MABSTOA





# BUSINESS

"Unity is what we need to push in order for us to achieve our goals as a union. From the Desk of Donald Yates, VP. MABSTOA

DIVISIO

### PROBATIONARY OPERATORS SPECIAL ALERT

# Are Probationary Bus Operators Represented During Their Probation period?

By Donald Yates, MABSTOA VP

#### During training, probationary Bus Operators are told many things about the job. Basically new employees are expected to first and foremost be safe.

What does that really mean? With all the conditions out on the road, the ability to be safe has been deeply compromised. While on probation accidents are expected, however the number of accidents should be minimal. If you have an accident, new members should learn from it and try to not repeat. The name of the game is to do everything to prevent an accident.

The NYCT safety training only recognizes an accident as preventable or non preventable. Your attendance and your ability to deescalate situations will also be evaluated during your probationary period. Take care not to



forget the basics of training. During your first days of training, Managers often tell new operators that they are not represented by the union during their probation period. This statement alone is an attempt to break your spirit.

There is an orientation day at the union hall that is admittedly not long enough. However this brief time that the union has with its new members is an introduction to the union hall and the benefits that have been negotiated over time.

#### The truth is simple: probationary bus operators are represented during the probationary period.

The only thing that you are not entitled to is the hearing process under the grievance procedure. Your probation will be treated like a forecast of what kind of employee you will be. The union representatives will help guide you through probation so that you can have a long career.



## LOBBY DAY UPDAT

by Donald Yates, OA Vice Chair

People generally think that we lobby the politicians once a year. We actually lobby the politicians several times during the year on bills that we want passed in order to benefit our members.

Tier 6 has been the nightmare of our members and other members from other unions for 12 years. It is sad that in times of peril, the government always tries to blame labor. In States of emergency it is labor that always steps up and works through the problems to keep the city moving. In our case it's the Bus Operator, Conductors, Train Operators and the various Maintenance crews who are vital in moving this city. Tier 6 is a slap in the face for all we do and suffer while doing our jobs. We face assaults and all kinds of dangers including pandemics.

## It's time to fix Tier 6!

With constant organizing and many trips to Albany, Local 100 is slowly but surely chipping away at Tier 6 to make the pension system better for the workers impacted.

That's not all Local 100 fought for and won in this legislation season. Another victory of particular importance is that spitting on a transit worker -- a disgusting form of assault, but one which did not rise to the level of a crime in the past -will now become a Class A Misdemeanor.





For the first time, spitting on a transit worker will be a crime that is bail-eligible -- meaning that a judge will now have the power to take such a perpetrator off the street pending court hearings. There are still battles ahead -- but if we continue to fight the way we've been fighting in 2024 we will prevail and remove the other impediments to equality that still exist.

### THE TIER 6 FIGHT IS A PROCESS

In 2021, TWU Local 100 raised serious concerns about the MTA's pension calculations under the Tier 6 legislation, and our concerns were right on target. The MTA has confirmed that thousands of workers were overcharged for Tier VI contributions.



## THE TIER 6 FIGHT IS A PROCESS

In the year 2012 then Governor Andrew Cuomo was successful in his quest to implement a Tier VI pension, but TWU Local 100 worked hard to minimize the hit that new transit workers would take. While nearly every other union in NYCERS had their retirement ages pushed back to 63, we were successful in defending the 25/55 pension for future Local 100 members. The fact that we were able to fend off the bulk of this assault was a significant victory for Local 100 and the entire membership. Under John Samuelsen and the Local's Albany team the preservation of the 25/55 was the first step in the future battles that would encompass change.

As a Tier VI member, the contributions you make toward retirement are based on your earnings. This means your contribution rate could change from year to year depending on how much you earned in previous years. In 2022 those contributions were suspended at 5.5% due to Covid 19 and was recently left suspended for another 2 years in this legislative session, till 2026. What that means is that overtime is capped and the percentage you pay even over \$100,000 won't exceed 5.5%. Also in 2022, Tier VI members had their vesting years changed from 10 years down to 5 years.

Another win that benefitted Tier VI

members was reducing the final average salary calculation down from a high of 5 years down to a high of 3 years which is huge for our members.

