



Published by TWU Local 100

Transport Workers

December 2010 • Vol. 1 • No. 4

BULLETIN



*Happy Holidays To Our
TWU Local 100 Family*

2011 Will Test Our Mettle

2010 WAS THE YEAR THAT CITY AND STATE GOVERNMENTS, THE BANKS, CORPORATIONS AND POLITICIANS OF ALL stripes—Tea Partiers, Republicans and even some Democrats—declared war on the public sector. They say our wages are too high, our pensions are too expensive, we retire too early, and we don't deserve our health care without kicking in enormous sums out of pocket.

We in Local 100 and public sector unions across the country faced decisions of either big layoffs or massive concessions.

The leadership of Local 100 correctly chose to stand firm against this extortion. As a result, more than 900 of our Brothers and Sisters paid the price. More recently, Newark cut 20 percent of its police force because the PBA refused to cave to that City's demands. Jersey City Police are in the same boat.

Mayor Bloomberg and outgoing Governor David Paterson have announced big layoffs to close their respective budget deficits. Incoming Gov. Andrew Cuomo isn't much better. He has a bull's eye squarely on public sector pensions as the panacea to the state's fiscal problems.

Interestingly, never once have we heard—except from union leaders and our allies—that the banks and other big Wall Street companies that received bailout money from the federal government should be sent a bill to pay for the mess they created.

If anyone can demonstrate to me that our members' jobs and our contracts are not being held hostage in this new war against working families, I'd certainly like to hear it.

Obviously, 2011 and the run-up to our next contract—which expires just after the new year in 2012—will test our union's mettle.

As NFL Hall of Fame coach Joe Gibbs once said: "A winning effort begins with preparation."

I would add that a winning effort needs clear objectives—like defeating the MTA's new gimmick "net zero" (paying for our own raises with givebacks); defending the Conductor title and other titles under attack; protecting our health care and pensions; preserving, and in some cases, bringing back work given away to contractors.

Our preparation will include a full court media, community outreach and political action agenda. It will include

member surveys, contract meetings across the system, and training for officers in collective bargaining.

Have confidence, stay united, stay involved, take ownership of your piece of the union. By doing so, we will be successful together.

Edwin Thomas Memorial

On a sad note during this holiday season, I along with other officers and many members, attended a two-year anniversary memorial of the murder of Bus Operator Edwin Thomas. We were all brought to tears as his daughter, Edley, told of her struggles to cope with his death.

The memorial drove home for me the enormous responsibility we all have in Local 100 to stand by each other on the job, protect each other, and fight for the safest possible workplace. The dangers facing us every day will never go away. Danger is part of what we do. But we can do a better job of looking out for ourselves and each other.

Integrity of our Finances

In the wake of the Executive Board action to remove Izzy Rivera from his position as Secretary Treasurer, I have petitioned our International Union to send in an independent auditor to review the Local's finances for the past two years. At this writing, the auditor is at work. A report will be forthcoming early next year, which of course will be shared with the membership. I look forward to its completion.

On a final note, may we all be blessed with a happy, healthy and safe holiday season.



**Transport Workers Union
of Greater New York, Local 100**
80 West End Avenue
New York, NY 10023
Phone: 212-873-6000
Fax: 212-579-3381
www.twulocal100.org



Published by TWU Local 100

Transport Workers

December 2010 • Vol. 1 • No. 4 **BULLETIN**

John Samuelsen
President

Benita Johnson
Recording Secretary

Angel Giboyeaux
Administrative Vice President

VICE PRESIDENTS

Brian Clarke, MABSTOA
John Day, MTA Bus, PBL
Kevin Harrington, RTO
Maurice Jenkins, Stations
Nelson Rivera, CED
Stephan Thomas, TA Surface
Tony Utano, MOW

EXECUTIVE BOARD

TA Surface
Lloyd Archer
Ron Carter
Anthony Narduzzi
Latonya Crisp-Sauray
Brander J.L. White

Car Equipment
Grigoriy Dunichev
Jolly Eapen
Shirley Martin
Neil Phillips

RTO
Terry Adams
Brussard Alston
Dennis H. Boyd
Steve Downs
Lee Ireland
Cleveland Manley

Stations
Kathryn Taylor-Davidson
Derick Echevarria
Annie Hallahan
Michael Morales
Paul Piazza
Christine Williams

MOW
Edwin Benjamin, Jr.
Jack Blazejewicz
Eze F. Chisholm
John V. Chiarello
Tommy Creegan
Pete Foley
Mario Galvet
Dennis McCormick

MABSTOA
Tony Aiken
Frank Austin
Richard Davis
Tom Lenane
Christopher Magwood

MTA Bus/PBL
Octavio Fernandez
Jerry Greenhaus
Gwendolina Peebles
Robert H. Stahl
John H. Spicer, Jr.

13-16

Membership Assembly Held

More than 1,500 members attended three separate events – a Steward Assembly, a Town Hall meeting on the Solidarity Fund, and a Membership Assembly – at the Javits Center on November 6, 2010.



Members stand for invocation prior at the membership assembly.

5

Edwin Thomas Remembered

Members at the Flatbush Depot held a memorial to mark the two-year anniversary of the death of slain Bus Operator Edwin Thomas.



Edwin Thomas' co-workers stand for a moment of silence at memorial.

10

TWU Candidates Make Hay on Election Day

Local 100 lifted numerous candidates to wins on Nov. 2.



ILCA Honors Communications Department's Noah Rodriguez

The International Labor Communication Association (ILCA), presented our own Noah Rodriguez, the Com-

munications Department's Graphic Designer, with a special award for his illustration known as 'Bloomzilla' (right) that was seen across New York during the last campaign for Mayor. Noah (above) at awards luncheon with daughter, Nyah in Washington D.C.



Local 100 President John Samuelsen with newly elected State Sen. Tony Avella at a press event during the campaign. Avella was one of many TWU-endorsed candidates to win their contests.

Communications Department Transport Workers Bulletin

Director
James Gannon

Contributing Editors
David Katzman, Jonathan Bennett, Daniel Tasripin

Director of Publications
Alan Saly

Graphics
Noah Rodriguez

Official Publication of the Transport Workers Union of America, Local 100, AFL-CIO

Published bimonthly by the Transport Workers Union, Local 100, AFL-CIO
80 West End Avenue, New York, NY 10023
Postmaster: Send address changes to: Transport Workers Union, Local 100,
80 West End Avenue, New York, NY 10023

Photos:

Tom Matthews
Photography

Front Page Illustration
Fred Harper

Executive Board Removes Secretary Treasurer Israel Rivera from Office

THE LOCAL 100 EXECUTIVE BOARD, IN COMPLIANCE with the union's by-laws, will name a new Secretary Treasurer after the New Year.

The Board removed the former Secretary Treasurer, Israel Rivera, Jr. in late October after convicting him on four serious charges including extortion and abuse of office.

First, the Board found Rivera guilty of "misappropriating the monies" of TWU Local 100 in an attempt to funnel commissions from equipment purchases from Xerox Corporation to a woman he had a personal relationship with and resided at the same address. Other guilty charges covered misconduct, including the unauthorized purchase of an automobile for his personal use, in which he paid over \$65,000.00 in union funds for a vehicle which cost \$38,000.00; refusing to provide required financial reports to the Local 100 Executive Board and refusing to process TWU Local 100's payroll.

The Board reviewed the charges and heard Rivera's defense over a two-day period and 24 hours of deliberations.

Local 100 President John Samuelsen said: "I am gratified that the Local 100 Executive Board acted decisively to prosecute these charges and bring this episode to a final resolution in the best interest of the union and its members. While it is deplorable that an officer of this union would misuse his office for personal gain, Local 100 members can take solace in the fact that the Local 100 leadership and Executive

Board will act promptly and transparently to address acts of dishonesty, fraud or corruption by their elected officers or staff."

Samuelsen Calls for Audit

In the wake of Rivera's removal, President Samuelsen petitioned TWU International President James C. Little to conduct an audit of the Local's books to rebuild the membership's confidence and trust that the Local's finances are in order, despite the fraudulent actions of the former Treasurer. As the *Bulletin* was going to press, the International Union had assigned an outside auditor to review the Local's finances for 2009 and 2010.

