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Transport Workers

April 2011 • Vol. 2 • No. 1

BULLETIN



STOP
THE ATTACK
ON WISCONSIN
FAMILIES

**Standing
As One With
Wisconsin**

Wake Up Now, Or Sleep Forever

WELCOME TO ALBANY, WISCONSIN. OR IS IT MADISON, OHIO. OR COLUMBUS, NJ. OR MAYBE TRENTON, Pennsylvania. It doesn't really matter. The powers that be are all singing the same song. "There's an economic crisis," they say. "And the public sector is to blame."

100 years ago, on March 25, 1911, the most horrifying workplace tragedy in American history took place at the Triangle Shirtwaist sweatshop at Washington Square. The infamous fire snuffed out the lives of 146 workers—most of them immigrant women as young as 15. The victims died horribly in the inferno, unable to escape through doors locked from the outside by bosses, or by desperate leaps from the building's 9th floor windows.

More than any other event of that era, the tragedy brought a worldwide spotlight on industrial greed and worker exploitation. It also helped galvanize workers behind growing movements to unionize for better pay, conditions and a safer workplace.

Today, 100 years later, our generation of union members faces our defining moment. Gov. Scott Walker, the boyish looking Tea Party executive from Wisconsin has set this new fire by legislating away the right to collective bargaining for his state's public employees.

Walker and many like him are deceitfully using the current economic downturn—brought about by Wall Street's greed-filled meltdown—as justification to reduce wages and pensions for public employees.

America is not broke, by the way. The country, and our state of New York in particular, are swimming in wealth and cash. It's just that it's not in the hands of those who actually do the work. It has been transferred from the workers and consumers to the banks and the portfolios of the super wealthy. Shockingly, today just 400 Americans have the same wealth as half of all Americans combined.

How much more wealth does the wealthy need? Local 100 members and public employees across America must not be made the budgetary scapegoats of scores of state capitals and municipalities.

Closer to home, we have our own Scott Walkers. They're just wearing better disguises.

Gov. Cuomo is threatening thousands of public sector layoffs. He is also championing a move to legislate a new—lower—pension system for the next generation of public employees.

He is also stealing \$200 million with white gloves in dedicated funding for public transportation for use elsewhere in the budget.

Cuomo's excuse is an alleged \$10 billion budget gap. Yet at the same time, an end to the so-called "millionaires tax" for New York's wealthiest individuals is actively under consideration. How does that make sense? Cut jobs so that the wealthy can eat out seven nights a week instead of six?

New Jersey's blabbering Governor Chris Christie pontificates that the public sector is "destroying the middle class," as if public sector workers are not part of it. His idiotic statement flies in the face of the fact that unions and union members are the backbone of the American middle class.

It's not only about economics. Not by a long shot. It's about power and who has it. By busting unions, and eliminating any thread of democracy and power in the workplace, the pendulum will finally swing totally in their direction.

So thank you, Wisconsin. Thank you Gov. Scott Walker for waking us up; for reuniting us like we were after the Triangle Shirtwaist fire.



**Transport Workers Union
of Greater New York, Local 100**
1700 Broadway
New York, NY 10019
Phone: 212-873-6000
Fax: 212-245-4102
www.twulocal100.org



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John Samuelsen
President

Earl Phillips
Secretary-Treasurer

Benita Johnson
Recording Secretary

Angel Giboyeaux
Administrative Vice President

VICE PRESIDENTS

Brian Clarke, MABSTOA

John Day, MTA Bus, PBL

Kevin Harrington, RTO

Maurice Jenkins, Stations

Nelson Rivera, CED

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Wisconsin Ignites Union Ire

The assault on public employees by the darling of the Tea Party, Wisconsin Gov. Scott Walker, has lit a fire among union members that is spreading nationwide. The union reaction is a strong signal to the right-wing that labor isn't going quietly.

5

2,500 Hit Albany for Lobby Day

The halls of the State Capital were packed with Local 100 members on March 29, 2011 in an effort to advance the union's legislative agenda for 2011.

9

Station Agents Back to Work

These union sisters were the last of the nearly 500 Station Agents to be hit with layoff last summer. Now they are the first to return.

6

Stick'n With the Union

Mile Square Local 100 members voted overwhelmingly on March 10 to spurn a raid attempt by another union. Local 100 officials promised swift action to secure a new contract.



ON THE COVER:

Local 100 President John Samuelsen, center, Secretary Treasurer Earl Phillips, right, and Administrative Vice President Angel Giboyeaux delivered a message of solidarity on March 12 in Madison, Wisconsin.

MTA Loses Bid to Block 3 Percent Wage Increase
See page 5 and 15.

Communications Department Transport Workers Bulletin

Director
James Gannon

**Director of
Publications**
Alan Saly

Contributing Editors
David Katzman,
Daniel Tasripin

Graphics
Noah Rodriguez

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Tom Matthews
Photography

Front Page Photo
Harry Wills

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Local 100

'Social Network'



Follow Your Union on Facebook, Twitter and YouTube.

Visit our website: www.twulocal100.org to connect and stay connected.

- Now you really have a good reason to spend hours on end on Facebook, Twitter and Youtube – TWU Local 100's social network.
- News about your job, your union, your employer can happen at any moment. Don't wait to hear it from a co-worker, or worse, not hear about it at all.
- The Local 100 social network will keep you informed on daily basis with everything you need to know.
- Access to information is particularly important this year, as we move toward negotiation on our new contract.



