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Transport

Workers

Fall 2012 • Vol.3 • No.3

BULLETIN

A group of people, mostly men, are seated at tables in a meeting room. Some are clapping, and one man in the foreground is holding up a phone to take a picture. A woman in the foreground is smiling and holding up a badge.

No One Left Behind

The final group of Station Agents laid off in 2010 are now all back on the job, bringing to a close the union's two-year battle for justice for our laid-off brothers and sisters. Happy Station Agent Christine Linksman proudly holds up her MTA badge as her class cheers their return. Pages 6-7.

Leadership When It Counted

THIS TIME LAST YEAR THE LOCAL 100 EXECUTIVE BOARD MADE THE DECISION TO NOT SET A “NO CONTRACT, NO Work” deadline for our agreement that would run out on January 15, 2012.

Back then the region’s economy was still in the doldrums; the MTA’s non-fare revenues were not producing as expected, and a number of state unions had just agreed to massive concessionary contracts to avoid layoffs.

On top of that, MTA Chairman Jay Walder had just announced his departure and a new man would not gain State Senate confirmation until January 9, 2012, just six days before the expiration of the contract.

In the meantime, we continued to rebuild the good-standing membership ranks, strengthened our political ties in Albany and on the City Council, and reinforced our bonds with the communities and with our sister unions of the MTA Labor Coalition.

With the help of 20-20 hindsight, the Board’s decision – based on intelligent leadership, rather than misplaced militancy – is paying off.

In late July, the MTA announced that they had earned \$90 million in unexpected revenues that they cashed in with service restorations and a delay in the imposition of the 2013 fare increase.

They also announced a projected budget surplus for this year and next, with deficits beginning the following year.

As might be expected, the MTA called the budget projections “fragile,” and declared they would fall apart unless labor (that means us) “sacrifices” with a net zero agreement.

I have made my position very clear all along. Transit workers deserve a wage increase. We will not accept three zeroes or concessions that the other state unions accepted. We are now bargaining in an improving economy, rather than a recessionary one, and we are bargaining with a company with admittedly near record ridership levels, and escalating non-fare income.

We still have a way to go in this contract fight. But thanks to strong leadership when it counted, we’re a lot closer to winning a good contract for this membership.

2012 National Elections

With the summer behind us, the push toward the national elections is firing up. The Executive Board has already given its endorsement to President Obama.

National polls all point to a very tight race.

A crucial factor that so far has largely been ignored is the apparent loss in the Democratic advantage in party identification since the last presidential election,

Some polls, even ones considered Democratic friendly, have indicated a decline in the Democratic Party’s margin in party identification of seven points – the exact margin of Obama’s victory over John McCain.

According to the latest readings of party identification, the number of self-identified Democrats and Republicans in America is now roughly equal, with some surveys actually showing a slight GOP advantage among likely voters.

If that’s the case, President Obama will have to capture a significant number of self-identified Independents to assure victory, a group of voters that the labor movement and the Democrats unsuccessfully tried to court in the 2010 congressional elections, and more recently in the Wisconsin recall.

Obviously, it’s going to be a tough election – one the labor movement cannot afford to lose to an anti-union, anti-public sector worker candidate like Romney and his choice for Vice President Paul Ryan.

Local 100 will be doing its part, including sending volunteers to neighboring states to help in GOTV efforts. Like in our contract fight, we can’t leave anything on the table.



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Transport Workers

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BULLETIN

6-7

Cover Story: All Laid-Off Workers Are Back on the Job

This class of returning Station Agents closed the chapter on 2010's layoffs of transit workers. All who wanted to return are now back to work earning good union wages.



6-7

10-11

MTA Wants Worker Sacrifice: TWU Says Not So Fast

MTA Chair Joseph Lhota (photo) called for worker "sacrifice" at the July MTA Board meeting. Local 100 President John Samuelsen responded on NY1 News.



10-11

12

\$25,000 in College Scholarships

For the second year in a row, the union, in cooperation with M³ Technology, awarded 25 \$1,000 college grants to the children or grandchildren of members in good standing.



12

24-25

Thousands Attend TWU Family Day

Gorgeous weather, good food and entertainment greeted thousands of Local 100 members and their families and friends at our annual summer social gathering at Coney Island.



24-25

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**Front Page
Photo**
Alan Saly

Consolidated Labor Gives Big Boost To Locked Out Con Ed Workers

WHEN 8,500 CON ED WORKERS found themselves on the street, locked out by their employer, the New York City Central Labor Council raised the cry of solidarity and other union affiliates followed suit.

TWU Local 100 participated in three marches and rallies as well as supporting the Utility Workers of America Local 1-2 lines at 4 Irving Place on 14th Street, Con Ed's headquarters.

Transit workers were front and center at the huge march and rally on July 24, which drew thousands of supporters to Union Square to demand that Con Ed negotiate in good faith.

Local 100 President John Samuelsen was among the prominent speakers at that event. Samuelsen and other union leaders denounced Con Ed's attack on union jobs and benefits. Samuelsen lauded the workers for "fighting it out in the streets," and he received a huge ovation when he blasted Mayor Bloomberg for supporting Con Ed management instead of standing up for the best interests of New Yorkers.

New York State Federation of Labor



Local 100 President John Samuelsen addresses huge rally for Con Ed workers on July 24.

President Mario Cilento, Central Labor Council President Vincent Alvarez and many other leaders from both the public and private sectors pledged support for the locked out workers.

The company inately claimed it locked out the workers because the Union would not guarantee a seven-day notice of a strike.

Management brought in a reported 700 scabs from Southern states where union spirit is in short supply, as well as tapping managers and recent retirees to do the work of the locked-out members. It took a storm which threatened the City with dan-

gerous winds to bring both parties to the bargaining table under the mediation of New York Governor Andrew Cuomo. There they worked out a four-year contract that provided annual increases of 2, 2.5, 3 and 3. But, the union agreed to the company's major demand of a 401(k) style pension for new hires to replace the current defined benefit plan. The company retreated on its initial demand that the 401(k) be imposed retroactively to those hired after 2001.

Local 1-2 Lock-Out Captains were quick to express their appreciation to our troops, as were the rank-and-file. Said Con Ed worker Sharron Walakovits Sellick on Facebook: "As a proud member of local 1-2, I want to extend my sincere appreciation to all those who have stood by us through this very difficult time. I have never been prouder to be union than I was this last month. The solidarity of unions across the state coming together set a precedent like no other. A special shout out to TWU 100 for standing by us through this whole lock-out. Union Pride, Union Strong. In Solidarity."



Locked out Con Ed workers on the picketline.

Union Activism Spurs Service Restoration

OPPRESSED TRANSIT RIDERS IN SOME KEY New York neighborhoods where Local 100 had joined with community leaders to champion the restoration of bus and subway service got relief in late July. Under prodding from TWU Local 100 and numerous area politicians, the MTA Board voted on July 25 to allocate \$29.5 million to bring back about half the transit service cut in 2010 and create five new bus lines.

The MTA also bowed to overwhelming public demand in Brooklyn – organized by transit advocates, the Working Families Party, and Local 100 – to make the five-stop extension of the G train past Carroll Gardens onto Church Avenue permanent.

The Local's bus restoration campaign, spearheaded by organizer J.P. Patafio and Division officers at the Gleason Depot, focused on the underserved waterfront neighborhood of Red Hook. Officers and Red Hook housing association activists told the MTA Board on Wednesday, June 27, 2012 – a month before the restoration vote – that economic recovery in the neighborhood depended on restoring transit service. The Board listened, beefing up service on the B61 that heads down Atlantic Avenue to Van Brunt Street and restoring the B57 to cover the old B77's route.

New bus routes added by New York City Transit include north-south service along the Far West Side of Manhattan, a line connecting Downtown Brooklyn, Dumbo, Vinegar Hill and the Brooklyn Navy Yard, and another new line giving service to western Hunts Point in the Bronx.

In a July 24 appearance at a City Hall press conference organized by Local 100's Political Action Department to push for the restoral of all service, Brooklyn Assemblyman Bill Colton hailed the Coalition's successful push to restore the B64 in Bensonhurst, saying that the communi-



Assemblyman Bill Colton calls for full restoration of service at City Hall press conference. Local 100 President Samuelsen, members and others look on.



Congresswoman Nydia Velasquez at press event with Local 100 activists in Red Hook, demanding restoration of bus service.

ty-labor partnership there was a template for organizers.

Assemblyman Adriano Espaillat went further, calling for the restoration of subway token booths for reasons of safety. He said that "almost every station where booths were removed has become an area for vandalism, for dumping garbage, and a place for kids to congregate who do not go to school."

The MTA's service restorations and additions aren't immediate. They're all on different schedules and riders won't see it all come to fruition until September of 2013.

ALL LAID OFF S/A'S NOW BACK Un-termin



“WE TAKE CARE OF OUR OWN” IS MORE THAN THE NAME OF A NEW Bruce Springsteen hit. It’s a great description of how our laid-off Station Agents – terminated by former MTA Chairman Jay Walder in 2010 – regrouped and stood strong, with the help of constant moral support and strong safety nets from Local 100. The Springsteen song is a bitter take on the American nightmare confronting those the economy left behind. But our returning Local 100 Station Agents are a rare success story in these hard times.

Local 100 President John Samuelsen joined Stations Vice President Maurice Jenkins, Division Chair Derrick Echevarria, Section Chair Joe Bermudez, Executive Board Member Paul Piazza and representative Paul Flores, in welcoming back the final class of Station Agents to retraining on July 25th at 130 Livingston Street in downtown Brooklyn. “It’s a bittersweet day,”

Samuelsen told the returning Agents, “but we’re finally here today, with everybody back. We fought, and fought, and fought to prevent the layoffs from happening. But when it happened we fought for the return of everyone, and I thank God that everyone’s back.”

The returning Station Agents had a new sparkle in their eyes as they filled out paperwork and picked up newly-

minted MTA badges from a supervisor. Many seemed to be relaxing for the first time in nearly two years with the prospect of a good paycheck, vacation time and sick leave.

One of the returning Agents, Meseret Habtemichael, came to America from Ethiopia with her four children in 2004. She was hired by Transit as a Station Agent in 2008, only to be laid off two years later by Walder. But she was on unemployment for only ten months before taking advantage of the Union’s agreement with the MTA to offer laid off workers the opportunity to work



-TO-WORK ated



Local 100 President Samuelson, Vice President Maurice Jenkins and other officers join final returning class of Station Agents on July 25th in Brooklyn.

in the Cleaner's title while awaiting recall to their regular title. Meseret drew praise from Section Chair Joe Bermudez for her work ethic. Now she's getting back to work as a Station Agent, along with 23 others who were the first to be axed by Walder. "It's a lovely feeling to be coming back," she said.

Meseret's friend, Station Agent Phyllis Shider, was also in the returning class. She said: "Meseret and I were in training together and we became close. I'm so happy to be back and re-united with her."



Station Agents Meseret Habtemichael (left) and Phyllis Shider rejoice at being reunited.

FROM LAYOFFS TO RECALL, UNION BATTLES MTA

Following is a brief look back at the union's fight to prevent the layoffs, and then the steps taken to help those left jobless.