Board Dismisses Other Charges

Against Numerous Officers

In another important action, the Executive Board, on Nov. 29, 2010, overwhelmingly dismissed all charges brought against Local 100 President Samuelsen and other elected Local 100 officers by former Treasurer Rivera.

Samuelsen said in conclusion: "I view these deliberations as the end of this episode that has taken up so much of our union's resources to clear the good name and reputation of Local 100, while removing the one person who has cast such a negative public light on our organization. Hopefully, we can now all move forward together, in unity, to face the tough challenges of 2011, including the campaign for contract fairness for Local 100 members.

Transit Transit Seeks 9/11 First Responders

Winston Mitchell, news director of the Transit Transit News Magazine is looking for Local 100 members who were first responders at Ground Zero in the first week after the terror attacks. He would like to do brief video interviews with responders as part of a 10-year retrospective on the momentous event. Interviews would be conducted after the New Year. If interested, please e-mail him with a brief description of your involvement to Winston.Mitchell@nyct.com. Transit Transit airs Saturdays at 9:30 A.M. and Sundays at 2:30 P.M. on PBS.



Photo by Alan Saly

MTA Changes Health Providers

The MTA is changing the companies that manage our health benefits. As of January 1st, Empire Blue Cross/Blue Shield will be taking over for GHI and United Health Care (UHC) will be replacing HIP. As the administrators of our plan, management has the right to seek the lowest cost carriers, as long as they continue to maintain our benefits. The decision on these carriers was management's alone.

Local 100 will continue to police the contract, fighting to ensure that our benefits are fully maintained in the course of these changes, guaranteeing we keep all the benefits to which we are entitled.

To succeed, we need the help of every member. If you feel you have been improperly denied services,

or your coverage has been cut in any way, do not remain silent. First, please attempt to resolve the problem by contacting the TA Employee Benefits department directly. Their number is 347-643-8850.

If Employee Benefits is either un-

willing or unable to resolve your problem, contact the Union's Member Services Department immediately. That number is 347-643-8061, 8064, 8065, or 8069.

Remember, whatever problem you are facing could affect other members as well. When you get Member Services involved, not only does it help

you resolve your personal issue, but it helps us to prevent this from becoming a problem for other members.



What if my cards don't come in time?

Starting January 1, 2011 it will be possible to print out temporary cards from both the Empire BCBS and UHC websites. You can call your plan administrator and get talked through the process. This new feature will be helpful if you lose or misplace your card in the future.

Empire Blue Cross/Blue Shield: (877) 496-3826; www.empireblue.com

United Health Care: (866) 873-3903; www.uhc.com

Union Remembers Edwin Thomas

It's been two years since the heinous murder of Local 100 Bus Operator Edwin Thomas in Brooklyn. His killer was recently tried and sentenced on October 7, 2010 to a long term in prison. At each day of hearings, and then for the sentencing, brother and sister Local 100 members stood in support of Edwin's family.

On Dec. 1, 2010 Local 100 members stood by the family again at a memorial marking the two-year anniversary of this tragedy at the Flatbush Depot.

Members and officers packed the crew room for a moment of silence, and addresses from Local 100 President John Samulesen, Recording Secretary Benita Johnson, Ad-

ministrative Vice President Angel Giboyeaux, Vice President Stephan Thomas and others. Edwin's daughter, Edley and brother, Frantz, also spoke for the family.

In her brief address, Edley Thomas, with tears running down her face, spoke hauntingly about her struggles coming to grips with her father's death.

Local 100 President John Samulesen spoke of dangers facing transit workers, especially those who come into daily contact with the public. He pledged to leave no stone unturned in the union's quest for a safe workplace for transit workers.

Fellow members also spoke about their recollections of Edwin and how his death had impacted their lives.

The family of Edwin Thomas, seated, gathers for photo with TWU officers, including standing from the left: President John Samulesen, Surface Transportation Division Chair Willie Rivers, Vice President Stephan Thomas, Recording Secretary Benita Johnson, Administrative Vice President Angel Giboyeaux and Depot Chair Richard Thorn.





Back row from the left are: Sonny Moore, Eddie Cicchese, Vinny Guisto and Harry Engrassia. Front from the left: Pat Moran, Luigi Quattrucci, Jerry Quattrucci, Julian Maier and Sal Corona.

Once a year, Retiree Julian Maier and his buddies from the old Amsterdam Depot drop whatever they're doing for a reunion of their Band of Brothers. This year's day of friendship and recollections took place at a diner in Bronx. And while the friends-for-life cabal represents a couple of hundred years of experience as MABSTOA Bus Operators, Julian told the Bulletin that they also represent more than 200 years of retirement.

"Each of us loved working at Amsterdam. We all swear to this day it was the best job ever," said Julian.

Julian's wife Kitty Maier, who sent the accompanying photo to the Bulletin, said: They met this year on a beautiful Sunday in August. They tell the old stories over and over again. They all look so handsome, maybe a little more belly and less curls, but they still are the best."

We agree, Kittie.

MELNIK LAW GROUP NATIONWIDE TAX AND ESTATE PLANNING*

Estate and Tax Planning;
Elder Law - Medicaid/SSI; Guardianships;
Estate Administration; Wills & Trusts,
Asset Protection;
Bankruptcies; Non-Profit Orgs;
IRS Representation;
National and International
Business Support

Melnik Law Group
Rockefeller Center
1230 Avenue of the Americas, 7th Floor
New York, NY 10020
Offices also in Brooklyn NY, NJ, PA, & FL.
Toll-free 800.517.5110
Fax - 866.593.9326
www.melniklaw.com

Steven V. Melnik, Esq., LLM, CPA
Professor of Law, Director of Graduate
Estate & Tax Planning Programs
Chairman, Continuing Education for Attor-
neys, Financial Planners and C.P.A.'s
Zicklin Seminars, CUNY.

Without the Union, We'd Have Nothing'

Retired Station Agent Naomi Kelly, 91, was interviewed recently by the *TWU Bulletin* in a nursing home in upper Manhattan. She recalled her time in transit, from the 40's into the 80's, and especially the 1966 strike, led by TWU founder Mike Quill.

"When I first started, they used to give you a day in the street for any little thing. But after you worked a while, and you joined the union, you know, you'd have a hearing before you'd get time in the street. Our Delegate, John Henry, used to tell us, come to work every day, and be on time. And I will guarantee you 52 paychecks a year. That was his motto.

"I remember when Mike Quill took us out on strike. There was a big meeting, in one of the hotels downtown. The Union Delegate called up and down the line, to tell everyone to come. Well, Mike Quill had been sick, and the Delegates were all telling him not to talk, to be quiet. But you know, he's going to talk anyway. And after the meeting, he said to me, 'I've got to get out of here before the trains stop running.' And I thought he was just talking. But when we got out of there, it was true. We took the last train. I lived in the Bronx, and I took the number 2 train up to Prospect Avenue. I didn't think we would go on strike. But I supported the union, of course. Without a union, we'd have nothing. It was a better job than anything else you could get."



Naomi Kelly

'A Sense of Belonging and Responsibility' **Retirees Donate Big** **to Solidarity Fund**

"THANK GOD FOR OUR RETIREES."

That was the sentiment of Local 100 President John Samuelson on the generosity of Local 100 retirees, who have voluntarily contributed (at presstime) \$90,287.00 to the Solidarity Fund to assist laid off members with their medical benefits. "We're all bowled over by it," said Samuelson.

The only ones not bowled over are the Local 100 Retiree Association's co-directors John Noone and Mike Tutrone, who told the Bulletin that retirees always come through when the chips are down.

"All we did was send one letter to the retirees letting them know about the plight of the laid off workers and

asking them to help with a small donation," said Tutrone. "They're there for this union every time."

"Our retirees are part of the union," added Noone. "They have a strong sense of belonging and responsibility. All they ever ask is simply: 'what can I do to help.'"

One of the laid off Station Agents, Linda Haney, had this reaction: I am BLOWN AWAY by the support from the Local 100 Retirees. You are truly my BROTHERS and SISTERS. I only hope I will be called back to work soon, so I can carry on the legacy shown me by these great people."

Letters of Support From Retirees

Following are some of the notes received from retirees along with their donations to the Solidarity Fund.