SHOULD YOU GET ALERTS?

STAY ALERT

- Receive union information by email.
- Go to twulocal100.org to sign up.
- Already signed up but not getting union emails every week? Check your junk mail folder. It happens.

STAY ALERTER

- Receive union information by text message.
- Go to twulocal100.org to sign up.
- Messaging and data rates may apply.

MTA Must Pay 3 Percent Wage Increase

Increase & Retro Pay Due May 11 (OA), May 12 (TA), and May 18 (MTA Bus)

The New York State Court of Appeals, on March 31, 2011, denied the MTA's motion for appeal of our third year wage increase and the rollback of health care contributions. This ruling puts an end to the MTA's two-year legal campaign to block implementation of the union's contract arbitration award.

For TA and OA members, this means a retroactive 3-percent increase to Jan. 16, 2011. For MTA Bus members, the increase becomes effective on schedule—April 1, 2011.

This also means a rollback of

employee contributions on health care to a flat 1.5 percent based on 40 hours—with full retroactivity to Aug. 15, 2009 for TA and OA, and Dec. 1, 2009 for MTA Bus.

Local 100 President John Samuelsen called the court's decision "an important win for transit workers and the collective bargaining process."

"The MTA has spent the past two years in a costly series of challenges that they knew they could not win. We're extremely happy that the legal fight is behind us, and that the workers will begin receiving the

wage increase they have earned and so richly deserve."

Samuelsen added that the Court's ruling validates the leadership's decision to hold fast against the MTA's attempt to hold transit jobs hostage to the 3 percent increase.

"Many of the members laid off last year are back on the job, or soon will be," said Samuelsen, "and they, as well as thousands of their brother and sister transit workers will all enjoy the benefits of the union's fight to preserve our contract and our wage increase."



LOBBY DAY 2011

2,500 From Local 100 and Other MTA Unions Attend

On March 29, nearly 2,500 transit rank-and-file members descended on Albany to press Local 100's demands to restore funding cuts to transit, education and health care, and to block Gov. Cuomo from eliminating the "millionaires tax."

This Lobby Day stood out for the united turnout of transit unions. Present were representatives of the Bridge and Tunnel Officers organizations, and many of the MetroNorth and LIRR unions. Also, three different ATU Locals in TA Surface and MTA Bus, as well as TWU Local 252 from Long Island Bus, turned out members by the busload to join us in a concerted effort.

Teams of members honeycombed the Legislative Office Building to tackle Assembly members and State Senators one by one. Meanwhile, the crowd in the Hart and Sawyer Theaters heard from a procession of elected officials, starting with State Comptroller Tom DiNapoli. Assemblyman James Brennan, the new chair of the Committee with oversight on the MTA, and State Senator Marty Golden, also spoke. Those two

are sponsoring a transit "lock box" bill—one of Local 100's top legislative priorities.

This bill would mandate that taxes collected for public transportation be used exclusively for that purpose, instead of other budget needs. Gov. Paterson and Cuomo have raided these funds to the tune of \$360 million in the past two fiscal budgets.

Many other legislators spoke, including Assemblyman Peter Abbate, who was introduced by Samuelsen as labor's "bulldog" and was greeted by a chorus of barks from the audience.

Giving the event added urgency is the push to privatize bus routes operated by Long Island Bus, where members of TWU Local 252 work. Local 252 President Pat Bowden spoke about the dire situation, saying that every union member's help is needed to fight back against the cuts. President Samuelsen pledged Local 100's full support in the Long Island Bus fight.

This Lobby Day was a beginning rather than an end. It marked the first big step in our contract campaign.

MILE SQUARE TRANSPORTATION

No Doubt About It!

Mile Square Members Vote Local 100

TWU Local 100-294
IBOTU Local 713-43
'No Union'-25

LOCAL 100 MEMBERS AT MILE SQUARE SCHOOL BUS in Yonkers and New Rochelle have emphatically turned back a third attempt by an unaffiliated union, International Brotherhood of Trade Unions Local 713.

The National Labor Relations Board conducted the election on March 10, 2011 and certified the overwhelming results in favor of TWU Local 100. The vote was 294 for TWU; only 43 for Local 713, and even less, 25, for a third option, "no union."

Local 100 President John Samuelsen sent a personal note of thanks to the membership, promising an all out effort to finish work on a new collective bargaining agreement.

"Now that Local 713 is no longer spreading lies and mistrust among the workers, we can fully implement our plan to make Mile Square workers among the highest paid School Bus workers in Westchester County," said Samuelsen.

Samuelsen also pledged a new training regimen for School Bus officers and staff to be conducted in conjunction with the Cornell School of Industrial Relations and the TWU

International to insure proper service to our School Bus members.

Union representatives told the *Bulletin* that Mile Square management was hoping for a Local 713 victory, or better yet, no union at all. The company had employed delaying tactics during bargaining to await the outcome of the election.

"With this challenge from Local 713 behind us, management has no choice but to come back to the table and finally get this agreement done," said Local 100 Vice President John Day, who is heading up the negotiating committee.

Photos show happy School Bus Division members after victorious election. Local 100 rep Joe Sammarco (far left in photo left) was on hand.