- **March 24, 2010.** MTA Chairman Jay Walder decides to go forward with massive transit service cuts and layoffs, despite having \$90 million in available federal funds, which he could use to maintain service and staffing.
- **April 2010.** Walder tries to blackmail union by demanding that President Samuelson open the contract, and give up final 3% of Local 100's contractual raise in exchange for halting planned layoffs. The union refuses.
- **May 5, 2010:** Union files lawsuit to temporarily stop layoffs of nearly 500 Station Agents.
- **May 11, 2010:** MTA exploits a technicality, allowing them to terminate 266 Station Agents on Mother's Day. However, TWU's lawsuit stops the Authority from laying off over 200 more Agents for another 3 months, giving these transit families a temporary reprieve.
- **May 17, 2010.** The Union sets up a "help desk" for laid off Station Agents, and makes provision for health benefit extensions.
- **June 27, 2010.** The largest service cuts ever seen in New York City Transit are imposed by the MTA. 950 Local 100 members are laid off when all is said and done, including the 475 Station Agents. Booths are dismantled, and 38 bus lines, the W and Z trains are axed. Service is reduced on 76 more lines. The Union uses the cuts to forge broad coalitions with politicians, transit advocates, and community groups to call for the restoration of service.
- **August 2010.** Local 100 launches daily attacks on Walder, including pickets outside his apartment. We paint him as a rich, out of touch elitist who vacations in the South of France while service cuts make life miserable for New York transit riders.
- **August 13, 2010.** Union members vote to approve Solidarity Fund to cover health care expenses of laid-off members.
- **January 24, 2011.** Some Station Agents begin returning to work as attrition calls for more hiring. The Union negotiates for some to return as CTA's. The last Agents laid off are the first to return.
- **July 27, 2011.** Jay Walder leaves New York City four years before his contract is up. Before his departure, his condo board forced him to find another apartment because of the noisy and frequent TWU demonstrations outside.
- **Jan 9, 2012.** Joe Lhota takes over as new MTA CEO.
- **July 23, 2012.** Final class of Station Agents returns to work.



Wall Street, Big Banks Sucking Transit Dry

Debt Sentence

By Alan Saly

BIG BANKS ARE SUCKING MONEY OUT OF THE TRANSIT SYSTEM, SQUEEZING riders and siphoning off money that could go to worker cost-of-living raises. And surprise, surprise: the MTA doesn't really seem to care.

The MTA Board (appointed by Mayor Bloomberg and Gov. Cuomo), working with the banks, is pulling off a trifecta: increasing debt (which further enriches wealthy bondholders), financing big construction mega projects (which is not all bad), and giving the MTA a ready excuse for why it says it can't afford labor costs. True, the bond deals and infrastructure projects drive up the MTA's debt – but Local 100 says that debt can be renegotiated and some of that infrastructure work can be postponed or delayed so that service can be improved. But that's not the way the MTA wants to play it.

As members of the MTA Labor Coalition, representing a dozen unions at New York City Transit, Metro North, Bridges and Tunnels, the LIRR and SIRTOA made clear in a late July rally, the MTA has been refusing to settle contracts even with small unions, in some cases spending more money on outside legal teams than the unions are asking for in raises.

At the rally in the belly of the beast – at 1 Chase Plaza just a block away from Wall Street – TWU Local 100 President John Samuelsen spoke about the latest MTA outrage: “the credit default swaps



that are ripping off the MTA to about the tune of \$100 million a year.”

“The bitter irony is inescapable,” he told the crowd of union members. “The MTA has no problem inflicting pain on New York working families [by] inflicting massive service cuts... They have no problem taking on their own workers [and] trying to ram successive zeroes down our throats... But when it comes to taking on the banks that caused this problem, the MTA suddenly gets cold feet.”

The numbers tell the story. The MTA says a cost of living raise for Local 100 for 2012 would cost about \$73 million, keeping our families current with the rate of inflation. That's considerably less money than the five top bankers at JP Morgan Chase made

last year, headed by honcho Jamie Dimon who pocketed \$23 million, followed by the company's top investment banker, Jim Staley, who pulled in \$17.6 million. Asset Manager Mary Erdoes raked in \$15.2 million, and CFO Doug Braunstein pocketed \$13 million. Then there was Ina Drew, who oversaw the bank's disastrous London trades last year. She got \$15.5 million for her trouble.

The “swaps” Samuelsen referred to are a high-finance deal gone sour. The MTA locked in what it thought were low rates on some very expensive borrowing before the economy crashed in 2008. After the crash, when interest rates plummeted, the “swap” turned toxic, going from a net savings for the MTA to a drain now costing \$113 million per year.

In comments to the New York Times, MTA Finance Director Patrick McCoy said: “[the swaps] are working. Why would I want to incur the costs, aggravation, and bad faith that goes with it to suggest that we want out.” That opens a window on the MTA's thinking: the priorities of bankers just mean a hell of a lot more to the Authority than the need riders have for a break on rising fares or that workers have in trying to secure raises that meet the increasing cost of living.



NY1 NEWS INTERVIEW WITH SAMUELSEN

Union Responds to MTA

ON JULY 25, 2012 MTA CHAIRMAN Joseph Lhota held court with the press after chairing the July MTA Board meeting. Lhota reiterated comments he made in an Op-Ed piece in the New York Post a few weeks prior, saying it was “time for labor to sacrifice” on wage increases. But this time he added that the MTA’s “fragile” budget depended on TWU and other MTA unions taking three years of zeroes in wages. NY1 News invited Local 100 President John Samuelsen to respond to Mr. Lhota’s comments. Samuelsen appeared on NY1’s “Inside City Hall” show on July 30, 2012. Veteran political reporter and “Inside City Hall” host Errol Louis conducted the interview, as follows:



MTA Chair Joseph Lhota wants labor “sacrifice.”

rent, car payments, gasoline, food – that we shouldn’t get a raise. And it’s simply not fair and we’re not agreeing to it.

LOUIS: *Are there conversations that are going on, where you can, in union terms, can buy your increase, in other words, give some sort of productivity, or rather work rule changes, that would enable them(the MTA) to save the money, and then you could then take that as a wage increase?*

SAMUELSEN: Well, the MTA has floated that to us, we’re not going to agree to that. This is a matter of philosophy. The richest folks in New York State got a \$2.4 billion tax break on January 1. Nobody asked them to fund their three and four hundred dollar a week take-home pay raise increases with concessions. And there should be no expectation that we will as well. We’re asking for very modest wage increases that keep pace with inflation. It’s not unreasonable.

LOUIS: *The philosophy of Local 100 used to be, no contract no work. I guess that’s no longer your operating philosophy. You’ve been without a contract since January. Do you have the leverage to get the increases you’re seeking?*

SAMUELSEN: Well, certainly we’re not going to agree to the concessions, and we’re going to keep fighting. Let me point out something about establishing a deadline. Had the union established a deadline back in January, we would have had two options had the MTA refused to grant a contract or agree to a contract that was acceptable to us. We would have to either agreed to a concessionary contract or strike. And we chose to do neither. We chose to not agree to concessions and not to strike but to continue on, to keep fighting. And in retrospect I think it was a very good decision. Just look – the MTA announced two weeks ago that they came in \$90 million above their budgeted projections. So, imagine if I would have signed a contract back in January, based on what the MTA was saying their numbers were, only to find out six months later that they had \$90 million dollars more than they said they had.

LOUIS: *Shortly after the MTA announced some service restorations, the theme of the rally seemed to be, there ought to be even more restorations.*



“Inside City Hall” host Errol Louis.

ERROL LOUIS: *The Chairman (MTA’s Lhota) [is] asking you all to go for three years with no increases. He’s saying that’s basically the difference between a fare hike that’s necessary [and] one that they can maybe not impose.*

JOHN SAMUELSEN: Well certainly transit workers deserve a wage increase. We live in New York City, one of the most expensive cities in the country... The idea that somehow a wage increase for transit workers would force a fare increase on our riders – we reject that notion out of hand. It’s simply not true. There’s money for both; one does not exclude the other.

LOUIS: *The MTA’s numbers are that it would save \$146 million this year, and about \$307 million per year going forward, which, after a few years is quite a lot of money, almost a billion dollars.*

SAMUELSEN: Well, this is a labor-intensive operation. The Chairman suggests that, while everything is going up –

A's Call for 'Sacrifice'



Local 100 President
John Samuelson on the
set of "Inside City Hall."

legedly get their long term pension problems under control.

LOUIS: *To the extent that you, as a union president, have your own election to go through this November, is the conversation going to be entirely different after the election is over?*

SAMUELSEN: I didn't come here to give away the house. I'd rather go back to my track inspector job before I agree to three zeroes for instance, or astronomical increases in transit worker out-of-pocket payments for health care. We intend to win money in this contract. We intend to win wage increases for transit workers.

SAMUELSEN: Absolutely. We believe the MTA has the money to restore every ounce of service that was cut in 2010, and then improve on service. The money is there for them, in a couple of different areas, and they choose not to pursue those areas. I will say that the MTA's budget, it is not an economic document, it's a political document. It demonstrates what their priorities are in this budget year, it doesn't demonstrate the economic reality that they are facing.

LOUIS: *When we see that the pension and healthcare costs are scheduled to increase from \$1.0 billion last year to \$1.8 billion, which is a big increase, there's something going on there, right?*

SAMUELSEN: Well certainly they addressed the pension issues. The MTA, along with other state and city agencies, petitioned the New York State legislature. They were granted pension reform. We certainly didn't agree with the pension reform, but at the end of the day, the MTA has a work force being hired that's going to pay more for their pension, and al-

LOUIS: *What kind of a job do you think (MTA Chair) Joe Lhota's been doing?*

SAMUELSEN: I think on a personal level he's a far more decent guy than Jay Walder. But in terms of political ideology, I'm not so sure that they're far apart. Lhota continues to insist on concessions from the workforce, to balance this so-called fragile budget. While Lhota and the MTA have had no problem targeting New York's working families – transit riders – in order to pay more for the system, and targeting its own work force to pay more for the system, no one's talking about the Wall Street banks that caused this crisis, and the Wall Street banks right now are making about \$100 million a year off of these credit default swap agreements the MTA entered into with them. That's \$100 million that could be negotiated down, and pumped into wages, pumped into service restorations. And my point is that they don't want to take on the banks that caused the crisis. They want to take on the working families of New York City, that didn't cause the crisis, and there's a problem with that.

25 More Get College Grants



Local 100 President Samuelson and M³ Technology President John Pescitelli (center) with happy winners, family members and union officers.

FOR THE SECOND YEAR IN A ROW, COLLEGE BOUND children of 25 good standing members got a financial head start thanks to \$25,000 in grants provided by M³ Technology, the union's voluntary insurance administrator for life, disability, critical illness, home owner and auto benefits.

On June 20, M³ hosted a luncheon to present certificates to the lucky winners, who had been chosen in a random drawing at a Local 100 Executive Board meeting. The scholars received their awards from John Pescitelli, President and CEO of M³. Together with their family members they were congratulated by Local 100 President John Samuelson.

Pescitelli told the winners at the ceremony: "I am honored to be presenting the second annual TWU local 100 scholar-

ship awards. We at M³ technology believe that you students are the future of our country and the future of the union movement. Global competition is more intense than ever. It will be up to you to continue our country's tradition of innovation and leadership for the future. So be prepared to work hard. Set your sights high and be the best that you can be, no matter what your career path. Lastly, remember your parents, grandparents, and those who helped you get to this point. They have made this day possible."

All TWU Local 100 members in good standing are eligible to enter into the drawing the names of children, grandchildren or themselves who are entering or attending 2-year or 4-year colleges.

Our congratulations to the winners, who carry our heartfelt hopes for a successful course of study at the school of their choice.