Why didn't we get the overtime cap lifted? Overtime rules are very complex across the workforce. White collar workers don't use much overtime, while the operating departments depends heavily on it. The fight is not over. All Tier VI members are welcome to become the unions Ambassadors as we work to get this done next year. The current cap that we want to eliminate is now at 20,489 + whatever your base salary is. There are even fights going on regarding what is considered base

## **Basic Plan Member Contribution Table:**

Up to \$45,000 Contribution rate 3%

\$45,001 to \$55,000 contribution rate 3.5% \$55,001 to \$75,000 contribution rate 4.5% \$75,001 to \$100,000 contribution rate 5.75% Greater than \$100,000 contribution rate 6%

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#### IMPORTANT NOTICE FOR TIER 6 PENSION MEMBERS (2012-2022)

In 2021, TWU Local 100 raised serious concerns about the MTA's pension calculations under the Tier 6 legislation, and our concerns were right on target. The MTA has confirmed that thousands of workers were overcharged for Tier VI contributions. As a result of our advocacy, the MTA is now refunding these wrongful deductions, with interest accrued through August 1, 2024. This correction affects approximately 8,000 Tier 6 employees from 2012-2022, who will receive the money that was incorrectly taken from them. However, despite our years of fighting for justice, several significant issues remain unresolved. The audit also revealed that some members may have been undercharged, and as a result were not paying into their pension.

To address this, the union secured payment options for any required repayments, ensuring that they are manageable. This prevents members from facing undue financial strain and ensures they retain their full pension benefits. Without our intervention, members could have been faced with paying interest on this money from day one until retirement, paying the amount in full, or even being subject to loss of time counted toward retirement. We have filed a lawsuit against the MTA due to persistent problems with how they are calculating the amounts owed, the interest they promised to return , and the lack of effective dispute resolution methods.

It is unacceptable for our members to bear the consequences of the MTA's errors without a fair and transparent resolution process. We are demanding that the MTA establish a procedure to Verify, Dispute, and Adjudicate any discrepancies related to these pension calculations. This process must be transparent, fair, and accessible to all affected members. We will continue to fight tirelessly to ensure that the MTA addresses these issues and that our members receive the full protection and restitution they deserve. The welfare of our members remains our top priority, and we will be relentless in standing by you every step of the way. Stay tuned for updates on our ongoing lawsuit.

# TWU LOCAL 100 PUSHES FOR A FOCUS ON FARE EVASION

In many discussions over the past two years with the MTA has resulted in disagreements over the over blown budget. The MTA has blamed availability of our employees while ignoring the fare evasion culture. Vice President Donald Yates has continuously argued that many of the problems fall at the feet of NYCT and their parent company the MTA.

Fare evasion is just the tip of the iceberg, the MTA's messaging potentially puts every bus operator in harms way which additionally contributes to the availability complaints that they have. In essence, the MTA causes their own problems. Finally after several years of ignoring the problem, the MTA NYCT has decided to go after fare evaders. Management has reissued policy on the bus operators role in politely asking for the fare, however Vice president Yates was severely against this and has instructed all reps to inform their members not to do anything that would compromise a member getting home safely to his/her family.

The Eagle team in conjunction with NYPD will be out in different locations throughout the city to enforce paying the fare. What will occur is that the Eagle team will board buses and any fare evader will politely be asked to pay and if refused, the bus will drive to where NYPD is posted for removal and summons.







# OUR PRESENCE IN COURT MATTERS

For years since the pandemic, violent assault cases have risen against transit workers. Laws have been passed to protect transit workers nationwide, however bail reform in new york causes real issues. Many cases involving assaults are due to repeat offenders not getting the proper sentences. The system blames a lot of these crimes on emotionally disturbed people.

Our support in the court room is important for many reasons. For starters its makes the Judge and the other officers of the court understand that our presence there is to make them aware that these crimes against transit workers are sensitive to us as a body and that we want justice. As a union we bring the press to convey our message and criticisms of the justice system. We must make ourselves available so we can systematically get these changes done to the way the law is enforced.