This kind of behavior is what makes me proud to be a TWU member. As long as I'm able, I will help in your efforts. I know I can depend on you.

—W. Medina, Yonkers, NY

I wrote this note on a 'grocery list' because we have a list of things to be done. I have been retired for 20 years. Thanks have not gotten better. You are fighting for the best working conditions you can get. God bless the union. You can't do without it.

—Wilhelmiea Smith, Santee, SC

I wish to thank President Samuelson and my union for helping to keep the

TWU tradition of solidarity alive and well for active and retirees. I'm retired from MATSTOA and I hope all our members realize the fight that all unions have today to protect what unionism has achieved for our country and three generations of my family. God bless TWU.

—John Cogoni, Hoosick Falls, NY

Thank you for all you do. I am sending this for retiree, Charles J. Badger. He is ill and unable to handle this matter.

—Irene Badger, Levittown, NY

God bless Local 100.

—William Soberal, Staten Island, NY

I am enclosing my check, \$130.00 (\$5.00 a week for six months) for the Solidarity Fund. I am glad I can help by TWU Local 100 Brothers and Sisters.

**—Joseph Baulkman, Retired IRT
"A" Train Operator**

I am very happy to support our members who are laid off. Enclosed is my check. I will send another check in the coming months. Bless you all.

—Vivian McGeachy, Sunrise, FL

Hello Brothers and Sisters. Just want you to know I'm glad I can step up to the plate and he counted. I am TWU Local 100.

—Earl Terry, Apex, NC

Retiree Tells Why He Donated

Gabe Freshwater drove a bus out of Kingsbridge Depot for more than two decades. He walked the picket lines for TWU in the 1966 and 1980 strikes. Before transit, Gabe drove a truck for the old New York Daily Mirror and walked the picket lines during the four-month city-wide newspaper strike in 1962-63.



The place he really wanted to be was TWU Local 100. "As a teenager, I was always very impressed with Mike Quill – an immigrant who fought hard for his members and workers throughout the city." Gabe got his wish on June 1, 1964 at 29-years of age.

When Gabe got his letter in the mail asking retirees to donate to the Solidarity

Fund, he didn't hesitate. "We were lucky during the City's big financial crisis of our day in the mid 70's. Laid off cops and firemen were coming into MABSTOA. We kept working."

"I know some people are saying, hey, we all went through hard times, and no one helped us. But I believe that when someone is down, like our brothers and sisters who've been laid off, we should help them."

Advocates, TWU Want ‘Lock Box’ for Transit Funding



TRANSIT ADVOCATES ARE TURNING TO TWU LOCAL 100 TO PROVIDE a forum for discussion and action about the shape of mass transit in New York City and throughout the state.

A nation-wide assault on transit jobs and operating funds has cut budgets in four-fifths of America's large urban and county systems. Here in New York State, legislators in Albany have raided what should be dedicated sources of funding to cover deficits in others. Good examples are the raiding of State lottery income for purposes other than education, taking green cap-and-trade dollars and putting them into the general fund, and withdrawing some \$160 million in transit funding to shore up other spending commitments.

The advocates, TWU Local 100, and even some politicians agree that this raiding must stop – that transit funding, set aside by the legislature from dedicated tax revenues, should be placed into a “lock box” – from which it cannot be withdrawn for any other purpose. This tops our political agenda this year in New York State. Closely related is a demand that the money that was stolen from transit in 2010 be replaced. Other

areas that are begging for coordination and involvement from union members and advocates alike are the expansion of bus rapid transit and a defense of the payroll mobility tax which funds the MTA in part.

It won't be easy, since forces arrayed against mass transit include commuters who don't want to pay more, construction industry interests who want to see more highway funding at the expense of transit systems, and the anti “tax and spend” movement, where short-sighted demagogues benefit the rich under cover of protecting personal options. But we have powerful forces on our side as well, including union rank and file members who vote, a public that understands that mass transit is crucial to a growing economy, and environmentalists who can see the big picture of fossil fuel use, cars, and our overburdened ecosystem. TWU Local 100 is determined that our vision will prevail.

Among those attending the recent summit from the advocate groups included: Mo Kinberg, Lindsey Shute, Cathy Stephens, Brodie Enoch, Maria Savoca and Noah Buknick from **Transportation Alternatives**; Gene Russianoff, Jason Chin-Fatt and Cate Contino from the **Straphangers Campaign**; Elena Conte from the **Pratt Center for Community Development**; Ya-Ting Liu, Kate Slevin and Veronica Venterpool from the **Tri-State Transportation Campaign**; Dhloe Tribich from **Center for Working Families**; Norman Brown from the **Machinists Union**; Michael O'Loughlin from **M&R**; Soledad Gatzambide from **UPROSE**; Mary Barber from the **Environmental Defense Fund**; Bill Henderson from **PCAC/NYCTRC**; James Burke from **WEACT**; John Kaehny from **Reinvent Albany**; John Petro from the **Drum Major Institute**; Neysa Pranger from the **Regional Plan Association**; Felice Farber from the **General Contractors Association** and Lara Skinner from **Cornell Global Labor Institute**. Local 100 was represented by J.P. Patafio, Tim Mathews, Marvin Holland, Dave Katzman and Alan Saly.

Contractors' Gravy Train Keeps on Roll'n

By ALAN SALY

MTA CHIEF JAY WALDER'S 2010 FISCAL PLAN—MAKING EVERY DOLLAR Count—has a lot to say about controlling costs and cutting spending, except in one area: contracting out.

Walder has made it clear how he prefers to save money: by laying off transit workers, whose base salaries are known down to the penny, and whose every minute of overtime is authorized by supervisors. Not so with contractors. Employees of such companies as Schiavone Construction, Parsons Brinkerhoff, and Skanska USA—all big MTA contractors—command much higher hourly rates than TWU Local 100 members, in many cases for doing the same work.

So why does the MTA pay more? These well-connected firms, almost all of them big campaign contributors to politicians, define the word “clout” in New York City. They, and their associations, pay to play. And they keep playing, even when they break the law.

Take Schiavone Construction, the New Jersey construction company with multimillion-dollar contracts with the MTA and the City. They have agreed to pay \$20 million to avoid criminal charges after admitting to illegally skirting minority-hiring requirements. According to the New York Post, Schiavone admitted criminally fraudulent schemes to circumvent mandates that projects, such as the renovation of the Times Square subway station, include work for minority subcontractors.

Walder appointed an outside monitor to find corruption, and the Post credits a consultant, Toby Thatcher, with blowing the whistle on Schiavone and Skanska USA for similar violations. But no matter what federal prosecutors find, you're not going to see these companies taken off the big jobs—like the Second Avenue Subway, the Fulton Transit Hub, and the 7 Line Extension. That's because they always get, at worst, a slap on the wrist. A Local 100 member, found guilty of a much less serious charge, would be terminated in record time.



Contractors doing station rehab.

Walder thinks that by putting the sky-high prices the MTA pays for routine jobs like station rehabs into a PDF and posting it on the Authority's website, he's satisfied the requirements of full disclosure. What he's really doing is hiding a public outrage—de facto collusion on outrageous fees—in plain sight.

Walder thinks that by putting the sky-high prices the MTA pays for routine jobs like station rehabs into a PDF and posting it on the Authority's website, he's satisfied the requirements of full disclosure. What he's really doing is hiding a public outrage—de facto collusion on outrageous fees—in plain sight.

Every contractor involved with the MTA knows that the agency is notoriously inefficient, with—to take one common example -- workers routinely waiting for shipments of materials to start work while time goes by and costs mount into the tens and hundreds of thousands of wasted dollars. Huge cost overruns by construction firms are routine, with—again—no penalties generally enforced for coming in way over budget.

Consider a project that hasn't even been bid out yet, the rehab of the Middletown Road Station on the Pelham Line, scheduled to be completed under the 2011 capital program. The cost for this job is estimated to be \$19.6 million to be done by a contractor, who is free to go over budget. Yet an MTA internal study, done by NYCT's Chief Engineer Mysore Nagaraja, back in 1998, found that an in-house crew would do the work in less time and at an average per-station savings of \$7 million. Still, the MTA, under Walder, sticks to contractors, even if they charge more and break the law to boot. (MTA gives no station rehabs to in-house workers. (Only small pieces of jobs, like tile work or stairwells, are sometimes reserved for in-house employees.)