M³ Technology, LLC - TWU Scholarship Winners

Winners	College Attending	Local 100 Member	Department	Winners	College Attending	Local 100 Member	Department
Meiko J. Harris	NYC Tech	Kim L. Harris	Stations (S/A)	Inga Ryabchikov	Baruch College	Vladimir Ryabchikov	CED C/I
Nicole D. Rios	Middlesex County College	Ricardo Rios	TA Surface (B/O)	Julia Barnes	Northeastern	Rory Barnes	MABSTOA (B/O)
Asif Uddin	College of Staten Island	Mohammed Uddin	Stations (S/A)	Michael Verkh	Kingsboro CC	Efim Verkh	MOW (Power)
Dylan Ferrari	Brookdale CC	John Ferrari	RTO (T/O)	Nathan Browne	Bramson ORT	Angela Fonet	Stations (S/A)
Renee Messam	York College	Errol Williams	CED (C/I)	Denis Gor	Brooklyn College	Aleksandr Gor	MOW (Structure)
Danielle Morales	LaGuardia CC	Alba Morales	TA Surface (B/O)	Vadim Shteyler	Harvard	Mikhail Shteyler	CED (C/I)
Blessy Parambil	TBD	Bobby Parambil	CED	Kristin Cherian	Lehman College	Kunjumon Cherian	MOW (Signals)
Sedrina Bloome	Penn State	Sedrick Bloome	MOW (Track)	Seungah Lee	Northeastern	Tack E. Lee	CED (C/I)
Paulina Michon	Boston University	Krysztop Michon	CED (C/I)	Taiwo O. Joda	Temple	Kayode Joda	MOW (Track)
Sara Repp	North Hampton CC	Anthony Frage	MOW (Power)	La Shay Bernice Green	St. John's University	Valerie Lynette Green	RTO (C/T)
Kenisha C. Johnson	Hofstra	Kenneth Johnson	RTO (C/F)	Vanessa M. Dyckman	UMass	James Dyckman	TA Surface (B/O)
Peter Daniel Corrado	Univ. of Maryland	Daniel Fiore	MABSTOA (Retired)	Brittney Elder	Mercy College	Robert T. Mooring, Jr.	RTO (T/O)
Queena Liang	Boston University	Simon Lang	MOW (Power)				

2012 ELECTION RULES



TWU Local 100 Notice Of Nominations And Elections

**For Union-Wide Offices,
Departmental Vice Presidents,
Executive Board,
Division Officers,
Convention Delegates
And Section Officers**

I.

NOTICE OF NOMINATIONS AND ELECTIONS FOR UNION-WIDE OFFICES, DEPARTMENTAL VICE PRESIDENTS, AND EXECUTIVE BOARD, DIVISION OFFICERS, CONVENTION DELEGATES AND SECTION OFFICERS

In accordance with the Constitution of the Transport Workers Union of America and Local 100's By-Laws, the election of Union-wide officers, Departmental Vice-Presidents, Executive Board members, (all of whom will also serve as Convention Delegates) will take place by secret mail ballot mailed out on November 16, 2012 to all those who are members in good standing as of November 1, 2012. Ballots will be counted on Friday, December 7, 2012. The following officers are to be elected:

POSITIONS TO BE FILLED

Local Officers: President
Financial Secretary-Treasurer
Administrative Vice President
Recording Secretary

Seven (7) Departmental Vice Presidents; and
Thirty-Eight (38) Executive Board Members

(All Local-wide Officers, Vice Presidents and Board Members elected will also serve as Convention Delegates)

PERIOD OF PETITION NOMINATIONS

Monday, September 24, 2012 to Friday, October 5, 2012.

ELIGIBILITY

To be eligible for nomination for any of the above positions, a member must be in continuous good standing in Local 100 since September 24, 2011. A member who runs for the office of President, Financial Secretary-Treasurer, Administrative Vice President, Recording Secretary or Departmental Vice-President shall not be permitted to run for a Division or Section office during this round of elections or within 18 months of the conclusion of this round of election.

ELIGIBILITY – SUPERVISORY APPLICATION

In accordance with Article XI Section (d) of the Local 100 Bylaws, "a member who has an application pending for a supervisory non-[Local 100] bargaining unit position, or who is serving in such capacity for any employer which has a collective bargaining agreement with Local 100, even on an acting basis, shall not be eligible to run for or hold office." Since DCAS and MABSTOA do not permit the withdrawal of an application until after an applicant is called for a position, members will not be permitted to "become eligible" by "withdrawing" his or her name from a DCAS or MABSTOA list. This rule shall not be applied to members who commenced an application for supervisor prior to the adoption of this bylaw July 11, 2008.

NOMINATIONS

All nominations shall be made by filing a "Nominating Petition Form." A candidate may run as part of a slate or as an independent candidate. Petitions for slate and independent candidates will be available to any member in good standing at the Office of the Elections Committee (*to be determined: check the Election Committee website for location: <http://www.twulocal100.org/elections-committee>*) between Monday, September 24, and Thursday, October 5, 2012, between the hours of 9:00 AM and 6:00 PM; the Elections Committee Office will be closed on Saturday and Sunday, September 29 and 30, 2012. Candidates must call the Elections Committee at 212-873-6000 in advance so names can be put on the security list, if necessary.

Petitions will be issued only to candidates who complete and submit an "Authorization to Pick Up a Petition" form. The forms will be available at the Elections Committee Office or the Local 100 web site and may be hand delivered, mailed, e-mailed or faxed in to the Elections Committee. Any candidate from a slate may pick up a petition or may authorize a member in good standing to pick up a Petition for the entire slate. There shall be no limitation on the number of Petitions that an authorized person may pick up. All Petitions shall be numbered by the Elections Committee and each member obtaining Petitions shall be required to sign for them and shall be held responsible for their proper use. The member who obtains the signatures on a Petition must complete and sign the statement at the bottom of each Petition, asserting that he or she collected the signatures from persons representing themselves to be members in good standing of Local 100. If such a statement is not signed, the Petition will be invalid. Each member signing must be a member in good standing for the signature to count, and only members in good standing may solicit signatures.

The Petition must be signed in ink; the member must print his/her name and must either include his/her pass number or if the employee does not have a pass number he/she must include the last four (4) numbers of his/her social security number. Any signature of a member not in good standing and/or pass number and/or social security number deemed illegible will not be counted.

PETITION REQUIREMENTS

Top Four Offices

For nomination for one of the top four offices, a candidate requires the signatures of one thousand (1,000) members in good standing from any department.

Departmental Vice President

For nomination for Departmental Vice President a candidate requires the signatures of the number of Departmental members set forth in the table below. Only a member in good standing in the Department may validly sign a petition to nominate a candidate for Vice President from that Department.

The Vice-Presidential signature requirements are in the following table:

VICE-PRESIDENT TABLE

Department	Vice-President	Required Signatures
Car Maintenance	1	280
Stations	1	220
Maintenance of Way Line Equipment – Signal, Track, Structure, Power	1	530
Rapid Transit Operations Train Operators, Conductors, Tower Operators	1	320
MaBSTOA Division I, Division II, Maintenance, Clerical, P&E	1	430
NYCTA Surface Operators, Maintenance	1	390
MTA Bus/ Private Operations/ School Bus-Paratransit	1	450

EXECUTIVE BOARD

For nomination for Executive Board Member, the signature requirements are outlined in the following table which also shows the number of Executive Board positions allocated to each Division. Only a member in good standing in the Division may validly sign a Nominating Petition to nominate a candidate for the Executive Board from that Division.

EXECUTIVE BOARD TABLE

Division	Executive Board Members	Required Signatures
NYCTA		
Surface Maintenance	1	75
Surface Operators	4	300
Car Maintenance	4	280
Train Operators	3	170
Conductor / Tower	3	150
Stations	5	220
Line Equipment – Signal	3	225
Track	2	120
Structure	2	130
Power	1	60
MaBSTOA		
Division I	2	140
Division II	2	150
Maintenance, Clerical, Plant and Equipment	1	75
Private Operations/School Bus-Paratransit/MTA Bus		
MTA Bus	2	130
Private Operations	1	60
School Bus-Paratransit	2	150

SLATE NOMINATIONS

For purposes of nominations, any group of candidates may, by submission of a "Notice of Slate Candidacy Form," provided by the Elections Committee, constitute themselves as a slate, provided that the slate includes nominees for each of the top four Local-wide officers and for Vice-President in one Department, and for at least one Executive Board position in at least one Division. A slate may not contain more than

one candidate for each of the positions to be filled. A slate which meets the above requirements need not include a candidate for every position to be filled by this election.

The completed form submitted to the Elections Committee must: (1) be signed by each candidate on the slate (no one may sign for another member), (2) show which office he/she is a candidate for, (3) include his/her name, printed exactly as it is to appear on the petition and ballot, and (4) include his/her contact information including the mailing address, social security number, telephone number, and e-mail address.

The Elections Committee will number the Executive Board positions in each Division entitled to more than one Executive Board member. Slate candidacy forms must show the particular numbered positions for which the nominees are candidates, and this number will govern the nominee's position on the ballot.

The ballot shall give the voter the opportunity to cast one vote for a slate.

INDIVIDUAL (NON-SLATE) NOMINATIONS

Individual (non-slate) candidates must notify the Elections Committee of their intent to run for office by completing a "Nomination Form" provided by the Elections Committee. The completed form submitted to the Elections Committee must: (1) be signed by the candidate, (2) show the office for which he/she is a candidate, and (3) include his/her name, printed exactly as it is to appear on the petition and ballot, and his/her contact information including the mailing address, social security number, telephone number, and e-mail address.

SIGNATURES REQUIRED

To nominate a slate of candidates for the top four Local Officers and one or more Departmental Vice-Presidents, a minimum of one thousand (1,000) signatures of Local 100 members in good standing from any department are required. IN ADDITION, the petition must include a sufficient number of signatures from each department from which a Departmental Vice-President on the slate is nominated, as set forth in the Vice-President table above. IN ADDITION, since a slate must include candidates for the Executive Board in a Division, the petition must include a sufficient number of signatures from that particular Division, as set forth in the Executive Board Table above.

PREPARATION OF PETITIONS/ELIGIBILITY TO BE INCLUDED ON PETITION

The Elections Committee will prepare the "Nominating Petition Forms" and will insert, before issuance, the name or names of the candidates for whom the petitions are requested, showing the position for which each is a candidate. To expedite determinations of eligibility and to avoid delays on September 24 resulting from the time required preparing petitions, individual candidates, and those individuals or groups of candidates desiring to run as a slate are requested to file their Nomination Form and Notice of Slate Candidacy Form with the Elections Committee in advance of September 24.

Petitions for those individuals and slates filing required forms on or before Monday, September 17, 2012 will be available at 9:00 AM on September 24, 2012. Otherwise, petitions will be prepared as promptly as possible after the Elections Committee is provided with the necessary forms and information.

The Elections Committee will determine the eligibility of candidates to be included on the petition as promptly as possible and will notify each candidate found to be ineligible by telephone, e-mail, and/or overnight mail. Those found ineligible will not be included on a Petition. The inclusion by the Elections Committee of a candidate's name on a petition shall not be construed as a final ruling about whether that candidate has met the eligibility requirements for election; such an issue can be the subject of an objection through a period ending 6:00 PM on Tuesday, October 9, 2012.

APPEALS OF ELIGIBILITY RULINGS

A candidate ruled ineligible must appeal that ruling, in writing or by e-mail, delivered to the Elections Committee within 48 hours of receipt of the notice. If the Elections Committee determines that a hearing is necessary, the Elections Committee will conduct a hearing on any appeal as expeditiously as possible, at a time designated by the Elections Committee. The Committee will give the candidate 24 hours' notice of the hearing. The burden shall be on the candidate to demonstrate to the Elections Committee that its initial determination was wrong. The Elections Committee shall rule on eligibility appeals at the close of the hearing. Elections Committee determinations may be appealed, after this hearing, to the Neutral Monitor by any candidate or good-standing member.