4 MaBSTOA Business



## ASSAULTS & OUR PRESENCE IN COURT

How important is it to show up in unity after a crime has been commited against its workers? It Is imperative and sends a message to the district attorney and the Judge. Thats exactly what happened in brother Adams case from Tuskegee Depot . T h e courthouse didn't expect over 50 bus operators demanding justice. In the court room all seating on the left side of the court room was taken by bus operators. Enough is enough. Many Bus operators feel as though no one cares, especially the MTA Brass who only show concern of the business aspect of their employee availability.







As a union we must continue to stand together and force the changes thats needed to make sure our folks get home safely to our families.

## PUTTING DISCIPLINARY CASES IN ABEYANCE



# Have you been arrested and charged with a serious infraction? What is meant by off duty conduct?

At any moment in your career with the Transit Authority, something can happen that can cause an arrest. Depending on the penal code charged and the logistical information reviewed by labor relations, you can find yourself suspended and pending arbitration outcome.

In most cases like these, a step 1 hearing can be scheduled and conducted. A member's disciplinary case can find itself in arbitration before the legal court case is finalized, which is why the TWU local 100 Division Chairman will discuss the advantages of placing your case in abeyance.

## What does putting a disciplinary case in abeyance do?

It puts a temporary halt to your case until your legal problems have been resolved. Backpay rights under the CBA will also be suspended during the abeyance period. A win in the court system doesn't automatically mean your disciplinary case will be withdrawn.

## MABSTOA'S OWN

## Tyshiem Hawkins, an MTA Hero

Shout out to our very own MaBstoa Bus Operator **Tyshiem Hawkins** who works out of **Mother Clara Hale Bus Depot** for being recognized for assisting a wheel chair customer. These are the types of things we should share. Proud of you young man.



TYSHEIM HAWKINS RECOGNIZED FOR HELPING PASSENGERS ON HIS BUS ROUTE



## MABSTOA'S MAINTENANCE

Scott Steinberg and company maintain the rights of the members at Zerega. This gang like all the other gangs of Mabstoa Maintenance are a strong and tight knit group led by Maintenance Director Tommy Lenane and Division Chairman Mike Rehn.

Their work is very technical as they continuously fight for the right to do work that the Authority tries to farm out. Thisoccurrence is maintenance wide. The fight will continue to make sure everyone is fully represented.



Gunhill Maintenance With Maintenance Vice Chair Sanchez



# **MTA NYCT BUS RODEO**

September 21 st 2024 was a beautiful day to commence friendly competition against peers in the same field of expertise. Bus Operators competed to be qualified as the best, while Maintainers and managers competed in the action of tugging a bus as fast as they could for the best clocked time. Those who participated had a great time watching the events unfold wasn't bad either. A good day of camaraderie, MTA Bus MaBstoa and NYCT participating in this two-day event.



7 MaBSTOA Business

# HOW MUCH DOES THE MTA CARE ABOUT US?

By Donald Yates, OA Vice Chair

Many Transit workers don't feel cared for by the MTA. There's a lot of mixed messaging when it comes to Bus Operator safety specifically. At our last court date with Bus Operator Moses, no-one from the MTA appeared. That seemed kind of strange considering the magnitude of the issue where Brother Moses was fighting for his life.

The screen shots below reveal how the MTA will scapegoat the workforce on their X formally known as. Twitter page. These texts are very revealing. With assaults and other incidents occuring on a daily basis, the MTA adds to our problem by blaming service interruptions on bus operator availability. These lies put our members in danger of being assaulted or worse.



**TWU Local100 MaBstoa V.P** @local10... · 7/31/24 ··· This is the normal response that the @MTA and @NYCTBus put out to cover the fact that the agency isn't putting out the service! Then the customers turn on the operators which is actually orchestrated by irresponsible messaging. It's definitely a pattern of misinformation.

### From Riverdale Ave/W 261st St: 11:15 PM

From 3rd Ave/E 33rd St: 12:40 AM

We're running as much service as we can with the bus operators we have available.



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NYCT Bus ? 
 @NYCTBus 6h 
 "
The 12:15 AM BM2 bus trip
scheduled to depart 57th St/
2nd Ave will not run.