An estimate floated several years back by Nicholas B. Casale, the MTA's former chief of security, was that the Authority lost \$100 million each year due to “overruns, fraud, kickbacks, and tainted bids” by contractors. It's a good number. The savings to the MTA from the layoffs of our 761 brothers and sisters last year was \$53 million. Do the math, Jay.

Election 2010

TWU's Troops Keep Democrats' Ship Afloat

NEW YORK STATE PRO-WORKER CANDIDATES PREVAILED against the Republican red tide that swept over the country on Election Day—and much of that win was due to labor. In a very tight race for New York State Comptroller, Democrat Thomas DiNapoli won narrowly against financial restructuring expert Harry Wilson, who had the backing of Mayor Bloomberg and the tacit support of the favorite in the Governor's race, Andrew Cuomo.



David Carlucci (right) at campaign stop with TWU supporters, including Local 100 political director Vernon Thorpe, third from right.

closer. The result was a six-point win over Padavan.

Other close races in which TWU forces claimed victory were David Carlucci's State Senate race in Rockland County and Andrea Stewart-Cousins in Yonkers. Other contenders we supported—like Suzi Oppenheimer of Port Chester—are still too close to call, and we're hoping they pull it out after every absentee and military ballot is counted.

The union's strategy—to back the democrats in the hope of stopping a slash-and-burn attack on public employees—seems to have worked thus far. The question of whether they deserve our support down the road depends on how they decide to cope with State and City budget deficits in the year to come. Will they raise taxes on Wall Street and the well-off, or will they come after the rest of us?



Newly elected State Senator Tony Avella at victory party with TWU supporters including Alex Sheppards, John Tillman and Stephan Leonard.

DiNapoli—who will be one of the few statewide voices against wholesale cuts to pensions and wages for working people in 2011—won by just 2.5%. He—along with Eric Schneiderman, who won his race for Attorney General—was pushed by Local 100 in a series of targeted mailings to all of our active members as well as in our street flyer campaigns.

Within the five boroughs, TWU's pick in another tough race prevailed as 40-year incumbent State Senator Frank Padavan lost to reformer and former City Councilman Tony Avella. Avella is an outspoken candidate who wasn't afraid to run against Mayor Bloomberg in 2009 and staunchly opposed the Mayor's move to overturn term limits. TWU Local 100 President John Samuelson made a special trip out to Queens to back Avella's State Senate bid as the election heated up, and we sent teams out and held press events for him as Election Day drew

VOTE NOV. 2nd — Our Jobs Depend on it!

The votes of transit workers could make or break half a dozen races on **November 2nd**. That's why it's critically important that you get out and vote on Election Day, November 2nd.

Our benefits and pensions are NOT NEGOTIABLE!

Let's vote for the politicians who support us!

Statewide Races:
For Comptroller: **Thomas P. DiNapoli**
For Attorney General: **Eric T. Schneiderman**



For a complete list of our endorsements, visit our website at www.twulocal100.org

Local 100 mailed several pieces, like this one, to the membership urging support of pro-worker candidates.

Prospects **Not Too Rosy** for Mass Transit in New Congress

THE REPUBLICAN SURGE IN NOVEMBER SWEPT AWAY MORE THAN democratic officeholders alone. Along with Minnesota's Jim Oberstar, who was Chair of the House Transportation and Infrastructure Committee, is going the appropriations bill for all of transportation, from highway to transit. Along with Staten Island's Mike McMahon, another defeated mass transit advocate, is going legislation to help fund transit operating assistance.

The future of federal funding for transit has been left in limbo.

In the House of Representatives, committee chairs and staffs will entirely turn over, and the legislative process will start over from scratch. For instance, the new House Transportation Chair will be Republican John Mica who represents a suburban district of Florida. When told of Mica's elevation to the Chair of that crucial committee, one long-time labor lobbyist for transportation workers had this to say: "ugh."

It is likely that a new appropriations bill for transportation will appear next year, for the simple reason that all highway construction rides on it. However, it is unlikely that a new, Republican version will be even mildly transit-friendly as Oberstar's version was.

Those appropriations are for con-

struction. The situation for funding transit operations is more difficult still. Before November, Congress took one real step to support transit operations. Transit systems were permitted to use 10% of their stimulus money for operations. (The MTA refused; many major systems did not.)

Bills to provide additional support were in the works. However, the Senate Republicans have made it their business to block everything except extension of the Bush-era tax cuts for the rich. Current legislation to pro-

vide federal operating assistance for transit may die without ever making it to a vote.

Further complicating matters, there are few signs that Republican leaders on the state level are willing to make mass transit a priority. In two states, Ohio and Wisconsin, newly elected Republican governors have declared their intent to refuse federal funding for high-speed rail. In New Jersey, Governor Christie has declared a halt to work on a new railroad tunnel under the Hudson.

In response, transit riders and transit advocates are stepping up their game. The argument is simple. As the Transit Equity Network put it in a recent report, "More Transit = More Jobs." In a country with 10% unemployment, this is a serious argument.

It is not clear that the new Congress will want to hear this message. In which case, we need to get that much louder.



Net Zero? Bah, Humbug!

By David Katzman

MTA BUDGET DOCUMENTS FEATURE A NEW LINE ITEM labeled “Net-Zero Labor Initiative.”

What is “net zero”? Says the MTA, “This Financial Plan assumes that each new labor contract will not impose any additional financial burden on the MTA for two consecutive years and reflect annual CPI-based increases thereafter.” And: “A net-zero approach to wage increases could be achieved through collectively-bargained work rule changes or productivity improvements.”

In other words, if we want a wage increase in 2012—even just to match the cost of living -- we will have to pay for it.

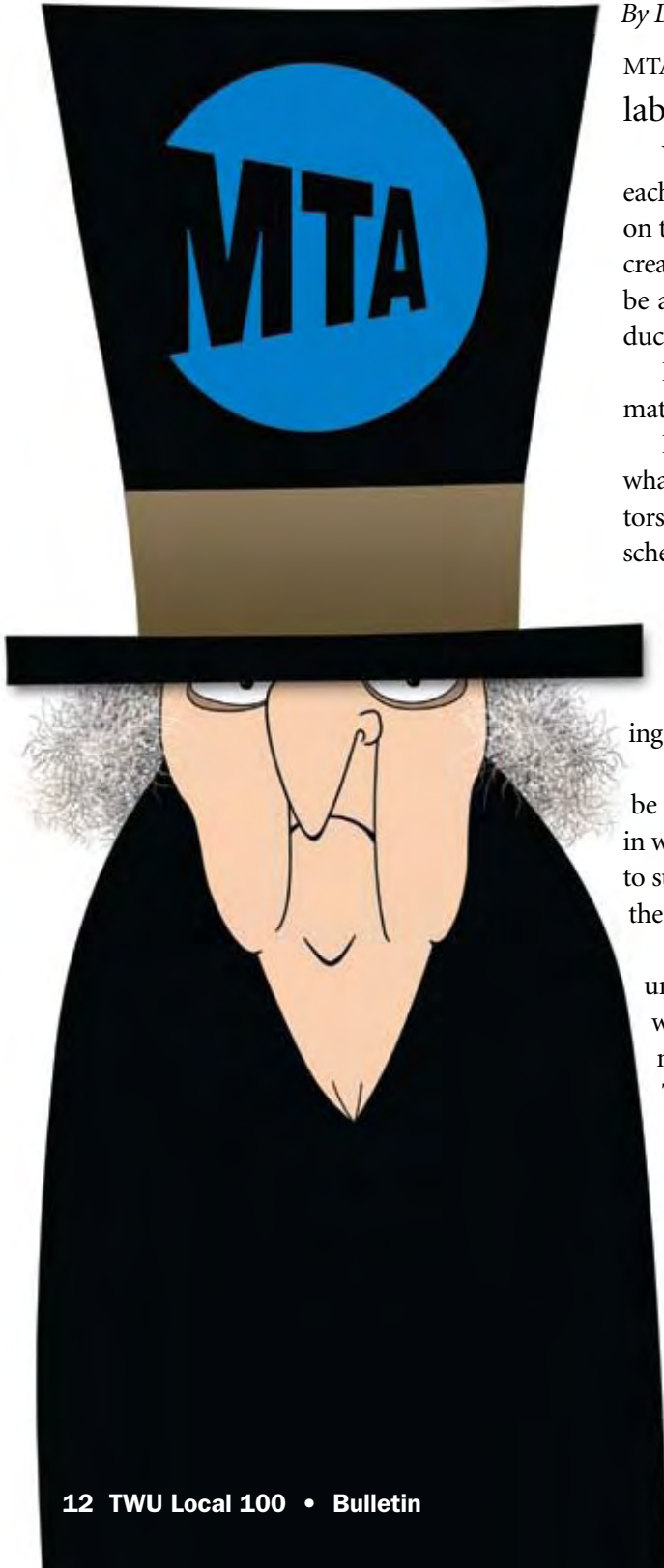
How does the MTA expect transit workers to pay? With jobs. That is what current talk about “productivity” comes down to. Taking Conductors off trains. Reducing the number of Cleaners at terminals. And more schemes along these lines, most of them dreamt up by consultants who have no idea how the system actually works.

