

Local 100's contracts for TA, OA and MTA Bus expire on January 15, 2012.

# H.A.V.O.C. HAVING A VOICE IN OUR CONTRACT!

Preparations – and ultimately success – begin with you. Local 100 is conducting a Union-wide member survey as a first step in building our campaign for fairness. It is crucial that members from every division take part to make their voices heard loudly.

Have **YOUR VOICE** heard by filling out the survey and wearing a H.A.V.O.C. button.

You can get a survey to fill out by:

- ✓ going online at [www.twulocal100.org/survey](http://www.twulocal100.org/survey) (preferred method), **or**
- ✓ getting a paper version from an elected officer or shop steward

If you submit it online you will get a confirmation receipt to show to an officer who will give you a H.A.V.O.C. button to wear.

If you return the survey to an elected officer or steward be sure to ask for a button.

If you fax the survey in get a confirmation report and show it to an officer who will give you a H.A.V.O.C. button to wear.



## TWU LOCAL 100 NEWS Station Division

May 2011

### Prevents Broadbanding of Cleaner Title Union Wins Crucial Arbitration

Local 100 has won an arbitration award that prevents the Authority from unilaterally and dramatically broadening work assignments for CED Cleaners. This broad banding would entail CED cleaners doing Station Cleaners work.

Stations filed a contract grievance immediately against the Authority shortly after being informed that management intended to broadly change the language in the pick for CED Cleaners. The Authority's proposed language stated, that in addition to performing car cleaning duties, it would assign CED Cleaners the extra work of "cleaning terminal facilities," as well as "crew rooms, lunch rooms, offices, platforms and mezzanines ..., stairways, paid and un-paid fare areas, bathrooms (both public and private), station agent booths, and to perform such other cleaning duties as directed." This work is all traditionally station work. Shortly thereafter, CED filed a grievance of their own. Both grievances were combined to present as strong a case as possible against this action.

"Simply put, this was a management scheme to broadband our Cleaner work," said Local 100 President John Samuelson. Arbitrator Richard Adelman heard the case on April 8, 2011. Local 100 President Samuelson demonstrated its importance to the union by attending, and even arguing, portions of the case in front of the arbitrator. Stations Vice President Maurice Jenkins, Stations Division Chair Derick Echevarria,

CED Division Chair Joe Campbell, Stations CTA Section Chair Marvin Holland, Vice Chair for Station CTAs Joe Bermudez, Attorney Arthur Schwartz and others participated in the union's presentation.

**"This is an important win for our cleaners. As a union our job is to preserve your jobs to keep you working. This victory does just that. The inter-departmental cooperation inside the TWU – in this case between CED and Stations – is also important. It makes for a stronger, more effective TWU Local 100."**



Maurice Jenkins, Vice President, Stations

The union based its argument on "long standing practice" that CED Cleaners clean subway cars at the terminals, and that to assign them to Stations CTA picked work would be a seniority / pick violation. The union declared that CED Cleaners have never been assigned work that is regularly performed by Stations Cleaners and that "past practices, which go to the fundamental relationship of the parties cannot be unilaterally changed," and, in addition, that the change sought by the Authority violates the "normal seniority rights" of CED Cleaners.

The Authority relied on the principle of "management's rights," and stated that it believes it has "the unquestioned right to exercise all normally accepted management prerogatives, including the right to... determine work loads ... order new work assignments," and to generally operate efficiently and economically.

This is the usual language the MTA relies on when they try to circumvent the collective bargaining process by implementing pick changes. The Arbitrator didn't buy it, and ruled completely for the union's position. Adelman issued his order on April 27, 2011, and said bluntly that the Authority's attempt "violates the Agreement."

### IT'S IN THE CONTRACT Part 3

The Right to a Respectful Workplace.

Some employees in Stations have alerted the Union that they feel that MTA management and supervisory personnel do not always treat them in a professional manner. By this we mean hang-ups when talking on the phone to management, verbal abuse, etc.



On page 7 of the CBA, Section 1.6 (B) Employee Rights #1 says: "The Authority is committed to assuring the dignity of each employee at all times. Management shall treat employees fairly and reasonably, and shall assure that employees are not disciplined without proper cause..." To simplify, this Section of the contract means that all employees are to be treated in a professional manner by supervision. No ifs, ands or buts.

Section 1.6 (B) #2 clearly provides us with the actions to be taken if the above is violated: "The above policy shall be enforceable by the Union only in the following manner."

✓ "Any Union Vice President who has reason to believe that any employee has been treated in a manner inconsistent with this policy may submit to his/her counterpart in management the Union's proof of this allegation. The allegation shall be investigated. Within 2 weeks, management shall submit to the Union a report stating its finding on the allegation and any proposed action."