A MESSAGE FROM PRESIDENT JOHN SAMUELSEN: TWU Local 100 Interim Audit Report Fact Sheet

Brothers and Sisters:

Following the Executive Board's removal of Israel Rivera, Jr. as Secretary-Treasurer of TWU Local 100, I felt it necessary to conduct an audit of our books for the period he was in office. Therefore, I asked our International Union to send in an independent auditor. I had three reasons for doing this. First, I wanted to determine the extent of the damage done by Rivera during his tenure as Secretary Treasurer. Second, I wanted a thorough, independent investigation about Rivera's post-removal allegations about the financial practices of my office. Finally, I wanted workable recommendations to strengthen the Local's financial reporting practices and increase transparency. The International's auditors have just issued an "Interim Report" and while the results are not final, I want to make sure that every member knows what we have learned so far.

What is the purpose of the audit?

The Interim Report looks at the Union's credit card charges, petty cash disbursements, and certain non-payroll expenditures during the first 10 months of 2010 to determine their union business purpose and the disbursements of the TWU Local 100 Haiti Relief Fund to confirm how the moneys were spent.



Who initiated the audit?

The audit was requested by TWU Local 100 President John Samuelsen. The TWU International then initiated the audit.

What did the interim audit report find about the TWU Local 100 Haiti Relief Fund?

The interim audit report shows there was no misappropriation of funds from the Haiti Relief Fund.

What did the interim audit report find about the credit card charges made by all officers and employees of the Local?

The interim audit report shows that Local 100's decade-old practices and record-keeping procedures for credit card purchases made by employees need to be strengthened. The primary issue was the lack of detailed itemized receipts accompanying the actual credit card receipts which were submitted. A written credit card policy is being instituted which adopts "best practices" for receipt requirements.

What did the interim audit report find about the the Local's disbursement of funds for non-union-purposes?

The interim audit report shows that Local 100 did

not have written policies and record-keeping procedures for disbursement of petty cash funds. Written procedures are now being instituted.

What did the interim audit report find about the non-payroll related payments to Israel Rivera?

The Interim Audit Report shows there were financial losses due to Mr. Rivera's misconduct and that he may have acted to try to cover them up. It fully describes former Treasurer Rivera's misuse of Union funds to purchase a car. It states that the Union suffered a \$17,307 loss when Rivera engaged in this transaction, which "Mr. [Local 100 President] Samuelsen had [not] authorized...."

What happens next?

I am in the process of setting up a working group from within the Executive Committee to provide continuing oversight of the situation. I have also initiated internal audits for the years 2008 and 2009 – applying the same standards used to conduct the audit of 2010.

This will accomplish two things: to provide a better perspective to the accounting practices of the Local; and to identify officers or staff who may not have provided proper documentation for expenses, and to recover that money for the Local if necessary.

To learn more about the Interim Audit Report and the reforms TWU Local 100 is implementing to improve its financial control procedures and practices, visit twulocal100.org.

Earl Phillips

IS LOCAL 100'S NEW SECRETARY TREASURER



LOCAL 100'S NEW SECRETARY TREASURER IS EARL PHILLIPS, A SERIOUS, hard-working officer determined to protect the membership's dues and to insure that the union's treasury is used wisely for the benefit of transit workers.

The Local 100 Executive Board confirmed Phillips 32-7 with one abstention in early February. He will serve out the term of former Secretary Treasurer Izzy Rivera, who was removed from the position late last year for abuse of office.

"Earl is a man of great integrity, which is just what the union needs after the chaos and turmoil created in the Treasurer's office last year," said Local 100 President John Samuelsen. "He is devoted, first and foremost, to this union's membership. I am confident that he will lend a sure and steady hand to Local 100 as we begin a difficult contract fight."

After being sworn in as the new Treasurer in front of the Local 100 staff in February, Phillips said: "I look forward to this new challenge as a great opportunity to serve my brother and sister Local 100 members, and to guide and safeguard the resources of our great union to advance our cause to the best of my abilities."

Earl is 49 years of age and has held a high-profile position as TWU Local 100's Safety Director for the past year. He is also currently enrolled in Cornell University's Union Leadership Academy. He was also a safety rep under the previous union administration.

Born in Barbados, he came to America in 1987. Prior to his membership in Local 100, he was a successful small business owner in Brooklyn.

He joined New York City Transit as a Chassis Maintainer in 1996, working variously at the East New York Base Shop, Gun Hill, and Kingsbridge Depots. He is the father of two children, Tina and Alexander.



Earl Phillips (right) takes oath of office. President John Samuelsen and Recording Secretary Benita Johnson look on.



Local 100's top four officers, from left, Amin. Vice President Angel Giboyeaux, President John Samuelsen, ST Earl Phillips and Rec. Sec'y Benita Johnson.

Union Sisters Last to Be Laid Off, First to Return Happy to Be Back

IN A WAY, STATION AGENTS AND UNION SISTERS ROSA Sadlak and Cheila Anderson “hit” the reverse lottery last August. With five years on the job, they were the final two of the 450 Station Agents to be laid off.

Since then, the two friends have been on unemployment, unsuccessfully looking for work.

But now, the search is over. They are back on the job as Station Agents, with full pay, seniority and benefits thanks to a back-to-work agreement negotiated by the union with management.

Rosa had worked for 28 years, straight out of high school, for the same company in the garment industry. When the company failed, she was left with no job, no pension, and no benefits.

She turned to transit because of the belief that public sector employment is secure and recession proof.