Transit workers do not object to being productive. We are productive at a level that brooks no comparison in any transit system in the world. A consequence is that attempts to cut jobs end up worsening service. When it comes to labor, there is little or no fat to cut.

Here is the MTA rhetoric justifying this policy: “The MTA cannot be financially stable as long as salary, wage and fringe benefit costs rise in ways unconnected to productivity and the regional economy’s ability to support the system.” In other words, the cost of labor is the source of the MTA’s financial woes. Wrong.

In fact, productivity has risen significantly. From the mid-1990’s until the Wall Street meltdown, the productivity of New York’s transit workers soared, while wages lagged. The crisis of the last few years may have taken the edge off these gains, it but didn’t wipe them out. This high-and-mighty declaration only works if you put on blinders and ignore uncompensated productivity rises of preceding years.

The problem is not spending on labor to operate and maintain the system. The problem is diminished government support for spending on mega-projects like the Second Avenue Subway. A growing share of the fare dollar goes to paying for construction. Meanwhile, not only has government support for construction been cut, but Albany has also pocketed \$160 million in revenues that were supposed to go straight to transit operations—meaning service and jobs.



Members Asked To 'Stand as One'

***General Membership Assembly,
Town Hall Meeting, Shop Steward Gathering
Draw 1,500 Members to Javits Center***



NEARLY 1,500 MEMBERS PARTICIPATED IN THE UNION'S NINE HOURS OF events at the 2010 Local 100 Membership Assembly at the Jacob Javits Center on November 6, 2010.

The day started out at 10:00 AM with a Shop Steward's Assembly, attended by more than 100 Stewards from across the system.

That was followed by a town hall meeting on the recently passed Solidarity Fund for laid off members attended by 300. The finale was the general membership assembly from 3:45 PM to 7:00 PM.

With a theme of "Stand As One" in the backdrop, President John Samuelsen implored members to "take ownership of your piece of the union," affirming that activism and unity in the rank-and-file is essential to winning a decent contract next year.

Samuelsen outlined the union's efforts over the past

Continued on next page

**Local 100 President
John Samuelsen
delivers a message of
unity at the member-
ship assembly on
Nov. 6, 2010.**





*Recording Secretary
Benita Johnson
addresses assembly.*



*Laid off Station Agent
Tarique Ahmed thanks
membership for Solidarity Fund.*



*ATU International
President Larry Hanley
urges labor unity.*



*International
Transit Division
Director Carl Martin.*

Stand as One

Continued from page 13

year to elevate safety issues, improve communications with the membership, reunify the Local, institute a shop steward training program, protect TWU work against the contractors, increase political action, and forge alliances with other transportation unions and transit advocates.

Samuelsen further outlined the union's relentless fight-back against the MTA's service and job cutting agenda over the past year.

He also charted the union's agenda for moving forward in 2011 and preparing for contract negotiations. He drew enthusiastic applause when he affirmed that the union would battle the MTA's "net zero" approach to all new contracts, i.e. the MTA expects workers to pay for any increases with hard dollar givebacks in other areas. The assembly also cheered Samuelsen's pledge that the union would protect the Conductor from new OPTO assaults from management.

ATU's Hanley Addresses Meeting

Featured speaker Larry Hanley, the newly elected President of the International Amalgamated Transit Union (ATU), said that layoffs are occurring across America in transit, but TWU Local 100 is the only union that stepped up with a Solidarity Fund to assist those members. Hanley called the current crisis facing public transportation "the worst in my lifetime." And he called laid off workers "hostages" in managements' scheme to use the current financial situation as a pressure point to secure givebacks from labor. Hanley beseeched union members everywhere to put aside petty differences and unite to fight "the real enemy."

Daily News Columnist is Keynoter

Keynote speaker Juan Gonzalez, the award-winning columnist from the *New York Daily News*, praised Local 100 members as the "most powerful work-force in the most important City in the



The NYCTA Pipe and Drum Band entertains attendees at the membership assembly.



Administrative Vice President Angel Giboyeaux outlines the Local's green jobs initiative.



Daily News columnist Juan Gonzalez delivers keynote address.

world.” Gonzalez, who writes eloquently on issues facing American workers, claimed that freedom of speech and democracy is non-existent in non-union workplaces. “There is no more dictatorial place in America than the workplace where no unions exist,” he declared.

Other Speakers included Jeff Brooks, Special Assistant to International President Jim Little, and International Transit Division Director Carl Martin, who both pledged the International’s full support for the Local’s agenda.

Also, Tareque Ahmed, a laid off Station Agent spoke eloquently of his gratitude to the Local 100 membership for their support in passing the Solidarity Fund.

Two videos – one on the history of Local 100 and the other recounting the year in review – were aired at the assembly.

Continued on next page



Local 100 Vice Presidents, from the left: Maurice Jenkins (Stations); Kevin Harrington (RTO); John Day (MTA Bus/PBL); Brian Clarke (MABSTOA); Tony Utano (MOW); Stephan Thomas (TAS), and Nelson Rivera (CED).



Each Department sponsored its own table at the assembly. Here MOW representatives (from the left) Duane MacMenamie, Mario Galvet and Pete Foley, answer questions from members.

Stand as One

Continued from page 15

Stewards' Assembly

At the Steward's Assembly, Local 100 President John Samuelsen called for a greater integration of Shop Stewards into the Division Committees to enhance representation. A number of Stewards called for increased activism and volunteerism among the membership, while others related their frustration in dealing with recalcitrant bosses every day.

Samuelsen said that the Local's trained and organized Shop Steward army will form "the tip of the spear" in the union's battle for a fair contract next year.

Town Hall Views Solidarity Fund

The Town Hall meeting on the Solidarity Fund featured a spirited question and answer session, chaired by President Samuelsen and the three-person ad hoc Committee of Executive Board members overseeing the fund. Attendees received a current financial assessment of the Fund. Some participants questioned the voting process and the need for the fund in the first place. But there was an overwhelming sentiment from the crowd that taking care of our laid off members is a good thing.



Member studies Local 100 historic time-line display outside meeting hall at Javits.

Union Reduces Contributions To Solidarity Fund

As the Bulletin was about to hit the presses, TWU Local 100 President John Samuelsen announced that the Union will act to reduce member contributions to the Solidarity Fund, currently fixed at \$10 per pay period, to \$5 per pay period effective the second pay period in January 2011. The reduction in member contributions reflects an assessment of the Fund's expected expenditures through June 30 of next year, the final date for disbursements for medical expenses. Go to our website, www.twulocal100.org for more.



Oral Arguments Held On MTA Court Appeal vs Third Year Wage Increase and Health Care Cap

ON NOVEMBER 23, 2010, ORAL ARGUMENTS TOOK PLACE BEFORE FIVE JUDGES OF THE FIRST DEPARTMENT OF the New York State Appellate Division. They are reviewing the MTA's appeal of Judge O. Peter Sherwood's decision upholding the decision of the Arbitration Panel awarding a three-year contract that will expire in early 2012.

At issue in the appeal is the third year wage increase of 3% due January 16, 2011, for members working for NYCTA and MaBSTOA, and April 1, 2011, for members working at MTA Bus. Also at issue is a cap of 1.5 percent on employee health insurance contributions for 40 hours a week ordered by the Panel.