✓ "If the Union is unsatisfied with the report on the proposed findings, it may submit the matter to the Authority's Vice President-Labor Relations. He/she shall, within 30 days, advise the local President of his/her decision."

Furthermore, the MTA rules and regulations state on pg 6: "Employees must treat all customers and their fellow employees with courtesy, avoid argument and exercise patience, forbearance and self-control under all conditions." (Rule 10c)

continued on page 2

# Station Agent Re-instatement Continues

## 90 more Agents Come Home!

The return of the laid-off S/As continues. In May and June a combined 90 S/As will be returning to their titles. In May alone 66 S/As will be coming back to work. This will bring the total of returned agents to the S/A title to over 220, and this also means every S/A who was laid-off in the August 13, 2010 lay-off list has returned to their S/A title with full pay and full benefits.

This also means that we have begun to bring back Station Agents from the May 11 2010 list as well. These were the first group of

Station Agents to be laid-off. This is what is known as a "tipping point". This is a point in a long process where one begins to notice that events are finally going one way or another. In this case we feel the tipping point is certainly in our favor. With the accelerated return of S/As we feel things are definitely going our way.

Between the number of S/As returned to their S/A title and the number who are in CTA jobs until their S/A list number comes up, and are eligible to return as S/A s, the return of the laid-off members has been a great accomplishment.



We would like to thank every member of Stations for making this a reality. It goes to show what can be accomplished by sticking and working together.

Remember, these sisters and brothers were part of a scheme the MTA used to try to break into our contract. The MTA wanted the 3% we won in the arbitration award and thought that by using the threat of lay-offs they would have us giving back everything we had won. By sticking together through this fight we not only have our people coming back to work, but we gave up nothing. There will be more tests in the future, so let this example of Union solidarity be our guideline for whatever comes in the future.

Remember, the fight to bring the laid-off members back is far from over, and will not be over until all of our sisters and brothers are back in their jobs. But right now there is a lot to be thankful for.

Also, in a note to those laid-off who are getting letters to come back: It is important to know that when MTA calls you back for your job, you must take it. Meaning that if you do not report to your job when the MTA requests, DCAS has the right to remove you from the list. Then YOU will have to file for restoration to the list. This is a right given to DCAS by civil service law.

This is certainly NOT a situation that anyone would want to go through. If you cannot medically take the job, you can be put on medical hold, but if you refuse a job, you will be removed from the list and would have to apply for restoration to that list.

We understand that planned vacations, new jobs and schooling for instance are important, but you must weigh all these types of things against the prospects of getting your job back.

It's a no brainer.

## IT'S IN THE CONTRACT Part 3 continued from page 1

In this instance the term "employee" refers to all MTA employees, managerial (Supervisors) and hourly (us). This MTA rule and regulation clearly states that good manners and tolerance should be observed by every MTA employee, even supervisors.

As we know, sometimes our experiences dealing with supervision are anything but courteous and polite. The real question becomes; what do we do about it?

Here are a few quick good work practices in dealing with abusive supervision:

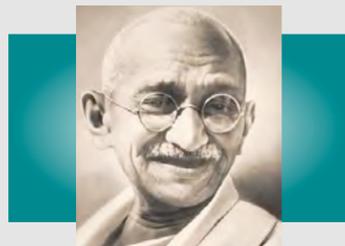
- ✓ Stay Cool; remain polite at all times. If we expect supervision to treat us with respect, then we must follow suit as well. There is no sense in giving someone who has abused you ammunition to use against you. Stay cool it will work to your advantage.

- ✓ Documentation; record the date, time, name, title, pass number and a short summary of the actions that took place. You need all that information to make a proper complaint. Try to write your G-2 as soon as you can so you do not forget any details. In situations like these accuracy means an awful lot.

- ✓ Contact your Union Representative or Shop Steward to discuss the incident in question, and help decide what actions you wish to take. Submitting a complaint to the superintendent without Union involvement does nothing but give management an opportunity to sweep it under the rug. Go over your G-2 with your Union rep. Decide what helps, what you want to do, and what does not help. Work as a team.

We as employees have value and rights; rights guaranteed under the contract. It is up to us all to make sure those rights are protected and enforced. All contact numbers of Union reps are posted in this newsletter.