FILING OF PETITIONS

Signed "Nominating Petition Forms" must be hand-delivered, by a member in good standing, to a member of the Elections Committee on weekdays from Monday, September 24, 2012 to Friday, October 5, 2012 between the hours of 9:00 AM and 6:00 PM; the Elections Committee will be closed on Saturday and Sunday, September 29 and 30, 2012. A receipt will be given to the delivering member indicating the number of pages and the number of signatures on all accepted Nomination Petitions. NO Petitions will be accepted after 6:00 PM October 5, 2012

OBJECTIONS TO NOMINATIONS

Any member in good standing will be able to check filed Petitions to verify the number of valid signatures, under the supervision of the Elections Committee, on Monday, October 8, 2012, and Tuesday, October 9, 2012, between the hours of 9:30 AM and 6:00 PM. Written objections alleging signature duplication, or other irregularities, must be signed and submitted by a member in good standing to the Elections Committee no later than 6:00 PM, Tuesday October 9, 2012. The burden shall be on the challenging party to present evidence that would invalidate signatures or a petition as a whole. The Elections Committee will reach a decision about all objections on or before Monday, October 15, 2012. The Elections Committee will notify the objector of its decision in writing. The Elections Committee has the authority to investigate apparent irregularities on its own and make a ruling. The Elections Committee may consult with the Neutral Monitor in making its determinations.

ELIGIBILITY REPORT

The Elections Committee will issue the Final Report on Eligibility on or before Monday October 15, 2012. Any party who wishes to contest the determination of the Elections Committee has forty-eight (48) hours from the date of this Report to appeal to Neutral Monitor, and may appeal the Neutral Monitor's ruling to the International Committee on Appeals. All decisions will be posted on the elections web site: www.twulocal100.org/elections2012

BALLOTING PROCEDURE

The balloting for Union-wide Officers, Departmental Vice Presidents and Executive Board Members, shall be by secret mail ballot mailed out on November 16, 2012 and counted on Friday, December 7, 2012, in accordance with the procedure set forth in Section III below.

II.

NOTICE OF NOMINATIONS AND ELECTIONS FOR DIVISION OFFICES AND CONVENTION DELEGATES

In accordance with the Constitution of the Transport Workers Union of America and the Local 100 By-Laws, the election of Division Officers and Convention Delegates will take place by secret mail ballot mailed out on November 16, 2012 to all those who are members in good standing as of November 1, 2012. Ballots will be counted on Friday, December 7, 2012. The following Division Officers are to be elected:

NYCTA

Surface Maintenance	Chair, 3 Vice Chairs, Rec. Secretary
Surface Operators	Chair, 3 Vice Chairs, Rec. Secretary
Car Maintenance	Chair, 5 Vice Chairs, Rec. Secretary
Train Operators	Chair, 3 Vice Chairs, Rec. Secretary
Conductor/ Tower	Chair, 4 Vice Chairs, Rec. Secretary*
Station	Chair, 4 Vice Chairs, Rec. Secretary
Line Equipment – Signal	Chair, 3 Vice Chairs, Rec. Secretary
Track	Chair, 4 Vice Chairs, Rec. Secretary**
Structure	Chair, 6 Vice Chairs, Rec. Secretary
Power	Chair, 3 Vice Chairs, Rec. Secretary

MABSTOA

Division I	Chair, 3 Vice Chairs, Rec. Secretary
Division II	Chair, 3 Vice Chairs, Rec. Secretary
Maintenance, Clerical, P&E	Chair, Vice Chair,*** Rec. Secretary

MTA Bus/School Bus-Paratransit/Private Operations

MTA Bus	Chair, 5 Vice Chairs,**** Rec. Secretary
Private Operations	Chair, 2 Vice Chairs,***** Rec. Secretary
School Bus	Chair, 5 Vice Chairs,***** Rec. Secretary

* One of the Vice Chairs must be a member of the Tower Section; only Tower Operators will elect this Vice Chair. This Vice Chair shall also serve as the Tower Section Chair.

** A fifth Vice Chair shall be the Section Chair of the TEMs elected in the TEMs Section Election.

*** This Vice Chair will be elected system-wide. One Location Vice Chair will be nominated and elected at each location.

**** One Vice Chair will be nominated and elected at each property.

***** There will be two (2) Division Vice Chairs nominated from PTLA, Liberty Lines and NY Waterway. All three locations will be allowed to vote for these two positions.

***** One Vice Chair will be nominated and elected from each of the following sections: Ardsley, First Transit, Mile Square, Royal Coach, White Plains. If there are no Vice Chair nominations from any one of these sections, nominations will be accepted from any other section.

**APPORTIONMENT OF NON EX OFFICIO DELEGATES AND ALTERNATES
TO THE INTERNATIONAL CONVENTION**

NYCTA

Surface Maintenance	2 Convention Delegates, 2 Alternates
Surface Operators	9 Convention Delegates, 2 Alternates
Car Maintenance	9 Convention Delegates, 4 Alternates
Train Operators	7 Convention Delegates, 3 Alternates
Conductor/Tower	8 Convention Delegates, 3 Alternates
Station	11 Convention Delegates, 5 Alternates
Line Equipment – Signal	7 Convention Delegates, 3 Alternates
Track	4 Convention Delegates, 2 Alternates
Structure	4 Convention Delegates, 2 Alternates
Power	2 Convention Delegates, 2 Alternates

MaBSTOA

Division I	4 Convention Delegates, 2 Alternates
Division II	5 Convention Delegates, 2 Alternates
Maintenance, Clerical, P&E	3 Convention Delegates, 2 Alternates

MTA Bus/School Bus-Paratransit/Private Operations

MTA Bus	4 Convention Delegates, 2 Alternates
Private Operations	1 Convention Delegates, 2 Alternates
School Bus	6 Convention Delegates, 2 Alternates

The number of Delegates and Alternate Delegates set forth in this chart may be reduced, based on who is elected to the Secretary-Treasurer, Administrative Vice President and Recording Secretary, and Vice Presidencies. Since those officers are automatically delegates, they will occupy an elected Convention Delegate position in the Division they come from. When that happens, the elected delegate in that division with the lowest vote totals will become the first alternate.

The numbers of delegates may also change after the International's accreditation in 2013. In the event there are fewer delegate spots than those indicated in the chart, the elected delegates with the lowest vote totals will become the first alternates. If the International accreditation requires additional delegates in a division, those spots will be filled in the order of their ranking.

NOMINATION OF DIVISION OFFICERS AND CONVENTION DELEGATES

Nomination of candidates for the above Division offices and Convention Delegate/Alternate Delegate Positions shall take place at a Division Meeting, to be held no sooner than Monday, October 1, 2012, and no later than Friday, November 2, 2012. A completely filled out "Nomination Form" (provided by the Elections Committee or available on its website) for each nominee must be submitted to the Local 100 Elections Committee by the Recording Secretary of the Division or Section no later than 6:00 PM on the third business day after nominations are held. A member need be nominated at only one nomination meeting (AM or PM). A member nominated for Division Office or Convention Delegate must be present at the nomination meeting, or the member nominating him/her must submit a written acceptance signed by the absent member by the close of the nomination meetings. The acceptance form must include the nominee's mailing address, telephone number, e-mail address and social security number.

ELIGIBILITY – RULINGS

The Elections Committee will determine the eligibility of candidates as promptly as possible and will notify each candidate found to be ineligible by telephone, e-mail, and/or overnight mail. The ruling may be appealed to the Elections Committee, which shall hold a hearing in order to establish a factual record and further consider its decision.

APPEALS OF ELIGIBILITY RULINGS

A candidate ruled ineligible must appeal that ruling, in writing or by e-mail, delivered to the Elections Committee within 48 hours of receipt of the notice. If the Elections Committee determines that a hearing is necessary, the Elections Committee will conduct a hearing on any appeal as expeditiously as possible, at a time designated by the Elections Committee. The committee will give the candidate 24 hours' notice of the hearing. The burden shall be on the candidate to demonstrate to the Elections Committee that its initial determination was wrong. The Elections Committee shall rule on eligibility appeals at the close of the hearing. Elections Committee determinations may be appealed to the Neutral Monitor by any candidate or good-standing member.

ELIGIBILITY – MEMBERSHIP

To be eligible for nomination as a Division Officer or Convention Delegate/Alternate, a member must have been in continuous good standing for twelve months immediately prior to the nominations meeting.

ELIGIBILITY (Division Office Only)– MEETING ATTENDANCE

To be nominated for Division Office, a candidate must be in good standing, and he or she must have attended at least five (5), or fifty (50) percent, whichever is smaller, of the combined regular meetings of his/her Division and Section held during the twelve (12) month period immediately preceding the month in which the nominations are held. Meeting attendance may be excused if the nominee has acted in accordance with Article XV, Sec. 7 of the TWU Constitution. The Elections Committee shall make all rulings on issues related to the application of meeting attendance requirements. All disputes submitted for Committee consideration must be in writing. Appeals from an initial Elections Committee ruling must first be made to the Elections Committee, which may hold a hearing with all concerned parties in order to ascertain the necessary information.

ELIGIBILITY – SUPERVISORY APPLICATION

In accordance with Article XI Section (d) of the Local 100 Bylaws, "a member who has an application pending for a supervisory non-[Local 100] bargaining unit position, or who is serving in such capacity for any employer which has a collective bargaining agreement with Local 100, even on an acting basis, shall not be eligible to run for or hold office." Since DCAS and MABSTOA do not permit the withdrawal of an application until after an applicant is called for a position, members will not be permitted to "become eligible" by "withdrawing" his or her name from a DCAS or MABSTOA list. This rule shall not be applied to members who commenced an application for supervisor prior to the adoption of this bylaw on July 11, 2008.

DIVISION NOMINATION MEETINGS SCHEDULE*

Division	Date	Times
Surface Maintenance	Oct. 16	10 AM & 5:30 PM
Surface Operators	Oct. 16	11 AM & 6:30 PM
Car Maintenance	Oct. 24	10:15 AM & 5:15 PM
Train Operators	Oct. 17	10 AM & 6 PM
Conductors/Tower	Oct. 10	10:30 AM & 6 PM
Station	Oct. 25	10 AM & 6 PM
Line Equipment – Signals	Oct. 3	5 PM
Track	Oct. 24	8 AM & 5 PM
Structure	Oct. 3	5 PM
Power	Oct. 18	5 PM
OA Division I	Oct. 9	11 AM & 7 PM
OA Division II	Oct. 24	11 AM & 7 PM
Maintenance, Clerical, Plant and Equipment	Oct. 11	1 PM & 3:30 PM
MTA Bus	Oct. 16	11 AM & 8 PM
Private Operations	Oct. 11	11AM & 8PM
School Bus-Paratransit	Oct. 3	11 AM & 5 PM

ELIGIBILITY – OBJECTIONS

Rulings on eligibility for Division Office or Convention Delegate/Alternate Delegate will be made by the Elections Committee, either on its own initiative or upon the objection of a member. Any objections to eligibility must be made within two business days of the nomination. Decisions will be made by the Elections Committee as promptly as possible. Any disputes can be appealed to the Neutral Monitor within 48 hours of the Election Committee's decision.

SLATE NOMINATIONS

For purposes of nominations, any group of candidates for Division Office and Convention Delegate may, by submission of a "Notice of Slate Candidacy Form" provided by the Elections Committee, no later than 6:00 PM on the third business day after nominations are made, constitute a slate, provided that a Division slate includes nominees for Chair, Recording Secretary, and at least one Vice Chair Position, and a Convention Delegate slate has two (2) or more Delegate nominees. A slate may not contain more than one candidate for each of the positions to be filled. The completed form submitted to the Elections Committee must: (1) be signed by each candidate on the slate (no one may sign for another member), (2) show the office for which he/she is a candidate, and (3) include his/her printed name exactly as it is to appear on the petition and ballot, and (4) include his/her contact information including the mailing address, social security number, telephone number, and e-mail address.

The Elections Committee will number the Vice Chair and Convention Delegate positions in each Division entitled to more than one Vice Chair or Convention

Delegate. Slate candidacy forms must show the particular numbered positions for which the nominees are candidates, and this number will govern the nominee's position on the ballot.