The dispute about the contract was originally referred in early 2009 to a three member Arbitration Panel for a "final and binding" decision. The Panel issued a split decision in August 2009, awarding a three year contract that included a third year wage increase and the cap on employee health insurance contributions. Panel Member Dall W. Forsythe, a former New York State Budget Director, dissented from the majority's decision.

When the Transit Authority first refused to implement the Arbitration Panel's decision, it argued to Justice O. Peter Sherwood that the entire decision should be set aside. Justice Sherwood rejected the Transit Authority's arguments and confirmed the arbitration award in full on December 11, 2009. The Transit Authority then implemented the wage increases called for under the Decision for the first two years while at the same time appealing the third year



**Larry Cary, TWU Local 100
General Counsel**

wage increase and the cap on health care contributions.

Last month, the MTA essentially argued to the court that the Arbitration Decision should be vacated because it does not explain in enough detail why the majority decided to award the third year wage increase and the cap. The Union argued the opposite; namely, that the majority did explain in detail, required by the Taylor Law, its reasons for its decision with respect to these two issues.

Much is at stake in this case. One of the things that makes it different than most other cases is that the employer has implemented millions of dollars in wage increases provided for by the Arbitration Decision while seeking to set aside

that part of the decision which it objects to.

Its not know when the court will issue a decision on the appeal - hopefully by early next year. But the timing of a decision depends not only on how busy the court is deciding other cases, but also on whether there is a difference of opinion among the five judges about how to decide the case. Needless to say, the Union will let everyone know about it as soon as a decision is issued.

Local 100 Members Never on the Sidelines

Making Our Presence Felt



The union hall was filled to capacity for Local 100's annual celebration of Italian Day on October 13, 2010. Well known actor-writer-producer Gary Pastore, center, was honored by, from the left: MOW Vice President Tony Utano, who served as master of ceremonies, Recording Secretary Benita Johnson, President John Samuels, and Admin. Vice President Angel Giboyeaux.

Italian Day Draws Big Crowd

Celebrating Local 100's 5th Indian Day



November 20 saw the IBEW Local 3 Hall in Queens filled to the rafters as Local 100 celebrated its fifth annual Indian Day. Music, Dance, food and friendship marked the festivities. Photos show the Indian Day Committee with Public Advocate Bill De Blasio, center. Also one of the special dance performers at the event. Local 100 Recording Secretary Benita Johnson was in attendance.



Local 100 Celebrates Russian American Heritage

TWU Local 100 President John Samuels was in attendance at the Fifth Annual Russian American Heritage Day held at the Hall Oceana in Brighton Beach, Brooklyn on Oct. 24, 2010. Hundreds attended the high-spirited event that was filled with entertainers performing traditional Russian dances. Photos show the party in progress and one of the young Russian performers.



TWU at African American Day Parade

A beautiful day greeted the thousands of participants, including a large contingent of Local 100 members, at this year's African American Day parade on Sept. 19, 2010, the largest such parade in America. Photo shows flag waving marchers in the TWU contingent.



Samuelson Honorary Marshal at West Indian Day Parade

TWU was on hand for this year's West Indian Day parade on Sept. 7, 2010. Members started gathering on Eastern Parkway at 9:00 in the morning. Photos show the Local 100 contingent ready to step off on the parade, as well as Honorary Marshal, Local President John Samuelson (2nd



from left) with Parade Grand Marshal, Dr. Claire Nelson, Founder and President of the Institute of Caribbean Studies. Also, from the left, Shannon Poland, Safety Director Earl Phillips and PAC Director Vernon Thorpe.

EEM/Comic Russ Ritirato Retires



With the retirement of EEM Russ Ritirato, there'll definitely be a little less laughter on the job. Russ, a well-respected part time local comedian, who goes by the name Russ Gerard, was honored by his co-workers recently at a retirement party. According to Executive Board member and friend, Mario Galvet, "everyone was laughing from start to finish." Photo shows Russ, seated 2nd from left, with his family, and co-workers standing on all sides. If you need someone to bring something special to a party, think of Russ. You can find him on the web at <http://russgerardlive.com>.

Church Honors Local Member for Volunteerism



Police Commissioner Ray Kelly and Local Recording Secretary Benita Johnson and Administrative VP Angel Giboyeaux were all on hand to honor award winners including our own Wilfred Zanders (in photo with Kelly) who has spent years as a member of the

Church of St. Teresa of Avila in Brooklyn, repairing and maintaining the altarpieces on his own time. Called "a living example of hope, faith, and charity," Zanders joined other award winners at a gala evening at the Brooklyn Museum on October 15th. Hats off to our brother!

SUMMER CAMP REGISTRATION 2011

REGISTRATION IS ALSO AVAILABLE FOR CAMP TWU/OASIS



**TWU Local 100-NYC Transit
Childcare Fund**

80 West End Ave. 3rd Floor

New York, NY 10023

Phone: (646) 505-4500

Fax: (646) 505-4580

www.twulocal100ccf.org

childcarefund@twulocal100ccf.org

Hector A. Ramirez- Director

JANUARY 24TH TO FEBRUARY 25TH, 2011

MONDAY, WEDNESDAYS, & FRIDAYS

10AM-5PM

TUESDAYS & THURSDAYS

10AM-7PM

SATURDAYS

10AM-2PM

Please bring the following original documents:

Child's Birth Certificate. (If not on file from January 2008 forward).

Child's Social Security Card. (If not on file from January 2008 forward).

Child's UnitedHealthcare or Empire BlueCross BlueShield card.

Most Recent 1040 Tax Form.

2 Most Recent Pay Stubs.

Note: Members participating in the fall voucher program are eligible to apply for the summer voucher program. Members must have passed 1 year probation. Child must be 6-12yrs old at the time of registration. One child per family. Acceptance is by seniority.

Local 100 Joins 'Living Wage' Campaign

THE MINIMUM WAGE IS NOT A LIVING WAGE.

That's the message 300 marchers, including union members and clergy representing all of New York's major faiths tried to deliver to the City Council Nov. 17 in a silent procession from St. Peter's Church near Ground Zero to City Hall.

The march was organized by New York Communities for Change and the Living Wage New York City coalition. Advocates delivered over 6,000 signed cards to the City Council leadership, urging that body to pass Intro 0251, the Fair Wages for New Yorkers Act. The bill would require developers receiving city subsidies of at least \$100,000 to require a minimum wage of \$11.50 an hour (or \$10 and benefits) for anyone working in the development, a mandate that would mostly affect retail jobs. The bill was introduced in the City Council in May and has been referred to the Committee on Contracts.

March organizers, speaking at the church prior to step-off noted that New York City is now home to 55 billionaires, including Mayor Bloomberg, and also 3 million people living at or below the federal government's poverty level of an annual income of \$22,050 for a family of four. Among those who carried signs reading "Now is the Time" was TWU Local 100 Vice President for RTO, Kevin Harrington.

The bill was introduced in the City Council in May and has been referred to the Committee on Contracts. It currently has 28 co-sponsors.

Mayor Bloomberg, the City's highest profile billionaire, opposes the bill, claiming it would slow development.

The Living Wage NYC coalition is gearing up for a citywide day of action for living wages on Jan. 13, 2011 to honor Dr. Martin Luther King Jr. For more on the living wage issue, or to sign a petition of support, go to: www.livingwagennyc.org/

Local 100 supporters, carrying 'Now Is the Time' for a living wage at demonstration promoting the issue.

Many Communities Have 'Living Wage' Laws

Living wage is a term used to describe the minimum hourly wage necessary for an individual to meet basic needs, including housing, clothing and food.

The modern living wage movement was born in Baltimore in 1994, when the city passed an ordinance requiring firms to pay employees a rate above the minimum wage while working on city contracts. Since then, over 120 communities have followed suit, some setting wage floors more than twice the federal minimum wage, and some requiring various benefits.

The growth of the living wage movement has been a response to the predicament of Americans who work but are unable to make ends meet, as well as to the public policies contributing to the problem.