“I thought I was secure in my job, espe-

Rosa Sadlak, left, and Cheila Anderson are back to work after 6 months on unemployment.



cially after five years,” said Rosa. “I guess I was wrong.”

When the layoff notice came, Rosa admits that she felt “a little abandoned.” But that feeling didn’t last long. “I saw how hard the union was fighting for us, and felt more confident that things would be okay.”

Cheila, a graduate of Baruch College with a psychology degree, said she gravitated to transit from her previous job



The first class of returning Station Agents are shown with Stations Vice President Maurice Jenkins and Ex. Bd. Member Paul Piazza (standing center).

at Verizon because “there were so many rumors at Verizon of layoffs, I took the transit test in hopes of better job security. But it turned on me.”

She recalls “being in denial” in the weeks leading up to her actual layoff last August. “The word was that our class wasn’t going to be effected. And when it happened, I was like, oh wow, I’m losing my job.”

After the layoff, she filed for unemployment and took advantage of the union’s Solidarity Fund. “I really needed the Fund,” she said.

Looking forward, Cheila said she is “still a little on edge that it might happen all over again.” But she believes her union is fully behind her. “I’m really happy the union fought for us. I know a lot of people in a lot of places who got laid off. But I don’t know any, except us, who got their jobs back.”

When asked how it feels to be back, Cheila said. “It feels good. Transit is a hard job, but I need my job.”

***Cuts Hurt,
No Matter Who is
Wielding the Blade***

Ow





WE ALL KNOW THAT WISCONSIN'S TEA PARTY Republican Gov. Scott Walker can't stand unions, and in particular public sector unions. Mayor Bloomberg is right there with him. But what about Gov. Cuomo? There's a Democrat in there somewhere trying to get out. But we just haven't seen it yet.

Cuomo's agenda to cut benefits for public sector employees is similar to the Mayor's. And even though Cuomo doesn't use the incendiary words about unions we hear out of Gov. Walker's mouth, the end result may be quite similar.

Both Mayor Bloomberg and Gov. Cuomo use wage freezes and public sector workforce reductions at the core of their fiscal agenda to close projected holes in their budgets. Both are in general agreement, although it's Bloomberg's proposal, to reduce the teacher workforce based on a performance evaluation rather than seniority.

In other words, had that standard been applied to the layoffs of transit workers last year, members with 20 or 25 years on the job could have been fired ahead of new hires based on management's discretion.

Cuomo, possessed of a great 'gift of gab,' said of Bloomberg's threat to seniority: "I think there is a receptivity to the point that there should be objective, fair criteria that doesn't penalize seniority, but also understands there are other criteria to take into consideration. And that's a conversation worth having."

Both Bloomberg and Cuomo are in lock step on transforming pensions (lower of course) not only for future generations of public employees, but current ones as well.

Reducing current pensions is far more problematic than penalizing "the unborn," but not impossible.

"The costs of pensions are exploding all across the state, so it's not just a problem for New York City," said the Governor. "We will be working on a comprehensive reform package as soon as we get the budget done." The state budget is due April 1, 2011.

Cuomo's future pension (Tier VI) would significantly increase employee contributions and raise the retirement age. Also, overtime would be excluded in pension calculations, and employees would have to work longer to qualify for a benefit.

The Mayor likewise wants to raise the retirement age for non-uniformed workers to 65, require 10 years of service before pension vesting, and end the use of overtime (best three years) to determine pension allowances. On police and fire, the Mayor wants to eliminate the \$12,000 Variable Supplement Fund benefit not only for active cops and firefighters but for the retirees already receiving it.

On public transportation, Gov. Cuomo's budget steals \$200 million from dedicated transit taxes for use elsewhere in the budget. Gov. Paterson pulled the same stunt last year to the tune of \$160 million, resulting in widespread service cuts and layoffs across the MTA service network. Local 100 is working with other MTA unions to secure a legislated "lock box" to insure that all revenue collected specifically for public transit be used exclusively for that purpose.

Even more disturbing is Gov. Cuomo's support for a proposal to sunset the so-called "millionaire's tax," a nearly \$5 billion giveaway to the state's wealthiest people at a time when state is allegedly facing a \$10 billion budget deficit, and at the same time that the Governor is cutting public transportation and slicing 7.3 percent from the education budget.

During the Pataki years, Albany sawed the top brackets off the state income tax. The tax rate for the wealthiest New Yorkers ended up the same as for families with an adjusted gross income (AGI) of \$40,000 a year.

After the Wall Street meltdown, state tax revenues declined sharply. Albany responded in 2009 by reversing direction and creating a tax surcharge for the wealthy. The bump in rate was small—less than 4%. But the result for the state was big—around \$5 billion a year.

"The politicians say New York is in crisis and they are talking sacrifice, yet the wealthiest New Yorkers are slated to get a tax cut? This makes no sense," said Local 100 President John Samuelsen.

Local 100 Stands With Wisconsin Workers

Madison, Wisconsin has become Ground Zero for the labor movement, a place that will define labor's power in the years to come. Just a few days after Governor Scott Walker introduced his anti-union legislation there and union crowds started to gather from around the country, TWU Local 100 was there. Recording Secretary Benita Johnson and Administrative Vice President Angel Giboyeaux went to Madison early on with a message of support and solidarity from New York. Local 100 President John Samuelsen, Secretary Treasurer Earl Phillips, Angel Giboyeaux and chief of staff Harry Wills attended a huge rally there on March 12 to underscore the union's support for Wisconsin's public sector.

