice reform, including Assembly Members Charles Barron and Latrice Walker, were supporters

of the bill.

Senator Parker said he believed that despite widespread support throughout the Assembly, "it is up against what I think is a capricious policy in which the Assembly does not like to raise penalties on crimes."

For him, the choice to champion the bill was something of a no-brainer.

"I'll tell you a story. In 1932, there was a young man who was born in Harlem Hospital and he was born an orphan," he said. "And went from foster home to foster home until he was 18 and he was pulled out of the system.

"The first time he was able to get a full-time job at a living wage with benefits was working for Transit. And his first position with transit was as a Cleaner. That job enabled him to marry his childhood sweetheart and raise five children. And his youngest child became a State Senator."

His father's experience raised Sen. Parker's awareness of the plight of "these vulnerable workers," he said.

"And so whatever I can do for TWU I'm going to do, because I would not be here if it weren't for Local 100 and all they can do for their members."

More Women, Minorities

Though Mr. Holland has held union posts for several years, he remains a Cleaner by trade—a title he has held since 1991.

He noted that in a union that's largely made up of people of color, Cleaners are one of the least-white groups. And though there are more women in other titles—Station Agents are about half female—cleaning is perhaps the fastest-growing transit job for women. About a third are female, while Mr. Holland estimates that 25 ago it was maybe 10 percent.

'It's Just a Cleaner'

"Quite frankly, I think people don't value the life of a Cleaner the way they do some

other titles," Mr. Holland said, later adding, "I truly believe that people looked at it and said, 'Oh. It's just a Cleaner.'"

In March, police officials announced they were beefing up their presence in the subways after a spate of slashings. Ms. Delgado said it was "scary out there," with Cleaners she knows getting assaulted.

"I think it's getting worse," she said. "People are not respecting workers and they just do whatever they please. They're getting away with murder. I've never seen anything like this, through the years that I have been with Transit until now."

Mr. Holland said that at the April union meeting on assaults, he was urged by Cleaners to push the bill hard in Albany. Many of them ended up accompanying him the following month to meet with lawmakers.

The situation hasn't improved since the MTA, struggling under budget pressures, eliminated Station Agents from many stations throughout the system, Mr. Holland added. That left many Cleaners on their own, without quick help nearby if they are injured.

Deterrent Effect

Mr. Samuelsen said beefing up penalties for assaults on other transit workers had a deterrent effect. The MTA plastered stickers on buses and trains reminding customers that they could go to jail for seven years.

Ms. Delgado said she must decide whether she wants to insist on a trial for her attacker. She wishes she had a stronger law that would help prosecutors push for justice.

"With the felony law, they'll learn not to do these things—so they'll know what they're gonna get. Maybe it'll change things," she said.