Public policies have worsened the problem from the federal level to the local level. Since the early 1980s, the federal government has generally neglected the minimum wage; by 2005, a minimum wage paycheck bought less than it had in 49 of the last 50 years. Local governments have contributed to the problem, following the trend of cutting costs by contracting out services to firms who frequently pay lower wages and offer fewer benefits than public employment. Too often, economic development efforts have channeled public funds in the form of tax breaks or tax incentives to businesses without regard to the quality of the jobs those businesses provide.

According to the non-partisan Economic Policy Institute (EPI), living wage laws have small to moderate effects on municipal budgets.



In Memoriam

Richie Bermudez, 100th Street Chair, Succumbs at 57

Local 100 members and officers were shocked and saddened by the unexpected passing of long-time union stalwart Richie Bermudez, Chair of the 100th Street Depot, at age 57.

His death came just days after his heroic efforts, chronicled in the *New York Post*, to save a 30-year old woman whose car was crushed by a falling tree on the Grand Central Parkway in September's freak tornado. Bermudez was successful in extricating the young woman's husband from the vehicle, but she unfortunately died at the scene.

Doctors attribute Bermudez death to a burst blood vessel due to over-exertion during the rescue attempt.

New York City Mayor Michael Bloomberg, in a letter to Bermudez son, Richard, Jr., offered the City's condolences. Bloomberg said: "No words are adequate to express the loss you and your family have suffered, or the gratitude we owe your father for his heroic efforts. But we can continue to find strength in your father's courage and compassion, which make him a tremendous example of New York City's



enduring spirit. His generosity made him widely loved by all those who had the privilege to know him and I know he will be dearly missed."

Bermudez was born May 15, 1953 the second of three siblings. He graduated Woodrow Wilson Vocational High in Queens. He was hired by MABSTOA as a Bus Operator in August 1980 at the old 146th Street Depot. He later picked into Hudson Pier where his dedication to his fellow members earned him his first union office as Depot Recording Secretary in 1984; then Vice Chair in 1987 and Chair in 1995. He joined the Union's Safety Department in 1998, and finally he was elected Chair of the 100th Street Depot in 2005 two years after it opened.

Sadly, Richie was to be married just two days after his death, and he was planning on retiring this past October after 30 years of service.

He was buried in Puerto Rico next to his wife of 29 years, Soberda, who passed away in 2002.

He is survived by his sons Richard Phillip and Alejandro Rey, and thousands of brother and sister Local 100 members.

W E M O U R N O U R L O S S

Local 100 mourns the passing of the following Active and Retired members.

James Guy
Retired Trolley
and Bus Operator
on Sept. 2, 2010.

Audrey Angela Holmes
Active MTA Bus
Operator, Jamaica Depot,
on Sept. 2, 2010

Maudy Sills
Retired Car Cleaner,
East New York Depot,
on Sept. 3, 2010.

Gennadiy Kuris
Active Car Maintainer
on August 11, 2010.

Hazel C. Brown
Retired MABSTOA
employee
on August 4, 2010.

Harol Engel
Retired Station Agent
on August 7, 2010.

Salvatore Cascone
Retired Transit Authority
employee
on August 17, 2010.

Connie Austin
Retired Tower
Operator 'B' Division
in September 2010.

Gary Goldwire
Retire TA
Surface employee
on August 29, 2010.

Bernice Jenkins
Retired Stations
Department employee
on August 1, 2010.

Carmen Lajara
Active Station Agent
on August 1, 2010.

Billy Rosado
Active Station Agent
on August 24, 2010

Sam Perricone
Retired Station Agent
on August 27, 2010.

Roslyn Braelfort
Retired Conductor
on May 12, 2010.

Lucas Muniz-Gregory
Retired Structure
Maintainer
on August 16, 2010.

John Felden, Sr.
Retired Bus Maintainer
'B' East New York
on Sept. 21, 2010.

Thomas Washington
Retired Conductor
on July 24, 2010.

Anthony M. Ortiz
Retired Transit
Authority employee
on Sept. 28, 2010.

Roger Shields
Retired Power
Maintainer
on Sept. 1, 2010.

Joseph Ribisi
Retired Conductor
on Sept. 23, 2010.

Jonathan Kirby
Retired TA Bus Operator
on Sept. 22, 2010.

Albert Racks
Active MABSTOA
Bus Operator
on Sept. 10, 2010.

Kathryn B. Johnson
Retired Conductor
on Sept. 14, 2010.

Milton Hanna
Retired Transit
Authority employee
on Sept. 27, 2010.

Richard Bermudez
Chairman, 100th Street
Depot, MABSTOA,
on Sept. 20, 2010.

Jose Teran
Active Revenue
Equipment Maintainer,
74th St. Shop,
on Sept. 20, 2010.

Brian Caine
Active MTA
Bus Operator,
Jamaica Depot,
on October 9, 2010.

Joseph Sclafani
Retired Structure
Department Mason,
uncle of TA Surface
Maintenance Chair
Joe Sclafani,
on Nov. 15, 2010.

Noise

THE NOT SO SILENT KILLER

By Jonathan Bennett

“EXCESSIVE NOISE IS A HUGE POTENTIAL HEALTH PROBLEM FOR MANY, if not most, of our members,” says Local 100 Safety and Health Director Earl Phillips, himself a sufferer of tinnitus (ringing in the ears) from years of using pneumatic tools on the job in bus maintenance. “Almost everyone who works in the subway is exposed to dangerously loud noise,” he adds, “and the same holds true for members in bus depots and subway maintenance shops. Even bus operators are exposed to enough noise, day in and day out, to eventually take a toll on their hearing.”

There is a well-known and proven direct relationship between being exposed to loud noise and hearing loss. Less widely known, but equally true, is the cause-and-effect relationship between noise and heart disease. Recent studies show clearly that workers who are regularly exposed to loud noise have a 2- to 3-fold increase in rates of heart attack, heart disease and high blood pressure.

“In other words, noise can not only make you deaf, it can also make you dead,” says Occupational Health Director Dr. Frank Goldsmith. “So here we have a hazard that is found throughout the transit system and can triple a worker’s risk of heart attack. If that’s not a very serious problem then I don’t know what one is.”

“Top MTA managers know that the system is hazardously noisy, but they are in a state of denial,” says Dr. Goldsmith. “To some extent, their denial is personal, because many MTA managers are former transit workers, who are

themselves at risk for the health effects of noise, even if they no longer regularly work in a noisy environment.”

“But,” he adds, “their denial is mostly driven by economics. In most cases the technology exists to lower noise levels, often at a small cost. But no matter how low the cost, the managers who control the purse strings don’t want to spend the money.”

“A few years ago,” said Dr. Goldsmith, “doctors from the Columbia University school of public health approached NYCT/MTA to propose a study that would have pin-pointed sources of noise in the transit system and methods of reducing it. MTA management refused to cooperate, saying that management’s existing hearing-conservation program and noise-reduction efforts had the problem under control. That kind of denial is contributing to hearing loss and heart disease among our members, and possibly among people who are heavy users of the subway system.”

Almost all of the health effects of occupational noise exposure – both hearing loss and heart disease – are preventable. Most occupational noise can be reduced or eliminated at the source. In cases where noise cannot be reduced to safe levels, workers can be protected with acoustical enclosures and barriers, or with schedules to reduce time spent in a noisy environment. As a last resort, workers can wear hearing protection.

New advanced-technology ear protection is available that both cancels out harmful noise and makes it possible to hear workplace whistles, horns and other warning sounds. “Subway tunnels are full of noise, but they are not safe to work in wearing old-style hearing protection, because you can’t hear whistles and other warning sounds,” says track worker Paul Navarro. “But I got fitted with high-tech hearing protection, and it works like a charm, cancels out harmful noise and lets me hear everything I need to hear.”

“The MTA has a legal obligation to protect its employees from exposure to harmful noise levels, and given that we now know that noise actually kills people, I’d say they have a moral obligation, too,” says Phillips. “Our members need to understand just how dangerous noise can be and to work with union representatives to enforce every worker’s right to a work environment in which hazardous noise has been reduced to the lowest feasible level.”

Ted Kheel, Famed Transi

Helped Settle Landmark TWU Strikes

NO HISTORY OF LOCAL 100 WOULD BE COMPLETE without reflections on Theodore “Ted” Kheel, a pivotal figure in resolving thousands of contractual disputes between TWU and transit management over a 33-year period, including resolution of the 1966 city-wide transit strike. He passed away Nov. 12, 2010 at age 96.