A Division Slate or a Convention Slate may run as part of a Union-wide slate. The ballot shall give the voter the opportunity to cast one vote for a slate; the Officer/Executive Board and Divisional and Convention Delegate Ballot will appear on the same side of the ballots. Slates in Division elections which are not running as part of a union-wide slate will have a slate box at the top of the division portion of the ballot. A Convention Delegate Slate not running as part of any other slate will also have a slate box at the top of that portion of the ballot.

BALLOTING

The balloting for Division Officers (except for MaBSTOA Maintenance Garage Chairmen) and Convention Delegate, will take place, along with the election of Union-wide Officers, Departmental Vice Presidents and Executive Board Members, by secret mail ballot mailed out on November 16, 2012 and counted on Friday, December 7, 2012, in accordance with the procedure set forth in Section III below.

III.

ELECTION PROCEDURE – UNION-WIDE OFFICERS, DEPARTMENTAL VICE-PRESIDENTS, EXECUTIVE BOARD MEMBERS, AND DIVISION OFFICERS AND CONVENTION DELEGATES/ALTERNATES

THE BALLOT – OFFICERS/EXECUTIVE BOARD/DIVISION OFFICERS Union-wide Officers, Vice-Presidents & Executive Board

Unless otherwise requested in the Notice of Slate, each Slate will be identified on the ballot by the surname of the candidate nominated for the President on the Slate. The Slate which files the greatest number of valid signatures for union-wide offices will be placed first on the ballot and other slates will be ranked accordingly. Individual candidates will be placed on the ballot after slates, in alphabetical order by surname.

DIVISION OFFICERS/CONVENTION DELEGATE

Unless otherwise requested in the Notice of Slate, each Divisional slate will be identified on the ballot by the surname of the candidate nominated for Division Chair on the slate. The ballot position of slates will be determined as follows: slates running in conjunction with, and with the same name as a Union-wide slate, will be placed in the same order on the Divisional ballot as they are in the Union-wide ballot; the position of slates not affiliated with a Union-wide slate will be determined by alphabetical order of surnames of heads of slates. Individual candidates will be placed on the ballot after slates, in alphabetical order by surname. Should any group run for Convention Delegate and Alternate as a slate, without affiliation with a Union-wide slate or Divisional Slate, they will be listed after Divisional Officers on the ballot. Unaffiliated nominees for Convention Delegate or Alternate will be listed after slates.

THE MAILING/THE BALLOT

Ballots will be mailed on Friday November 16, 2012, by the American Arbitration Association, for Union-wide Officers, Vice Presidents, Executive Board, Divisional Officers, and Convention Delegates and Alternates utilizing the most recent membership list available. To be eligible to vote in the election and be mailed a ballot, a member must be in good standing and must have paid all arrears in dues and other financial obligations to the Union, prior to voting, in accordance with Article XIII of the Constitution of the Transport Workers Union of America, AFL-CIO, on or before November 1, 2012. Any member who is not in good standing on November 1, 2012, and who pays his/her arrears after that date, may request a ballot from the AAA. Ballots received from such members by the deadline on December 7, 2012 will be counted.

Enclosed with the ballot mailed to each eligible member will be two (2) envelopes. The words "SECRET BALLOT – OFFICER DIVISIONAL AND CONVENTION DELEGATE ELECTION" will be printed on one envelope. The other envelope will be an addressed return envelope, with postage prepaid.

- Each ballot must be voted in accordance with the instructions printed on it.
- Having voted, the member must place their marked ballot in the appropriate secret ballot envelope and seal it. Any mark on the secret ballot envelope which could identify the voter will void the ballot.
- The sealed secret ballot envelope should be placed in the appropriate return addressed envelope and sealed.

- The voted ballots must be mailed so as to arrive at the designated P.O. Box before 8:30 AM on Friday December 7, 2012. No ballots may be returned to the AAA in person.
- The Officer/Executive Board, Divisional and Convention Delegate/Alternate Ballot will appear on the same side of the ballots.

THE AMERICAN ARBITRATION ASSOCIATION

The AAA will administer the balloting. The AAA will be in possession of the membership list as it stands on November 1, 2012. Any member who does not receive a ballot should contact AAA at 1-800-529-5218. Any question by a member regarding his or her eligibility to vote should be directed to the Elections Committee. If the question is not resolved to the member's satisfaction, then the member requesting a ballot may make a written appeal to the Neutral Monitor who will then make a determination.

THE COUNT

The count of the ballots returned will commence at 9:00 AM on December 7, 2012, at the AAA office or at another location chosen by the AAA and the Elections Committee, in consultation with the Neutral Monitor and will continue until completed, with such breaks for meals and rest as the AAA may decide.

No ballot which was received after 8:30 AM on December 7, 2012 shall be counted.

OBSERVERS

Each candidate may designate in writing, signed by him or her, any member in good standing to act as their observer at each step in the election process, including: the assembling of ballots at the printer; the picking up of ballots from printers and their transportation to the Post Office for mailing; the eligibility check (which AAA will perform each weekday beginning November 26, 2012, at a time and place to be announced on the Election Committee web page); and the count December 7, 2012. An individual candidate may not be represented by more than one observer at any one time, except at the count. Candidates on a slate may jointly be represented by up to, but no more than, three observers at any one time except at the count, where each candidate or slate may have the same number of observers as there are stations for counting (see Supplemental Rule IV (7)(H)). A candidate may be one of the allowed observers. Each slate will be allowed to have an attorney present in the observer area.

THE NEUTRAL MONITOR

A Neutral Monitor appointed by Local 100 will be responsible for supervising all aspects of the election, including fraud. This authority will give him/her authority to modify any procedure put into place by the Election Committee or the AAA, and to resolve disputes that arise in the course of the election. The Neutral Monitor's jurisdiction includes all disputes over conduct of the election, and disputes about or protests to the conduct of candidate(s), slate(s), the Local Union or other parties. The Elections Committee will continue to resolve disputes over eligibility, sufficiency of petitions, or failure to issue a ballot, subject to appeal to the Neutral Monitor. Any protests, objections and appeals sent to the Neutral Monitor (or the Elections Committee) must be in writing and must be made within the time periods set forth in these Rules. It will be the Neutral Monitor's responsibility to resolve these disputes in accord with the Local 100 By-Laws, the TWU Constitution, applicable law, the Election Rules adopted by the Local Executive Board, and any Supplemental Rules which may be promulgated by Neutral Monitor. The Neutral Monitor will have the power to investigate and determine the facts prior to applying the law to all disputes brought to the Neutral Monitor's attention.

CERTIFICATION

As soon as practicable, after the count has been completed and any protest(s) is decided and remedy put into effect, the Monitor shall certify, in writing, the results of the election to the Elections Committee. The Elections Committee shall then prepare its appropriate report and certify the election to the Local Executive Board. Should a rerun be necessary, the Neutral Monitor and the Elections Committee shall certify those elections not subject to a rerun.

IV.

SUPPLEMENTAL RULES

1. Membership List

A computer disk containing the final list of the last known names and addresses of all members in good standing of the Local Union shall be delivered to the AAA no later than the close of business on November 1, 2012. This disk shall be considered the master membership list. All members who have moved or changed their address and have failed to notify the Local 100 office of such change should notify the Local 100 office of the change no later than Octo-

ber 31, 2012. It is the responsibility of the member to keep the Union updated on his/her current address. After November 1, 2012 any additions made to the master membership list because of errors previously made and any deletions due to error, promotion or retirement shall be made only by the AAA, with concurrence of the Elections Committee, and with notice to the Neutral Monitor ; such changes shall be subject to inspection by all affected candidates.. The list maintained by the AAA shall be the list used for all candidate mailings done after November 1, 2012.

2. *Inspection of Membership List*

Each candidate has the right, on one occasion between October 15, 2012 and November 14, 2012, to inspect, but not copy, a list containing the last known names and addresses of all members of the Local Union. The list may be reviewed at the Local 100 office. Arrangements for review of the list will be made by the Chair of the Elections Committee. The membership list will be used for no other purpose except to generate labels for mailings. The Local Union shall not, in any way, discriminate in favor of or against any candidates with respect to the membership list. The Union shall take appropriate steps to direct that all staff and members who are in possession of part or all of the membership list, whether or not used for their work, shall be returned, together with any copies, to the Union not later than September 14, 2012.

3. *Freedom to Exercise Political Rights*

All Local Union members and all Local Union officers and employees, if members, retain the right to participate in campaign activities, including the right to openly support or oppose any candidate, to aid or campaign for any candidate, and to make personal campaign contributions.

4. *Prohibition on Interference with Voting*

No person or entity shall limit or interfere with the right of any Local 100 member to vote.

5. *Campaign Contributions*

A. 1. No candidate for election shall accept or use any contributions or other things of value received from any employer, representative of an employer, foundation, trust, union or similar entity. Nothing herein shall be interpreted to prohibit receipt of contributions from fellow employees and members of Local 100 or the International Union, unless that employee or member is an employer and is contributing money from his/her business.

A. 2. No employer shall be permitted to contribute anything to any campaign. The prohibition on employer contributions extends to every employer regardless of the nature of the business, or whether any union represents its employees, and includes but is not limited to political action organizations (other than a candidate's or slate's campaign organization), nonprofit organizations such as churches or civic groups, law firms, and professional organizations. These prohibitions include a ban on the contribution and use of stationery, equipment, facilities and personnel.

A. 3. The prohibition on campaign contributions extends to all labor organizations, whether or not they are employers, except as permitted below.

B. No Local Union services, facilities, equipment or goods—including, but not limited to, time, staff, copying machines, fax machines, telephones, printing and postage—shall be used to promote the candidacy of any individual or slate unless the Local notifies all candidates of the items available for use and all candidates are provided equal access at equal cost to such goods and services. **The use of the Local Union's official stationery, or its logo or its name is prohibited** irrespective of compensation or access.

C. No candidate or other member may campaign for her/himself or for any other candidate during time that is paid for by the Local Union or by any employer. However, campaigning incidental to regular Local Union business or during paid vacation, paid lunch hours or breaks, or similar paid time off, is permitted. Vacation request forms must be approved in advance and request/approval forms and vacation balances must be made available to the Neutral Monitor upon request.

D. Nothing shall prohibit any candidate from accepting contributions made by any non-member who is not an employer, or by any member who is not him/herself an employer, or by any caucus or group of Local Union members or any campaign organization of any candidate provided that such caucus, group or campaign organization is itself financed exclusively from contributions permitted under these rules.

E. Nothing shall prohibit the donation of services by an individual to a candidate rendered on the individual's personal, free, uncompensated time.

F. It is strongly recommended that each candidate notify all prospective contributors of the limitations on campaign contributions, that the limitation be placed on all campaign literature soliciting contributions, and at all fund-raising events, and that candidates keep a record of all donations greater than \$99.

6. *Protests*

A. All protests alleging a violation of the Local 100 By-Laws, the TWU Constitution, applicable law, the Election Rules adopted by the Local Executive Board, and Additional Rules promulgated by Neutral Monitor related to the conduct of the nominations and election, except count-day protests, must be filed within forty-eight (48) hours of the time the complainant(s) knows or should have known of the alleged violation. All complaints made after 48 hours shall be deemed waived. The deadline for all matters arising before Sept. 3 2012 shall be Sept. 5, 2012.

B. Protests regarding any alleged improper mail ballot count-day conduct must be filed with the Neutral Monitor immediately, but no later than the completion of the counting of the ballots.