Private sector unions have been taking it on the chin for years—and now it's our turn—or so the big-money Republicans—and not a few Democrats—see it. But the American people, in spite of years of anti-union

propaganda in the papers and on TV, don't agree. A new poll released on March 1 showed a clear majority of 56% against cutting the pay or benefits of public employees. Two-thirds of the American people say they don't



want collective bargaining rights taken away from public employees.

The union density stats are grim. Just 6.9% of workers in private industry are unionized, but 36.2% of public sector workers are in unions. New strategies are needed.

The battle in Wisconsin is about a newly-elected Republican governor riding a wave of populist anger against “big government.” He kept his real agenda—destroying collective bargaining rights—secret. But he revealed it once elected.

Gov. Scott Walker is on a mission—and that is made clear in his remarks to a man he thought was billionaire David Koch in a prank phone call made by a labor activist which was posted on YouTube. In the video, the real Governor Walker tells the fake David Koch



Local 100 Recording Secretary Angel Giboyeaux and Recording Secretary Benita Johnson deliver greetings from Local 100 in Madison, Wisconsin just days after union rallies began.

Workers



TWU Local 100 members showed solidarity with Wisconsin at union rally outside City Hall.

he'll start firing public sector workers to get lawmakers to return to the state, so that he can ram through his bill to kill collective bargaining rights. "We won't budge," he tells Koch. "Essentially," Walker says, "you're having taxpayers' money be used to lobby for

using more taxpayer money." That's the nub of Walker's anger against the labor movement: we're fighting to expand government services and reduce the inequalities between rich and poor. This is what he and his benefactors can't stand, a countervailing force against their desire to take complete charge of the economy.

"You're the first domino," the man playing Koch says. "Yes, this is our moment," Walker replies. Then he goes on: "The firing of the air traffic controllers [in 1981] was the first crack in the Berlin wall and in the fall of Communism, because from that time forward, the Soviets and the Communists knew that Ronald Reagan wasn't a pushover. This is our moment. This is time to change the course of history."

This would have been strange to the shipyard workers in Gdansk, Poland, whose general strike in 1980 played a big part in bringing down the Soviet regime. When those shipyard workers recognized themselves as the first non-communist trade union in the Soviet bloc, that act changed history. How tragic and mistaken it is that Scott Walker equates trade unionism with communism. Whether or not PATCO's strike was a good or bad move on the part of that

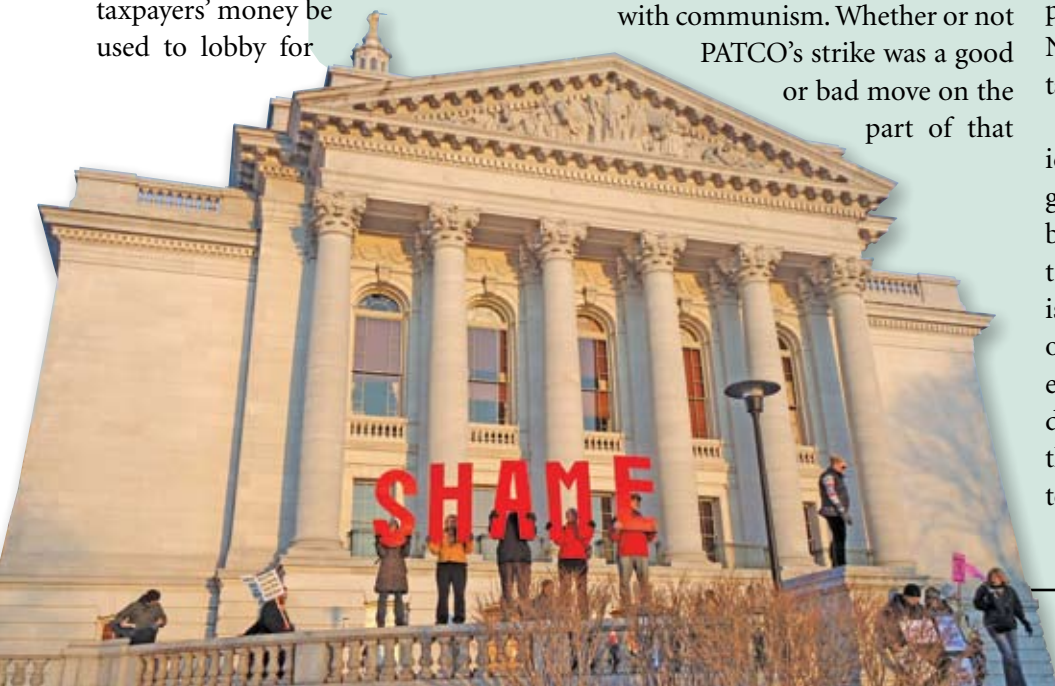


Protestors promise a recall of Wisconsin Governor Scott Walker.

union, the firing of 11,000 air traffic controllers signaled the beginning of an all-out war on unionized workers by government.

With the wave of Republican victories last fall, "right to work for less" legislation has been filed in 12 states, in addition to the 22 that already have such laws on the books. This means no "closed shops" where employees must pay union dues, in those states, if the legislation passes. Another half dozen states have bills that would end unions' rights to use dues for political education. Bills targeting building trades unions would ban the "project labor agreements" that have been instrumental to putting union members to work across New York. Teacher tenure is under attack in five states. The list goes on.