Kheel, a native New Yorker who graduated from DeWitt Clinton High School in the Bronx and Cornell University Law School, got his first taste of labor-management dispute resolution in 1938 when he joined the legal staff of the National Labor Relations Board. He later worked for the War Labor Board, which was charged with maintaining labor peace during World War II.

In 1946, New York City Mayor William O’Dwyer named him deputy director of the City’s new division of labor relations, and a year later he became the division’s director.

Then in May 1949, Mayor O’Dwyer named him impartial arbitrator for the City’s 12 private bus lines. At that time, most of surface transportation was private.

In 1954, the year that Mayor Robert Wagner granted collective bargaining rights to city workers, Kheel was appointed part of a commission that recommended Wagner sign binding contracts for the public sector.



Local 100 members rally during 1966 city-wide transit strike.

In 1956, Wagner appointed him Impartial Arbitrator for the Transit Authority, making him arbitrator for both subways and surface.

In addition to his role in resolving the 1966 city-wide transit strike, he also helped settle numerous private bus strikes involving Local 100, including the 29-day strike in 1962 that led to the creation of MABSTOA.

Hosts of Christmas Past

Local 100 members have been helping the needy during the holiday season for decades. This circa early 1950’s photo shows Local 100 members ready to deliver food baskets to disadvantaged families.



t Labor Arbitrator, Dies



Kheel (left) with NYC Mayor John Lindsey and mediators Nathan Feinsinger and Sylvester Garrett during '66 strike.



Kheel briefing the press during '66 strike.



Kheel with TWU President Michael J. Quill and Int'l Secretary Treasurer Matthew Guinan.

TWU founder Michael J. Quill once said of Kheel: "Whether we won or lost, we knew we had a fair shake."

Mayor Ed Koch ended Kheel's run as Impartial Arbitrator in 1982 because he believed Kheel had become too cozy with TWU. At the time, Koch was still stinging from the 1980 city-wide transit strike.

In addition to transit, Kheel played important roles in resolving other high profile strikes of the day. Mayor Wagner turned to Kheel to help end the 114-day newspaper strike of 1962-63, and President Lyndon B. Johnson summoned Mr. Kheel to Washington in 1964 to help mediate negotiations that prevented a nationwide rail walk-out. He also mediated a resolution to the 1962 East Coast Longshoremen's strike and the 1968 teachers strike.

In an interview with the *New York Times* some years ago, Kheel said of collective bargaining: "It is like sculpt-

ing an elephant. You chip away everything that doesn't look like an elephant, and what's left is an elephant. When you're trying to get a labor contract, you do the same thing. You chip away everything that doesn't belong in the agreement, and what's left is the agreement."

In addition to labor arbitration, Kheel was keenly interested in public policy issues. He was a major proponent of limiting commuter auto traffic and controlling highway building in New York City in favor of increased use of public transportation. He was also an effective civil rights advocate, who assisted Dr. Martin Luther King in fundraising for the movement.

The Cornell University's School of Industrial Labor Relations named its Center for Labor-Management Documentation & Archives for Mr. Kheel.



Transport Workers Union Local 100

\$25,000 in Student Scholarships

The TWU Local 100 Scholarships, a first-time ever program established by the new leadership, will be awarded by your union each year.

The deadline for this application has been extended to **December 31, 2010** to be eligible.

These are one year scholarships. However, members in good standing may submit one application each year for the same or a different student.

Applicants for the TWU Local 100 Scholarships must be either members or children or grandchildren of Local 100 members in good standing. They must also be attending or accepted by an accredited two or four year college.

Twenty five \$1,000 scholarships will be awarded at random to qualified applicants.

Winners will be announced in January 2010 in The Transit Workers Bulletin and will be invited to attend our annual scholarship reception accompanied by their spouse, parents, grandparents or guest.

These scholarships are sponsored by M³ Technology, our new Guaranteed Acceptance Voluntary Benefit Administrator.

Student's Name

Student's Phone Number (including area code)

Student's Address (City, State, Zip)

Relationship to Union Member

Name of Accredited Two or Four Year College

Course of Study (Major)

Union Member's Name

Union Member's Home Phone Number (including area code)

Union Member's Home Address (City, State, Zip)

Union Member's E-mail Address

Member's Union Position

Union Member's Work Phone Number (including area code)

Union Member's Work Address (City, State, Zip)

Union Member's Transit Division

**TO BE ENROLLED, RETURN THIS FORM IMMEDIATELY TO:
M³ TECHNOLOGY, 2010 LOCAL 100 SCHOLARSHIP
PO BOX 512, MATAWAN, NJ 07747**

Good Luck!

Applications must be received by December 31, 2010

Form #: TWB20101203

Supplemental Benefits for TWU Local 100 Members



M³ Technology

"Protecting Your Future Today"

We can help you guarantee your family's financial security with tax-free, cash Life and Disability benefits!

Eligibility* and benefit improvements since May 2010 from M³ Technology, your new Voluntary Benefits Administrator:

1. Increase Your Life Insurance until December 31, 2010 up to an additional **\$50,000**** on a Guaranteed Acceptance Basis with increased Cash Accumulation and Long Term Care Benefits!
2. Increase Your Tax-Free Disability Income Insurance up to a maximum of **\$1,500** monthly on a Guaranteed Acceptance Basis!
3. New Waiver of Insurance Cost Rider for Lay-Off and Strike*** on Life Insurance Program!
4. New Guaranteed Acceptance Critical Illness lump sum cash benefits for heart attack, stroke, renal failure, cancer, transplants, and more!
5. New Discounted Auto, Renters, and Homeowners Coverage!
6. New Toll-free Member Service Hotline and Proactive Member Claims Advocacy!
7. New Retiree Vision, Dental, and Guaranteed Acceptance Life Insurance!

* TWU Local 100 Members have to be actively at work to qualify for increased benefits.

** The total life insurance available on a guaranteed acceptance basis, including increases, is \$150,000

*** Available on all new Life Insurance programs and existing programs issued after 10/31/2008

***Call the TWU Local 100 Member Service
Hotline for Information on these new benefits
(877) 456-3428***

TWU Local 100 Moving to New Offices

Five years ago, the leadership of Local 100 decided to sell the Union Hall at 80 West End Avenue, where we had been for 20 years, and enter into a five-year lease. That lease expires on December 31 of 2010, so we must move this month.

TWU Local 100 is moving our Union Hall to a new space: the second floor of 1700 Broadway. This is the former home of the TWU International, which recently moved to Washington, DC. As you may know, this move is part of a transition, in which Local 100 is moving out of our current headquarters to eventually buy our own building, most likely in downtown Brooklyn. We anticipate staying at our 1700 Broadway location throughout 2011, and into 2012.

Here are important updates about our move to help you stay in touch with TWU Local 100.

- Effective Friday, December 17, our offices at 80 West End Avenue will be closed for day-to-day union business. But **ALL DIVISION MEETINGS WILL CONTINUE AT 80 West End** through the end of the year. Meetings for the New Year and their locations will be announced on our website.
- Effective Friday, December 17, only a skeleton crew will be on premises at 80 West End. Services will not be provided to members with the exception of the Division Meetings.
- TWU Local 100 resumes full operations on Monday, December 20 at 9AM at 1700 Broadway, 2nd Floor.



- All telephone extensions and email addresses remain the same. Our website will be up and running throughout the transition and we will post frequent updates on the move on our home page.
- 1700 Broadway is a high security building. Everyone needs an appointment and/or a staff ID to go through lobby security. Please bear with us – call in advance so that we know you are coming and can clear your entry with lobby security.

Every TWU Local 100 Department retains an office at 1700 Broadway. We are expanding our presence at 2 Broadway and 180 Livingston Street to better handle member representation at those locations.

The Childcare/Training Fund will remain at 80 West End into 2011. We will announce where the Childcare/TUF will be re-located in the near future. At this time, there are no changes in those operations.

Make sure you're up to date on Local 100's move to 1700 Broadway and that you know the locations of your Division and Section meetings. Stay tuned to our website: **www.twu-local100.org**

TWU Local 100
1700 Broadway
New York, NY 10019
www.twulocal100.org
212-873-6000