C. All pre-election protests except those regarding disputes over an alleged improper failure to issue a ballot shall be filed by sending the Neutral Monitor a clear and concise written statement of the alleged improper conduct by overnight mail or by email or facsimile transmission and shall include the name(s), address(es), e-mail address(es) and telephone number(s) of the complainant(s) and the name(s) of the person(s) against whom the protest is filed. A copy must also be sent by email or facsimile to the Elections Committee Chair and to counsel for the Elections Committee. The Neutral Monitor shall serve the protest on the designated representative of the affected slate or independent candidate(s) unless it is clear that the protest does not impact on a slate or candidate(s).

D. With respect to any protest, it shall be the burden of the complainant to present evidence that a violation has occurred.

E. No protest of any candidate or member shall be considered if such candidate or member or anyone acting under his/her direction or control or on his/her behalf, caused or significantly contributed to the situation giving rise to such protest.

F. As soon as practicable after receipt of the protest, the Neutral Monitor or his/her representative shall evaluate the protest and shall determine its merits, applying the Local 100 Bylaws, the TWU constitution, applicable law, these rules, and any published supplemental rules issued by the Neutral Monitor, and, if found meritorious, determine the appropriate remedy. The Neutral Monitor or his/her representative shall render a written decision on each protest and shall notify the complainant(s), the Local Union Elections Committee, Counsel to the Elections Committee, and any other candidate(s) affected by his/her decision.

G. All candidates, members, the Local Union and the TWU shall cooperate with the Neutral Monitor in his/her investigations.

H. Remedies. If as a result of any protest filed or any investigation undertaken by the Neutral Monitor with or without a protest, the Neutral Monitor determines that these Rules have been violated, the Neutral Monitor may take whatever remedial action is appropriate.

I.1. Appeals. All appeals from decisions of the Neutral Monitor shall be made in writing to the TWU Committee on Appeals. The applicable procedure to appeal from a decision of the Neutral Monitor shall be that which is set forth in Article XXII of the TWU Constitution for appeal to the International from decisions of Local Unions, **except that appeals must be made within three (3) business days of the decision of the Neutral Monitor.**

I.2. If no appeal is taken from the determination of the Neutral Monitor, that determination shall become final and binding.

7. *Voting and Ballot Count Procedures*

A. All candidates and slate representatives will have an opportunity to view and comment on the draft of the ballot and instructions.

B. AAA will send the Elections Committee a daily list of all members requesting a duplicate ballot whose names the AAA has not been able to find on its lists. The Elections Committee will investigate these names as quickly as possible and report back to AAA as to the member's eligibility to receive a ballot. If the Committee finds that the person is not eligible or does not get

back to the AAA with the person's status within 48 hours after receiving the name from AAA, then AAA will send the person a challenged ballot. AAA will fax or e-mail to the Elections Committee, Elections Committee Chair, and Neutral Monitor on a daily basis the names, divisions and pass numbers of all those receiving challenged ballots. The Elections Committee will fax or e-mail these lists to candidates; slate representatives on request to the extent practicable. All parties agree that these lists are to be used for the sole purpose of investigating the eligibility to vote of the people listed, so that if it becomes necessary to resolve challenges on the day of the count, their status can be more readily determined.

- C. If any member does not receive a ballot within four (4) days of the mailing date, he or she should call the AAA at 800-529-5218. It is preferable for all members to mail their return ballots and to do so as soon as possible after receiving them in the mail. If someone is requesting a duplicate ballot on behalf of someone else, the member for whom the request is made must sign the written request for a duplicate ballot, which may then be mailed or faxed to AAA. No duplicate ballot will be mailed less than three (3) days before the count. No one may pick up or drop off a ballot in person. If a member who has timely requested a duplicate ballot by phone has not yet received it in the mail, he or she should contact the Neutral Monitor.
- D. If more than one ballot is received by the AAA from any person, the later posted ballot will be the one counted. AAA will note the day of receipt of any ballot(s) received from a person sent a duplicate ballot, so that the order of posting of multiple ballots received might be determined in the absence of a postmark.
- E. If a voter votes for more than the set number of candidates for a given office, his/her ballot will be void for that office only. If the voter votes for a slate, the slate vote will be treated as an individual vote for every member of the slate, so that if the voter votes for a slate and for an independent candidate or an individual candidate on another slate, the ballot will be void for that office only.
- F. If a voter makes any identifying marks on the ballot or erases or defaces the ballot in a manner that makes his/her intent unclear, the ballot will be void or will be void for the office marked in an ambiguous manner. If, however, the voter makes marks or comments on the ballot that do not identify the member or obscure his/her intent, the ballot will be counted.
- G. If a return envelope is completely blank or the return ID completely illegible, the ballot will be void. If there is a partial ID, the AAA will attempt to identify the voter by matching the number on the envelope with the number on the AAA mailing list and then comparing the ID on the envelope with the voter information on the list. A name, an address with street name and number, a signature and/or a pass number will constitute sufficient partial identification to allow such a matching process, so long as the ID is legible.
- H. Each independent candidate or slate may have the same number of candidates/ observers as there will be stations for counting the ballots for their office(s). The exact number will be determined several days before the count, based on the number of returns.

8. Election Count Candidates & Observers Rules

- A. Any candidate who wishes to designate a member in good standing as an observer must notify the Elections Committee in writing.
- B. Candidates and observers may not count or handle the ballots.
- C. Campaign apparel, stickers or buttons may not be worn in the room where counting takes place.
- D. Candidates/observers may not engage in campaign activities, including conversations about candidates or conversations about the election campaign in the room where counting takes place. Candidates/observers who are disruptive may be ordered to leave the counting area.
- E. Candidates/observers must enter and exit through the designated door only.
- F. Candidates/observers must sign in and sign out each time they enter or exit the room.
- G. Candidates/observers may not address the ballot counter. The member may request the counter to stop and address the issue with the Neutral Monitor.
- H. Candidates/observers are permitted to view all aspects of the election process, but must give the ballot counters room to do their job.

- I. The Neutral Monitor will look for the Head of Slate or their designated observer to discuss issues.
- J. No one will be permitted to bring knapsacks or oversized bags into the count room.

9. Procedures for Mailing/EMailing of Campaign Literature

- A. Each candidate shall be permitted a reasonable opportunity, equal to that of any other candidate, to have literature mailed, via the US Postal Service, to all or part of the membership, at the candidate's expense. Each candidate is entitled to a reasonable number of mailings, whether or not any other candidate makes such request(s). Requests for mailing shall be made to the Elections Committee at least five (5) days before the desired mailing date. The mail list will be transmitted by the Election Committee to the mailer designated by the Elections Committee.
- B. Each slate or individual candidate not on a slate shall also be permitted to send up to five (5) emails, no more than one in any week, to all or part of the membership for whom the Local Union maintains email addresses, at the candidate's expense. Requests for e-mailing shall be made to the Elections Committee at least five (5) days before the desired e-mailing date. The e-mailing list will be transmitted by the Election Committee to the vendor designated by the Elections Committee. These mass e-mails may be subject to other limitations imposed by Federal Law.
- C. Each slate or individual candidate not on a slate shall also be permitted to send up to two (2) phone blasts, no more than one in any week, to all or part of the membership for whom the Local Union maintains phone numbers, at the candidate's expense. Requests for phone blasts shall be made to the Elections Committee at least five (5) days before the desired phone blast. The list of phone numbers will be transmitted by the Election Committee to the vendor designated by the Elections Committee.
- D. All written requests will be honored in the order received.
- E. Arrangements will be made by the Elections Committee with a professional mailer to handle the mailing of campaign literature, and a vendor qualified to handle the mass transmission of e-mails and phone calls.
- F. All costs for the mailing or emailing of campaign literature will be borne solely by the candidate. Costs associated with the mailings include, but are not limited to:
 - 1. Address labels, materials, and labor
 - 2. Postage
 - 3. Fees as determined by the outside mailer/e-mailer.

The outside mailer chosen shall be one prepared to provide candidates with either bulk rate or first class service at the candidate's expense. Once the Elections Committee is contacted by the candidate regarding the volume of the mailing, the vendor will inform the candidate of the estimated cost of the mailing. Cost will vary according to volume. Payment by cashier's check or cash must be made upon delivery of the campaign materials to the mailer. No personal checks will be accepted by the mailer.

10. Miscellaneous

- A. Staff members who are members of Local 100 but who are not on leave from an employer whose employees are represented by Local 100 may only vote for the top four officers. Special ballots will be prepared for this group.
- B. Members shall vote in the Department and Division which their payroll emanates from, even if they are employed in a depot or location in a different Department or Division.
- C. Members employed by a Private Operations, or School Bus-Paratransit employer, and by the NYC Transit and MABSTOA may vote only for a NYC Transit or MABSTOA Vice President, Executive Board members, and Division Officers. Such members, however, will be allowed to vote for Section Officers in both of their sections. Special ballots will be prepared for this group (if any).

V.

NOTICE OF SECTION OFFICER NOMINATIONS AND ELECTIONS

In accordance with the Constitution of the Transport Workers Union of America and the Bylaws of Local 100, the nomination and election of Section Officers will take place between October 2012 and February 2013. The following Section Officers are to be elected:

- Section Chair
- Section Vice Chair (one or more, per Section Bylaws)
- Section Recording Secretary, and in MaBSTOA, Chief Line Steward

These elections shall be administered and supervised by the Elections Committee and not the Neutral Monitor.

NOMINATIONS

1. Nomination of candidates for the above-mentioned Section offices shall take place at a Section meeting held no sooner than October 1, 2012 and no later than January 31, 2013. A schedule of those meetings will be available at the Elections Committee office and will be published in the Local newspaper and on the Local's web site as dates are established.
2. The names of candidates nominated at these meetings must be submitted to the Recording Secretary of Local 100 no later than 6:00 PM on the third day following the nominating meeting.
3. A member need be nominated at only one nomination meeting (AM or PM). A member nominated for Section Office must be present at the nomination meeting and submit a Nomination Acceptance Form, or the member nominating him/her must submit a written acceptance signed by the absent member by the close of the nomination meetings.
4. A member may accept the nomination for only one position. The acceptance form shall include the nominee's address, telephone number, e-mail address and social security number.
5. The member making the nomination must be from the section or depot or location whose officers are being nominated.

ELIGIBILITY

1. To be nominated for Section Office, a member must have been in continuous good standing for twelve months prior to the month of nomination.
2. To be nominated for Section Office a member must have attended at least five (5) of the regular meetings of his/her Division or Section held during the twelve (12) month period immediately preceding the month of nomination. Meeting attendance may be excused only if the nominee has previously acted in accordance with Article XV, Sec. 7 of the TWU Constitution.
3. In accordance with Article XI Section (d) of the Local 100 Bylaws, "a member who has an application pending for a supervisory non-[Local 100] bargaining unit position, or who is serving in such capacity for any employer which has a collective bargaining agreement with Local 100, even on an acting basis, shall not be eligible to run for or hold office." Since DCAS and MABSTOA do not permit the withdrawal of an application until after an applicant is called for a position, members will not be permitted to "become eligible" by "withdrawing" his or her name from a DCAS or MABSTOA list. The Elections Committee shall make all rulings on issues related to the application of the good standing, meeting attendance, and supervisory application requirements. This rule shall not be applied to members who applied for a supervisory position prior to the amendment of the Bylaws July 11, 2008.

SLATE NOMINATIONS—SECTION OFFICES

Any group of candidates may, on written notice to the Elections Committee, on a form provided by the Elections Committee, constitute a slate, provided that in each case the Slate contains nominees for Chair, at least one Vice Chairs, and Recording Secretary. A slate may not contain more than one candidate for Chair or Recording

Secretary, or more than the number of Vice Chair positions in that Section. The completed form submitted to the Elections Committee must: (1) be signed by each candidate on the slate (no one may sign for another member), (2) show the office for which he/she is a candidate, and (3) include his/her printed name exactly as it is to appear on the petition and ballot, and his/her contact information including the mailing address, social security number, telephone number, and e-mail address. A section slate may utilize the name of a slate which ran in the union-wide election. The ballot shall give the voter the opportunity to cast one slate vote for all Section officers.