### Quote of the month . . .



*"The future depends on what we do in the present."*  
Mahatma Gandhi (1869 - 1948)

### TWU Local 100 at Our New Location: 1700 Broadway (54th St.)

Telephone Numbers 1700 Broadway  
(212) 873-6000

VP Maurice Jenkins x 2037  
Div Chair Derick Echevarria x 2117  
(Discipline Arbitration, E Board)  
CTA Vice Chr. Joe Bermudez x 2056  
(CTA & overall safety issues)  
Paul Piazza x 2036  
(E-Board, Contract Arbitration)

CTA Sect Chr. Marvin Holland x2063  
(CTA & PAC issues)

CTA Rec Sec Brian Brooks x 2056  
(Night Safety Job)

S/A Vice Chr. Anthony Atria  
212-712-5891 (p.m. City Hall Hearings)  
Rec Secty Christine Williams  
212-712-5891 (E. Bd., a.m. City Hall hearings)  
SA Rec Secy Felicia Fields  
Members Services (347) 643-8067  
SA Sect Chr. Harold Haywood  
2 Bway hearings (646) 252-6787  
James Fullard  
2 Bway hearings (646) 252-6787

# Station Shop Stewards Hit the Road

In TWU Local 100 Station Department we have often promised to use our shop stewards to connect better with the membership in the field. That promise becomes a reality with the launch of our campaign to reduce discipline in Stations. In our shop steward meetings we discussed and identified the most frequent problems and difficulties our members face on the road. These problems and difficulties often lead to write-ups and disciplinary procedures against our members. We decided to do something about it.

What we came up with was a palm card that defines good working habits and, if followed, should significantly reduce discipline department wide. It is a small and easy access format that the member can carry with them and refer to at any time. There are two different versions of the palm card: one with S/A issues and general suggestions and the other with CTA issues and general suggestions. We are currently working on two more versions dedicated to Supply Logistics and Collecting agents. They should be ready soon.

A big round of thanks must go out to those members who

have signed up to be shop stewards. Their willingness to take time out of their busy lives to come to shop steward classes speaks volumes about their dedication to the membership and Union ideals. Being a shop steward is about the WE not the ME, so we would like to thank those who have made themselves available.

This attempt to lessen discipline in our department was done in conjunction with the TWU Education Department. A big round of credit and thanks should go to them. Remember; if you are interested in becoming a shop steward please contact

TWU Education Director Nick Bedell @ 212.873.600. X2035 to set up a class schedule convenient to your needs.

## Station Division Shop Stewards Station Agents

Tareque Ahmed, Sharon Allen, Theresa Byfield, John Borrero, Arthur Clements, Tapan Das, Felicia Fields, Paul Flores, Joseph Gifford, Alice Ginn-MdKay, Marty Goodman, Sabrina Greenwood, Sandra Harris, Kendra Hill, Rushdi Huq, Vanessa Jones, Eugenia Jones, Emery Nauden, Kelebohile

Nkchereanye, Jose Rosado, Laura Ryan, Tracey Williams, Markeith Woolford.

**Cleaners:**  
Joseph Ayala, Brian Brooks, Patrice Brown, Nelson Stinson, Pete Lepore.

**Supply Logistics:**  
Jonathan Palusek, Jonathan Ware.

**Collecting Agents:**  
Eduardo Martinez, Oracio (O.G.) Gonzalez, Alfonso Quattlebaum, Gail Waller, Tom Yee.

**Transport Workers Union**  
of Greater New York **Local 100, AFL-CIO**

## Stations Department

**Working Smart = Fewer Write-Ups**  
*Station inspections are supervisory work, NOT OUR WORK.*

- Report all unsafe conditions: ask supervision for a **Safety Dispute Resolution Form (SDRF)** "if you are asked to perform a task in violation of safety rules"(CBA Attachment G)
- On-time performance prevents write-ups
- Carry a C-Y-B logbook at all times and keep a record of any unusual circumstances

**Sick Procedures**

- ✓ Always submit sick forms within three calendar days of return to work
- ✓ Sick form if you called in, G2 and sick form if you left during tour
- ✓ In 70% group: Doctor's lines for all days if out more than 3 days (No call in/call out)
- ✓ In 30% group: Doctor's lines for all days if out more than 2 days (Call in/call out)

**On Sick Leave Control List: Doctor's lines ALWAYS**

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## CTAs

**Working Smart = Fewer Write-Ups**  
*Remember: Escorts and station inspections ARE NOT CTA WORK.*

- Always use PPE
- Log every time you get pulled or go off schedule: sign the log, take supervisor's name and Pass Number.
- Log all incidents & equipment problems in the **Station Condition Log**
- Follow orders only from Station Supervisors

**To contact a TWU rep:**  
Union Hall, 1700 Broadway 212-873-6000 x 2036, 2117  
City Hall 212-712-5891 2 Broadway 646-252-6787  
Safety Hotline 888-898-6608

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## Station Agents

**Working Smart = Fewer Write-Ups**

- Notify supervision of all supply issues.
- Proper relief focusing on:
  - Verifying all funds and fare media.
  - Checking PPT and doors.
  - Checking all keys.
- Log all incidents and equipment problems in the **Station Condition Log** (cover yourself at all times).
- Request all comforts.
- Do not physically transfer money from booth-to-booth.

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