**TWU Local100 MaBstoa V.P** @local10....7/31/24 Just look at the continued comments that come from @MTA spokesperson Tim Mittens who says inflammatory comments to turn the @NYPDTransit against @TWULocal100. It's a circle O jerk of misinformation, then the @MTA will come back and say we want to partner to stop O assaults! BS



#### CT Bus 🤗 💽 @NYCTBus · 11/7/24

The following **BxM1** trips will not run: From **Riverdale** Ave/W 261st St: 6:53 AM From 3rd Ave/E 33rd St: 8:45 AM

We're running as much service as we can with the **bus** operators we have available.

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Replies



Media

TWU Local100 MaBstoa V.P @local1... •7/30/24 Been standing on the Yard floor for about 50 minutes and the @TWULocal100 Operators waiting for buses to pick up the people is here and available to work. The @MTA purposely won't fix the buses. Congestion Pricing my ass! 20 Operators means 20 Runs





**MaBSTOA** @mtamabstoa · 7/30/24 .... Sorry for the missing Buses but the dysfunction of the

@MTA feels that service doesn't matter and usually puts the blame on missing bus operators, what say the MTA now?

#### TWU Local100 MaBstoa V.P @lo... · 7/30/24

Been standing on the Yard floor for about 50 minutes and the @TWULocal100 Operators waiting for buses to pick up the people is here and available to work. The @MTA purposely won't fix the buses. Congestion Pricing my ass! 20 Operators means 20 Runs

Since Governor Hochul's pause on congestion pricing, the DOB has made it an excuse to cut service by not sending out or fixing the buses. This has caused problems across the system where the union had to take the MTA to court for violating the public Authorities law. The Union won a temporary restraining order after a Judge ordered the MTA to put the service back to the levels of July 12, 2024



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This has caused problems across the system where the union had to take the MTA to court for violating the public Authorities law. The Union won a temporary restraining order after a Judge ordered the MTA to put the service back to the levels of July 12, 2024. Prior to the court hearing, there was a press conference outside the courthouse where the NY1 reporter pressed the TWU Local 100 President on comments made by MTA spokesmen Tim Mittens. As the irony goes, the MTA spokesperson Tim Mittens has on 2 occasions publicly misrepresented the truth regarding criticism of the NYPD from our TWU President. Again the MTA puts our bus operators in a precarious position. To be absolutely clear we are looking at  Runs either not being filled or left open, putting conditions for angry customers to confront our Bus Operators.

2) Texting on X formerly known as Twitter that certain trips are not being made due to the bus operators we have available.

3) A MTA Spokesman making inflammatory remarks that our union President has criticized the NYPD

This is what the MTA thinks about keeping the operators safe.

Attorneys for the Union and management met again on November 14th in Judge Engoron's courtroom to finalize the ruling on the MTA's ability to make service cuts. In a clear win for Local 100, management agreed that it has to abide by Section 1204(15) of the Public Authorities Law, which stipulates that before service cuts can occur, public hearings must be convened.

## DAMAGE CONTROL: SHARING CONTENT ON SOCIAL MEDIA



Our addiction to social media platforms has resulted in members being investigated. What should we do?

As many are aware social media is full of information. The problem is, is the information correct? Social media is a good tool to get information out to the

members when used as an honest tool, however honesty doesn't always result in a lot of views.

With social media platforms and groups the truth is not always easy to defin. There are 3 category's of truths; personal truth, political truth and the objective truth that shape our understanding of the universe. The interesting thing about the objective truth is it's true no matter what. It's not expected that everyone would seek their own understanding on the issues. The normal process is through social media and the prospective narrative. This is nothing more than the point of view from which a story is told.