ELIGIBILITY RULINGS

Rulings on eligibility can be made by the Elections Committee, either on its own initiative or upon the objection of a member. Any objections to eligibility must be made within two business days of the nomination. Appeals from the Elections Committee may be made only to the Executive Board. The Neutral Monitor shall have no jurisdiction over Section elections.

MAILINGS

Mailings and e-mailings may be made to members in accordance with the Supplemental Rules set forth in Section IV above. All mailings/e-mailings will be administered by the Elections Committee at the candidate's expense.

ELECTION

1. The election of Section Officers will take place in December 2012 and January-February 2013, on dates to be determined by the Elections Committee, which will be published at least 15 days in advance of the election.
2. The manner of voting (whether in person or mail ballot) shall proceed in accordance with the past practices of the section except for Stations Sections 2, 46, 106 and 145, which shall have a mail ballot election, or if the Elections Committee determines that a mail ballot provides a substantially greater opportunity to vote.
3. The Elections Committee shall conduct the balloting, either in person or by mail, and shall notify all candidates of the date, time and location of the count.
4. Members working in MABSTOA I and II bus depots who are employed by NYC Transit, and members who are working in NYC Transit bus depots who are employed by MABSTOA may vote for section officers in the depot where they are employed, but may not run for office in that depot.

VI.

LOCAL 100 ELECTIONS COMMITTEE

David Francis, Chairman	212.873.6000, ext. 2089
.: Aquilino Castro .:, Member	212.873.6000 ext. 2061
Kevin McCawley, Member	212.873.6000 ext. 2059
Arthur Z. Schwartz, Counsel	e-mail: aschwartz@afjlaw.com
Election Committee General	212.873.6000, ext. 2090
Elections Committee e-mail:	elections2012@twulocal100.org
Election Committee Fax	646.998.7150
Neutral Monitor: Barbara Deinhardt	phone: 917-763-0906 fax: 718-855-2933
	email: neutralmonitor@gmail.com
Election materials are available at:	www.twulocal100.org/elections2012

RECEIPT OF THESE RULES DOES NOT MEAN YOU ARE A MEMBER IN GOOD STANDING, ELIGIBLE TO VOTE OR RUN FOR OFFICE.

The law requires that all "members" receive the Notice of Nominations and Election. If you do not know if the union considers you to be a Good Standing member, eligible to nominate, or run for office, or vote, please check the mailing label on this publication. That label says either, "Good Standing" or "Ineligible." If you want to bring yourself into Good Standing, please call the Dues Department at 212-873-6000 ext. 2083.

ONLY MEMBERS IN GOOD STANDING MAY SIGN NOMINATING PETITIONS, NOMINATE DIVISION OFFICERS, RUN FOR OFFICE OR VOTE.

Union Insuring Proper Service at MTA/BSC

ON JULY 2, 2012 THE MTA BUSINESS SERVICE CENTER took over the issuance of our paychecks as well as the administration of our health benefits. Here's what the union has done to protect the membership, and what we are still working on.

Health Benefits

We made sure that when the changeover happened, no one was accidentally cut off from their benefits as happened during past changes. We insisted that a failsafe mechanism be put in place to prevent the kinds of disasters we saw when TA Employee Benefits took over from our Health Benefits Trust in 2003, and when they changed insurance companies last year.

The MTA agreed to important changes in their original plans:

- A walk-in center has been set up at 180 Livingston St. Previously, there were no plans to allow members to deal with their benefit issues in person.
- Letting spouses deal with the BSC on family matters. They originally were not even going to talk to anyone other than the member.
- Setting up a procedure so that authorized union reps get access to BSC supervisors to solve urgent problems.
- Automatic continuation of COBRA benefits for surviving spouses and dependents for the first year after a member passes; no more lapsed coverage.
- Members are again able to verify employment after that access had been lost with the changeover.

Still in the pipeline is an improvement of the online portal to provide confirmation receipts when you conduct online business such as updating your address.

Paychecks

Before the changeover, we insisted on reviewing test runs of the new payroll process. This testing process helped prevent major errors when the Business Service Center took over the payroll and the first checks were issued. Of course, there have still been errors. Of the more than 30,000 checks issued, the Business Service Center has identified 200 with

major errors and has taken steps to correct them right away. But, there are still problems that need to be worked out. The union has identified the following issues, which we hope to resolve shortly:

- The biggest problem we have heard from members is that the pay check is too hard to read. We have raised this with the Business Service Center and will insist that they address it.
- Some members with domestic partner coverage have reported changes which result in higher taxes.

Changes in areas such as tax withholdings are being sorted through to identify real problems and shortcomings. The BSC has agreed to create and post a complete list of paycheck codes on their web site.

Going forward

Management did everything in its power to try to cut us out of the changeover process. But, by fighting to guarantee that we have the same level of service and benefits we had in the past, the Union has contributed to improving the process.

Doing Business with the BSC

Health Benefits: If you have problems with your health benefits after the changeover, *contact the BSC*.

If you have problems with the BSC, call the Union's Member Services Department at (347) 643-8062.

Paychecks: If you have a problem concerning leave or hours, or if you have a problem concerning deductions or direct deposit, call the BSC. The Walk-In Center does not handle payroll issues.

MTA Business Service Center INFO

Website: mtabsc.info

Email: bscservice@mtabsc.org

Phone: 646-376-0123

Fax: 212-852-8700

Mail: MTA Business Service Center

333 W. 34th Street, 9th Floor

New York, NY 10001

Walk-In Center: 180 Livingston St, Brooklyn, NY

Hours : 8:30am to 5pm, Monday-Friday

MEET LOCAL 100'S LEGAL TEAM

On a Mission to Make A Difference

KEN PAGE, DIRECTOR OF THE LOCAL 100 LEGAL DEPARTMENT, GOT A CALL recently that made his day. It was a Train Operator and a single mom on the other end of the line. She had just found out that the union had won her arbitration, reversing her termination for an alleged “rules of the road” violation.

“She was thrilled; she was crying tears of happiness and relief,” recalls Page. “It was a really good feeling to know that we had made a difference.”

Actually, “making a difference” is what the union’s Legal Department is all about. The staff includes Page, Assistant Director Retu Singla, Staff Attorneys Betzabeth Sanchez, Jason Veny, Polly Halfkenny, Ursula Levelt, Ed Pichardo, and legal Secretary Carol Hamilton.

To everyone in the Department, the work is not just a job. It would better be described as a life-long mission for justice in the workplace and in society.

The Department’s substantial work-

load includes five to six arbitration calendars a week, with eight to ten cases in each calendar. Page told the Bulletin, however, that disciplinary grievances are only part of the Department’s responsibilities. The staff also handles contractual grievances, Federal and State Court litigations, unfair labor practice filings with PERB and the NLRB (for the union’s private sector members), medical appeals, differential payment and sick leave disputes, FMLA issues, overtime payment disputes, harassment on the job, preventable accident cases, family issues and more.

The Department also serves as an indispensable resource to union of-



Officers and attorneys exchange information at a recent weekly meeting at the union's arbitration suite at 2 Broadway.

ficers handling the earlier steps in the grievance procedure. “This union challenges every discipline that is brought to us, so it is necessary for the Legal Department to advise our officers throughout the process to hopefully resolve many of the disputes before they get to arbitration.”



The Local 100 attorneys, from the left: Jason Veny, Ursula Levelt, Ken Page, Ed Pichardo, Retu Singla, Polly Halfkenny and Betzabeth Sanchez.

Page said that the Legal Department works closely with the union's Grievance and Discipline department. The two departments hold weekly meetings with Division officers to share information, sharpen the handling of disciplinary and contract interpretation hearings, and evaluate new arbitrators. These meetings, explains Page, are part of a recent restructuring ordered by



Attorney Polly Halfkenny (seated) with legal Secretary Carol Hamilton.

Local 100 President John Samuelson.

When asked if he thinks that the MTA's litigious nature will ever change, Page just chuckles. "There's a culture at the MTA that seems to reward managers who lead the pack in write-ups," he said. "There's also a ridiculous attitude among many managers who think that harsh discipline improves productivity."

Attorney Bios in Their Own Words.

Ken Page, Director: *My legal journey began in the District of Columbia as a public defender; to Mississippi as a civil and human rights lawyer; to the Twin Cities where I fought for fair housing and against slum lords. I finally came to New York proudly connecting with the center of the country's labor movement through Local 100 where I have worked the last 10 years. I came of political age during the anti-apartheid movement. I realized the force education played in changing the lives of my South African friends and comrades. I was encouraged from those experiences to refocus on my formal education ultimately attending the University of Wisconsin Law School in Madison.*

Retu Singla, Assistant Director: *I have been an activist since my teenage years spent in Washington, D.C. I helped organize low wage immigrant women workers in Washington, Los Angeles, Chicago and New York. I also worked as a Policy Analyst on Capitol Hill and in the NYC Mayor's Office. After co-founding an organization in NYC for immigrant women workers and realizing the lack of community lawyers of color, I attended the Program in Public Interest Law and Policy at the UCLA School of Law. While in law school I worked on both the civil and worker/labor rights of union members, undocumented immigrants and communities of color. I've been a part of the Local 100 family on and off since 2001.*

Ursula Levelt: *When I graduated from CUNY School of Law, I wanted to do labor law and I have been fortunate to be doing labor law ever since. The labor movement is the best organized social movement in this country and it has the resources to really make a difference in the lives of working people. Now it is up to all of us to make it happen.*

Polly Halfkenny: *I have been active in tenant, anti-repression, labor, peace, international solidarity and other progressive struggles since the 1960s. While a state worker in Massachusetts, I was a chapter president and a member of the joint executive board of SEIU Local 509. After graduating from Northeastern University School of Law in 1995, I worked for the United Electrical, Radio and Machine Workers of America (UE) and was its General Counsel for ten years. I joined TWU Local 100 as a staff attorney in 2009.*

Edward Pichardo: *I graduated from Marquette University Law School receiving my Juris Doctor in 1995. In 2001, I joined the law firm of Kennedy, Schwartz and Cure P.C. as an associate and in 2002 was admitted to the New York State and Federal Bars. In college I served as Vice President and President of the Black Students Union and was a member of the Milwaukee Urban League. Both of my parents were union members. I began my labor advocacy representing Local 100 members in 2001. I also served as Labor Counsel for the New York State Senate Majority as well as a Community and Political Organizer for the Laborers Eastern Region Organizing Fund.*

Jason Veny: *I am a graduate of Hofstra University School of Law, J.D. and was admitted to practice in New York. I have worked as a labor and employment lawyer for six years, and am an active member of the American Bar Association and a recipient of the 2010 Labor and Employment Section Fellowship.*

Betzabeth Sanchez: *I'm a graduate of the University of Connecticut School of Law, J.D. I was Vice-President of the Student Bar Association (1998-2000). I have worked in labor and employment law, representing individual plaintiffs and labor unions, and as a labor union organizer for nearly 10 years advancing and advocating for the rights of workers.*

Family Day: A Huge Hit!

SEVERAL THOUSAND LOCAL 100 MEMBERS and their families left the pressures of transit work behind for an afternoon of fun and union solidarity at this year's Family Appreciation Day at Coney Island. Beautiful weather, with low humidity and summer temperatures, greeted the throngs at the day long event at MCU Park.



Kids enjoyed face-painting and hours of playtime among a host of the popular inflatable bouncer rides, while the adults enjoyed lots of food, refreshments, music, a talent show and two softball games

in MCU Stadium, one featuring a showdown between Local 100 members and retirees against a team from TWU Local 234 in Philadelphia. The guys and gals from Philly, who arrived in two buses, had tons of fun as well, despite an old-fashioned butt-whipping on the field, 27-8.