Unions must take some self-criticism if we are to survive. For many, good union wages and benefits have brought with them the idea that it's time to lay back and renounce activism. Many unions are clannish, even off-putting to outsiders, not doing enough to proclaim what they have done, what they stand for, and how they have benefited everyone who goes to work to earn a wage.



Local 100 Pushes “Lock Box” Transit Funding at Annual Black and Puerto Rican Legislators Conference

LOCAL 100 SPONSORED A WELL-ATTENDED PANEL discussion—Transportation Justice and the MTA: Where’s Our Fare Share—at this year’s legislative conference sponsored by the New York State Association of Black and Puerto Rican Legislators.

Local 100 President John Samuelson led TWU’s delegation to the Albany event, and served as a member of the union panel. Other panel participants included: ATU Local 1056 President Daneek Miller; Assemblyman Hakeem Jeffries, and Cecil Corbin-Mark, director of WEAFT for Environmental Justice. Well-known radio host from

WWRL, Mark Riley, served as moderator. New York City Comptroller John Liu made a surprise appearance at the event to give his views on the issue.

Panel discussions recalled last year’s unprecedented service and job cuts, but mostly center on how union and legislative leaders can address lost funding that negatively impacts affordable mobility throughout the region. Participants urged the creation of a legislative “lock box” to safeguard revenues collected specifically for public transportation from being pilfered by the Legislature for other uses.

Samuelson and top Local 100 officers also met with Assemblyman Keith Wright, chair of the Assembly Labor Committee, to obtain his support for the “lock box” initiative.



City Council member Robert Jackson, standing, with President John Samuelson, seated right, Sec’y Treas. Earl Phillips, seated left, and Local 100 rep Norma Lopez, recipient of a special service award from the Labor Conference for Latin American Advancement (LCLAA).



New York City Comptroller John Liu, center, joined Local 100 leaders, from the left: Rec. Sec’y Benita Johnson; Admin. VP Angel Giboyeaux; President John Samuelson and new Sec’y Treas. Earl Phillips.



Local 100 leaders meet with Assemblyman Keith Wright in his Albany office. President Samuelson solicits support for “lock box.”



Group shot of TWU’s delegation to the conference, led by President John Samuelson, center.

MTA Out of Legal Options



THE MTA WASTED TWO YEARS AND HUNDREDS OF THOUSANDS OF DOLLARS TO AVOID IMPLEMENTING THE economic package contained in the union's contract arbitration award. Now they are out of time and out of options thanks to the New York State Court of Appeals and a vigorous legal case put forth by the union

The final blow to the MTA came down on March 31, 2011 when the State Court of Appeals denied the MTA's motion for appeal of our third year wage increase and the rollback of health care contributions.

This is an important win on two levels. First and foremost, the MTA must now pay the three percent wage increase due TA and OA members on Jan. 16, 2011, and MTA Bus members on April 1, 2011. And they must pay, retroactively, the rollback of health care contributions to a flat 1.5 percent on 40 hours.

Secondly, it underscores the validity of the binding arbitration process, which is an accepted form of dispute resolution in both the public and private sectors. Since the law says public sector workers can't strike, the law should at least give these workers the ability to get a fair shake from a neutral arbitration panel.

The legal marathon began more than two years ago when the contract was originally referred to a three-member Arbitration Panel for a "final and binding" decision. The Panel issued a split decision in August 2009, awarding a three-year contract that included a third year wage increase and the cap on employee health insurance contributions. One panel member dissented from the majority's decision.

The MTA refused to implement the Arbitration Panel's decision, arguing to Justice O. Peter Sherwood of the State Supreme Court that the entire decision should be set aside.



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

Justice Sherwood rejected the MTA's arguments and confirmed the arbitration award in full on December 11, 2009.

The Authority then implemented the wage increases called for under the decision for the first two years while at the same time appealing the third year wage increase and the cap on health care contributions to the First Department of the New York State Appellate Division.

The interesting legal aspect of this maneuver was that the MTA complied with portions of the arbitration decision, yet still attempted to set aside that part of the decision which it objected to.

The five-member panel of the Appellate Division, in December 2010, unanimously ruled against the MTA and for the union's position. But the Authority still didn't roll up their legal tent. Instead,

they filed a motion with the New York Court of Appeals for permission to appeal the decision of the lower courts. The New York Court of Appeals is the highest New York court. In all other states, that court would be called the Supreme Court, but in New York we call our trial courts the "Supreme Court."

Finally, that motion was denied and the MTA now has nowhere else to go.

All in all, it is a great win for the union, for the workers, and for the rule of law and common sense, legally speaking of course.

Local 100 Members Never on the Sidelines

Making Our Presence Felt

Town Hall Meeting Sees Transit as a Civil Right

Union leaders and members, and a variety of community, transit, environmental and disabled groups gathered at a town hall style meeting on March 10 to explore ways to stop crippling service cuts, and ensure that the New York City transit system remains affordable, safe and accessible for all New Yorkers.

More than 100 people attended the meeting at The Riverside Church, and participants responded to the theme of the event: Mass Transit: Is It a Civil Right.”

Cecil Corbin-Mark, Director of WE-ACT for Environmental Justice, underscored the theme by presenting statistics revealing that New York is by far the most transit dependent city in America, with more than 55 percent of residents not owning a car.

Paula Wolff of the Center for Independence of the Disabled, called mass transit “essential to life. Every aspect of life in New York for the disabled becomes compromised without accessible and affordable service.”