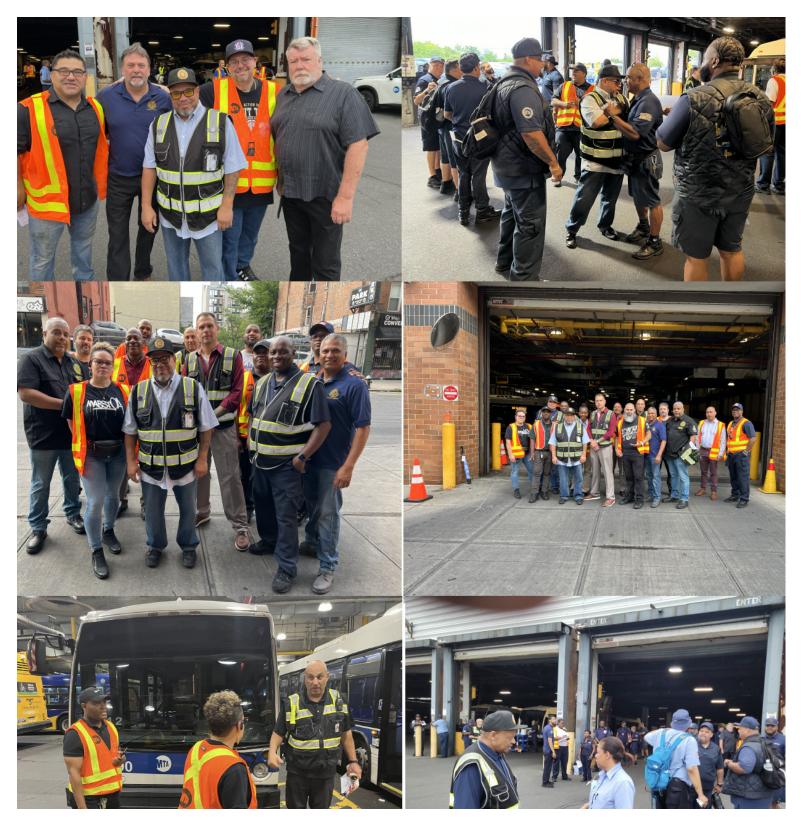
There are dangers in participating in social media platforms, because of the various traps set by the MTA to either get members for fraud or discipline for breaking their policies. Members should make themselves knowledgeable on all policies regarding social media and protect yourselves from any kind of investigations that can lead to disciplinary action.



9 MaBSTOA Business

## SAFETY INSPECTIONS AMID EQUIPMENT FAILURES

These Photos show safety inspections of Gunhill Depot in the Bronx and Tuskegee Depot in Manhattan. When Operating a commercial vehicle, there's a mandatory inspection that has to occur as per the law. Safety is the primary goal, however the MTA as usual has been cutting corners. Unsafe or unfixed equipment either stays in the depot or gets sent out what the MTA feels are minor defects. The MTA should be getting the mechanics to fix and work on the equipment, but they don't want to pay for it, so they'd rather make the citizens of NYC suffer!







# CONSOLIDATED PICK MEETING

Annually the MTA Department of buses have a system pick that occurs in stages. The union is always present to make sure that all the practices and rules are applied fairly across the board.

Pick rules are usually given to the union to review and at times we challenge rules that the MTA try to add that don't make sense. As a collective we go over the vacation allotments and how many weeks and prime weeks a particular depot has based on employee count.

In addition to that we discuss picking hours and how an operator who's been restricted will be treated if reasonably expected to clear themselves for full work prior to the effective pick date.





## BRONX DIVISION CHAIR MEETINGS

Bronx Division 2 Chairman Claude Marshall checks the routes at Fordham Plaza after numerous complaints of the schedule that operate on 3rd Avenue. Since the implementation of the Bronx redesign, the schedule for the Bx15 hasn't met the needs of service. This is all work in progress, as these complaints have been forwarded to operations planning.



## IN MEMORY OF MANHATTANVILLE DEPOT CHAIRMAN **TRACEY YOUNG**

On October 28, 2024 Tracey Young, beloved Chairman of Manhattanville Depot lost her battle with cancer. It had been a fight. For those who knew this woman's spirit, there was no giving up in her.

Tracey was revered as the mother of Manhattanville, and organized many functions to elevate the family spirit. Tracey Young came up through the ranks, and became the first female Chairman after the former chairman Jose Castellon retired.

Tracey worked hard and made sure that work was defended in the depot. Tracey will be immensely missed. Her fight and support for others that had cancer is well documented, as she always supported and raised money for making strides against breast cancer.





"Tracey's leadership has set a bar for all of us," said Donald Yates, VP of MaBSTOA. "Her presence at Manhattanville was a source of strength and unity, and she will always be remembered for the fire she brought into her role, for her courage, and for her dedication to our members."