Numerous politicians, including Congressional hopeful Hakeem Jeffries, NYC Comptroller John Liu and others, made cameo appearances.





EVENTS: Never on the Sidelines

Local 100 Women Attend Summer School



This summer, 15 Local 100 women attended the UALE Northeast Regional Summer School for Union Women in Amherst, Massachusetts. During the five-day program, they learned grievance writing, leadership skills, and building a strong union through blogging. As a result, some activists including Power Vice Chair Celeste Kirkland, and Elizabeth Rodriguez from MaBSTOA Division 1 will be starting their own union blogs. Said Liz Wilson: "I learned that we are not

alone in our Union struggles, and that collectively, we can bring about change." Said Brander White: "It re-energized me in the fight to gain equality in the workplace." A class on the National Labor Relations Board gave the participants an understanding of what to do when grievances are not having the desired result – that there's a federal agency to appeal to.

A special class in workplace bullying was also offered, explaining how to understand what workplace bullying is, and how unions can put workplace and legal protections in place. A class about tools for strengthening unions showed our women how to develop skills to build and strengthen solidarity in Local 100. Right after the workshop in Amherst ended, Brander and Liz headed over to the A. Philip Randolph Institute in Washington, DC and took in part of their 43rd National Educational Conference. Said Wilson: "We have to be very active this year to get out the vote. It's also very important to mentor our children, bringing them up as union children."

TWU Turns Out for Puerto Rican Day Parade

Scores of Local 100 members, led by President John Samuelsen, Secretary Treasurer Earl Philips and Administrative Vice President Angel Giboyeaux, turned out for New York's 55th annual Puerto Rican Day Parade, one of the City's largest. The contingent marched up Fifth Avenue, or rode on the union float amidst a sea of red, white and blue Puerto Rican and American flags. Photos show the big TWU group. Inset, is Angel Giboyeaux on float.



Transit First Responders Visit 911 Memorial

On May 30, 2012 this group of Light Maintainers was among those first responders to visit the 911 memorial for the first time. Led by LES Division Vice Chair Duane MacMenamie (center with sun glasses) the group included: Ed McConnin, Eugene Milanesi, Samuel Palmer, Joseph Gomez, Abraham Nedumthakad, Michael Mednik, Ricky Figueroa and Jean Elie.



TWU Joins Voices Vs Stop & Frisk Policies

A contingent of TWU Local 100 members including President John Samuels and Secretary-Treasurer Earl Phillips made their presence felt at the Father's Day March to end the NYPD's current stop and frisk practices, which many TWU Local 100 members have found to be intrusive, demeaning, and degrading to themselves and their families.

Labor, community and church groups joined together to demand an end to these practices. Among those marching with TWU was TWU Local 234 President John Johnson (photo inset with Samuels), who traveled from Philadelphia for the event.



Urge Turnout for Breast Cancer Walk Oct. 21, 2012

The TWU Local 100 Women's Committee will be hosting the Making Strides Against Breast Cancer annual walk this year on Sunday, October 21, 2012. Their goal is to raise \$5,000 for cancer research and resources for cancer patients. The Local has its own section on the Making Strides website. While we encourage all TWU Local 100 members to raise money in your respective communities, please join us as we march in Central Park as one union. Please order your t-shirts for the walk (\$12 per person). For more information contact:

1. Elizabeth Wilson (917) 232-5043 ewilson@twulocal100.org
2. Norma Lopez (646) 283-4051 nlopez@twulocal100.org
3. Brander White (843) 693-6532 bwhite@twulocal100.org



Marty Goodman, Activist Extraordinaire, Retires



Station Agent Marty Goodman, one of TWU's leading activists for the past 20 years, was honored in a retirement party on Friday June 22nd. Marty received many tributes and gifts from his friends, colleagues and appreciative co-workers. Although this was a retirement party for Marty, the stalwart member still attends every union rally for worker justice. From left, Paul Piazza, Marty, Felicia Fields, Maurice Jenkins and Derrick Echevarria.

Union Shows LGBT Pride

For the third year, Local 100 showed its solidarity with marchers in the LGBT Pride parade. Photo shows a part of the union contingent that turned out for equal rights for all on June 25.



The Fight For the 40-Hour Week

By Jim Gannon

THE MINEWORKERS WON THE 40-HOUR WEEK IN 1898. The Typographical Union broke the barrier in the print industry in 1905. Workers at Ford Motor Co. were the first in the auto industry to achieve the 40-hour week in 1915. Railroad workers crossed that line in 1916. In 1938, Congress passed and FDR signed the Fair Labor Standards Act which introduced a maximum 45-hour workweek, established a national minimum wage, guaranteed 'time-and-a-half' for overtime in certain jobs, and prohibited most employment of minors in so-called "oppressive child labor."

In 1938, four years after TWU had been founded and one year after the union's first big election win on the IRT, the transit industry was still living in the dark ages from a progressive labor perspective.

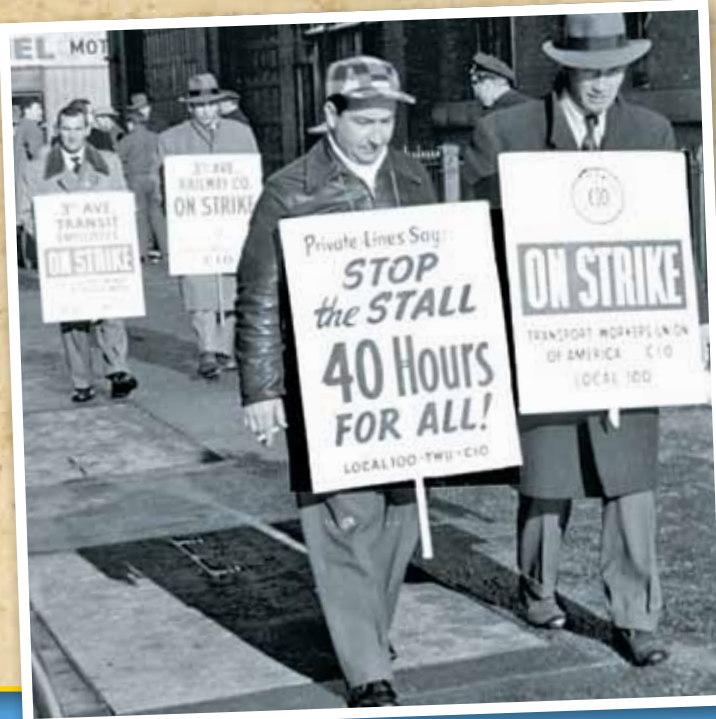
In 1940, on the eve of World War II, of 103 industries surveyed transit ranked fourth in the average number of hours worked. In fact, in the early 1930's before TWU was founded, the seven-day week was standard on the IRT, BMT, Fifth Ave. Coach and Third Avenue Railway. While the number of hours worked varied by company, and title, the bottom line was that transit workers put in very long hours, 6 to 7 days a week, a situation TWU leaders quickly set out to change.

In the 1937 IRT agreement, the first negotiated by the new union, the work week in the Power Department was

reduced to 48 hours with no loss of pay. In transportation, a day's work was defined as eight hours, and a work week as 48 hours. If workers came in on a the seventh day, they got overtime. These conditions were extended to the BMT in 1939. Also in 1939, Fifth Avenue Coach agreed to a 40-hour week for shop men, but a 54-hour standard week for operators.

It was not until after the start of World War II that the union was able to establish the 48-hour week as the industry norm.

TWU had made much progress in a brief amount of time, but the ultimate goal of the 40-hour week with no





Thousands attend rally for the 40-hour week in late 1950. Below right, workers signal the "death" of the 48-hour week with "coffin."



loss of pay remained elusive throughout the war years and for five years beyond.

Finally, after 16 years of fighting, the Transit Advisory Committee, headed up by famed labor arbitrator Theodore Kheel, recommended the 40-hour week with no loss of pay in 1950. But it wasn't put into effect until 1951 for both surface and subways after a mammoth rally outside the Board of Transportation building in downtown New York. But the private bus companies continued to resist. They cracked in 1953 after a 29 day strike.



In Memoriam

Station Agent Amy Cho Wah Koo, 56, Dies in Tragic Accident

A horrifying accident claimed the life of TWU Local 100 member Amy Koo on July 8 when she was hit by a car near her station, the Bushwick Avenue-Aberdeen Street stop on the L line. Amy was on her lunch break when the accident took place at approximately 9:30 at night. When she did not return to work, an MTA station superintendent checked area hospitals and discovered that she was at Brookdale Hospital, where she later died.



Amy Koo with son, Ronald, and daughter, Rachel, at her graduation from Cornell.

Sister Koo was one of our Station Agents laid off by Jay Walder in 2010 when he implemented the worst staffing cuts even seen in New York City transit. She had returned to work only recently, coming back last April. She was a strong Union supporter. Said Stations Department Executive Board Member Paul Piazza: "Amy showed up to every rally outside Jay Walder's

house. She came to MTA hearings, and she fought like a tiger to get back on the job."

Amy is survived by her two children, Rachel and Ronald Pang. Rachel graduated from the Cornell School of Industrial Labor Relations in 2011, and Ronald is still in school working on his degree in accounting. Rachel remembered her mother as "a very tough lady," who was resourceful and determined to carve out a better life for herself and her children. She brought the family to America from Hong Kong in 2003, began working in Chinese restaurants, and then got jobs with KeySpan Energy and HealthForce in customer service, before moving on to her Station Agent's job with the MTA.

Amy's energy, dedication and determination will be greatly missed by her brothers and sisters at TWU Local 100.

Local 100 Mourns Death of Beloved Bus Operator/Activist, Nolan Orr

Local 100 and TA Surface members and officers mourned the unexpected passing of much loved Bus Operator Nolan Orr. He died of a heart attack at age 38. Brother Orr currently worked out of Ulmer Park, but had also worked out of Manhattanville and Jackie Gleason. Division Chair Willie Rivera said: "Nolan was an absolute gem. Everyone loved



him. It's a terrible loss for his family, his friends and our union."

Brother Orr was very active in the union, volunteering countless hours on Local 100 initiatives. He was a big part of the union's "Restore the B77" project in Red Hook.

He is survived by his wife and two children, as well as scores of friends in TWU.

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.

John Christian
Retired Track Worker
on July 11, 2012.

Preston Owen Smith
Retired Train Operator
on July 17, 2012.

Carl Harrison
Active Car Cleaner
on June 16, 2012.

Lee Arthur
Retired Station Cleaner
on May 24, 2012.

Deryk Knight
Active Power Maintainer
on June 17, 2012.

Yvette McCallister-Scott
Active Station Agent
on June 3, 2012.

Renwick Myers
Active MABSTOA
Bus Operator
(Manhattanville)
on July 2, 2012.

Aurelio Rodriguez
Retired MABSTOA
Bus Operator
on June 20, 2012.

Henry Wilantewicz
Retired TA member
on March 20, 2012.

James M. McFarland
Retired Train Operator
on June 5, 2012.

Amy Koo
Active Station Agent
on July 9, 2012.

Keith F. James
Active Conductor
on June 17, 2012.

Gerald Ehling
Retired MABSTOA
Bus Operator
on June 5, 2012.

Peter Schaefer
Retired Train Operator
on June 2, 2012.

William Mangin
Retired Conductor
on May 20, 2012.

Malcolm Devere Carter
Retired Transit
Authority member
on May 27 2012.

William Kinsler
Retired Collecting Agent
on June 26 2012.

Luis Vazquez
Retired Car Inspector
on June 16 2012.

Laura M. Danclair
Active Car Cleaner
on July 7 2012.

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