Edith Prentiss of Disabled in Action, added that “most people with disabilities are totally dependent on mass transit.”

Local 100 President John Samuelsen called for a complete overhaul of the MTA Board, labeling most Board Members as “ethnically, financially and demographically out of touch with transit workers and riders.”

Samuelsen also invited members of the disabled community to join him at shop gate meetings at bus depots to relay their concerns of accessibility directly to Operators.

ATU Local 1056 President Daneek Miller called mass transit “the economic and social hub of society.” Faye Moore, President of Social Service Employees Local 371, said workers and unions are a fighting a “class war like we haven’t seen in years,” and she called for an extension of the “millionaire’s



Participants register for event.



State Sen. Bill Perkins reads over meeting program.



President John Samuelsen, left, with Local 371 President Faye Moore, and ATU Local 1056 President Daneek Miller.

tax” to fully fund transit and other essential services.

Anthony Harmon, of the New York Chapter of the A. Philip Randolph Institute, called public transportation a basic human right on the same level as affordable housing, jobs, economic opportunity and equal access to education.

State Senator Bill Perkins agreed that mass transit is “a fundamental right” and he promised legislative and budget initiatives to advance the group’s agenda.

Local 100 Recording Secretary Benita Johnson served as moderator of the event.

The Town Hall meeting was the second event in recent weeks to be sponsored by Local 100 and advocacy groups to raise awareness that New Yorkers have a right to secure, reliable, dependable mass transit, without having to suffer through yearly fare increases.

Local 100 Celebrates Black History

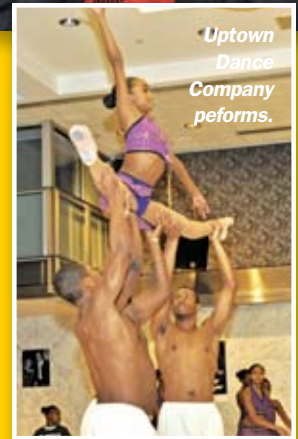
Local 100 celebrated Black History Month on Feb. 23, 2011 with a spirited gathering of members and officers. Newly sworn in Secretary-Treasurer Earl Phillips greeted the assemblage. Also, City Council Member Letitia James, Ilyasah Shabazz, daughter of Malcolm X, and Bill Fletcher, Field Services & Education Department Director for the American Federation of Government Employees delivered greetings. The Uptown Dance Company performed. All enjoyed food and light refreshments.

Secretary Treasurer Phillips, who is also serving the Local as Safety Director, spoke on health issues facing African Americans, including access to health care, nutrition, infant mortality and adult mortality rates. Phillips said that “health care is a core issue in true equality in America.”

Phillips urged members to “take care of yourselves. Our union fought tooth and nail to create, improve and defend our retirement benefits. But what is the point if members don’t live long enough to enjoy them.”



Ilyasah Shabazz, center, with officers from left: Harry Wills, Charles Jenkins, Sec’y Treas. Earl Phillips and VP Maurice Jenkins.



TWU, Transit Advocates Greet Transit Riders on Valentines Day

Local 100 members and public transportation advocates from three different organizations were on the streets this past Valentines Day to kick off a new campaign against transit service cuts. The campaign’s tag line, “Can’t live without you,” was featured on thousands of Valentines Day cards that were hand-distributed to passengers at Union Square, 125th Street at Lenox Avenue and at Lexington Avenues, and the Atlantic Terminal in Brooklyn. Riders also enthusiastically signed giant Valentines Day cards to Albany to tell the legislature to preserve transit funding. Photos show passengers signing the card for Albany, and a group shot of participants, including Local President John Samuelsen. Advocacy groups included the Straphangers, Transportation Alternatives and WEACTION for



Members, officers and helpers at Union Square. President John Samuelsen in group on right.

Environmental Justice. The union hopes to secure strong public pressure behind a legislated “lock box” for transit funding, to insure that funds collected for transit be used exclusively for that purpose. Gov. Paterson pilfered \$160 million in transit funds for other purposes last year. And Gov. Cuomo is reallocating \$200 million this year.



Riders stop to sign our “Valentines Day Card” to Albany. (Continued on next page)

Never On The Sidelines *(Continued from page 17)*

Community Leaders Target Chase for Failed Mortgage Relief Policy

Despite massive bailout money, major banks continue to turn their backs on troubled mortgage holders seeking loan modifications. JP Morgan Chase may be the worst culprit, granting mortgage relief to only 6 percent of those seeking it. That's why elected officials, union leaders, ministers, community leaders and grassroots voices gathered outside JP Morgan's midtown offices to demand a better response.

Local 100 Recording Secretary Benita Johnson joined the rally along with City Council members Brad Lander and Jumaane Williams, State Assemblywoman Annette Robinson, and State Senator Eric Adams. New York Communities for Change (NYCC) organized the event.

Local 100 President John Samuelson and United Federation of Teachers President Michael Mulgrew told the *New York Times* that they would urge their pension funds' trustees to sell holdings in Chase if the bank did not allow more people to adjust their mortgages.

While the big banks are all equally guilty in their dealings with hard hit homeowners, NYCC Executive Director Jon Kest



Local 100 Recording Secretary Benita Johnson urges pension divestment from recalcitrant banks.

said that Chase was singled out because it services a large number of mortgages in the City and had turned down most requests for permanent relief.

A Chase spokesperson, Thomas Kelly, told the *New York Times*: "Chase is doing everything possible to help homeowners stay in their homes. If we find we have made mistakes, we try to fix them."

Union Remembers Harold Dozier



Local 100 President John Samuelson, MOW Vice President Tony Utano and others from MOW held a memorial to mark the sixth anniversary of the death of Local 100 member Harold Dozier, who was killed near Newkirk Station in Brooklyn on Dec. 14, 2004.

IND Signal Retirement Club Sets Event Date

The 54th Annual IND Signal Retirement Party will be held April 29, 2011 at a new location: Marbella Restaurant, 220-33 Northern Blvd, Bayside, NY. The event kicks off at 7:00 p.m. with a cocktail hour and then dinner featuring great food, served Italian style. Special guest this year is Fred Scheuplein. Cost is \$65 per person for members and retirees; \$70 for non-members. Also, \$70 per person at the door. Make checks payable to (and mail to) IND Signal Retirement Club, P.O. Box 67636, Flushing, NY 11367-0636. For more information, call Luis Vargas or Dave Rivera at 347-643-7072; or Bobby Mallon at 718-526-4511 or 718-334-8171.

Local 100 Remembers Fallen Members At Widows and Orphans Fundraiser

NEW YORK STATE COMPTROLLER TOM DINAPOLI AND NEW YORK CITY Comptroller John Liu were among the dignitaries paying their respects to Local 100 and the families of members killed on the job at the union's annual Widows & Orphans fundraiser.



Local President John Samuelsen with State Comptroller Tom DiNapoli.

The event was held Jan. 11, 2011 and helped raise significant funds to pay for health insurance for surviving spouses and dependent children of transit workers killed in the line of duty. The Fund also helps pay for an education for the children.

Honorees at this year's event included ATU Local 726 President, Angelo Tanzi, ATU Local 1056 President, Daneek Miller, NYC Public Advocate, Bill de Blasio, and Sara and Victor

Fusco of the law firm Fusco, Brandenstein and Rada that specializes in workers compensation. Also, special recognition was given to the MTA Chaplains Office.

Bernadette Boggs, widow of Daniel Boggs, who was killed on April 25, 2007, thanked the union for its continuing support, as did the members of several families left without their loved ones due to the dangers of transit work. The ARC Choir, Harlem's Sugar Hill Quartet and De Ja Blu Band provided entertainment for the nearly 400 people who attended.



Honorees Sara and Vic Fusco with Recording Secretary Benita Johnson and Charles Jenkins.



Honoree Bill de Blasio, NYC Public Advocate, speaks with President John Samuelsen looking on.



The ARC Choir performs.



Local 100 officers gather at event with NYC Comptroller John Liu (3rd from left).



Bernadette Boggs, widow of Daniel Boggs, addresses audience.

In Memoriam

Kevin Malusson, Track Vice Chair, Is Mourned

Track Division members were stunned and saddened by the unexpected passing of Division Vice Chair Kevin Malusson. He died at his home on Feb. 24, 2011. He was only 39 years old.

Local 100 President John Samuelsen, who worked closely with Brother Malusson, said: "We're all devastated by Kevin's death. He was a powerful force for fairness and respect for Track Workers throughout the system. Our union has lost one of its strongest advocates. And all of us in Local 100 have lost a loyal friend."

Track Division Chair Jack Blazejewicz added: "Kevin was not only a top notch union rep, he had a heart of gold. He was always the one to offer assistance. He would regularly bring in little things for my kids. Local 100 lost a great officer and we all lost a great friend. Be safe up in heaven, Kev. You will be greatly missed."

Another close friend and Track division representative from the night tour, Shannon Poland, said: "Kev was the best of the best. We used to give foremen nightmares on the night tour playing bad cop, worse cop to insure safety for



the members. My heart felt condolences go out to his mother, sister and nephew. He was a genuine man who was the nicest, kindest, gentlest person you ever wanted to meet until you crossed him or his co-workers. Then it was no holds barred. He will be truly missed by the Track Department, MOW and TWU Local 100."

Born January 17, 1972, Kevin was a native Brooklynite and graduate of John Dewey High School. He joined Transit in 2001 as a Track Worker, and almost immediately got involved in union work. He spent countless hours of his own time after work and on

RDO's working with the union to demand safe worksites.

Earlier this year, he traveled with the Local 100 delegation to Cincinnati, Ohio to participate in the AFL-CIO's annual celebration of the Dr. Martin Luther King, Jr. holiday. He helped paint a local school as part of labor's community outreach there.

He is survived by his mother, Susie Malusson; sister, Gayle Malusson; nephews Steve and Daniel and a host of friends and co-workers from Local 100.

From the left, MOW Vice President Tony Utano, Kevin Malusson, Shannon Poland and President John Samuelsen at MLK commemoration in Cincinnati earlier this year.



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.

William J. Green
Retired MABSTOA Bus
Operator and father of Local 100
Office Manager Kerry Sylvester,
on December 20, 2010.

Sherbert Williams
Retired Conductor
on February 15, 2011.

Sranciszek Dominiak
Active Car Inspector,
Pitkin Shop,
on Sept. 22, 2010.

Joseph Baatz, Sr.
Retired MABSTOA
Bus Operator, Hudson Pier,
on Nov. 3, 2010.

Dianne Ward
Active MABSTOA employee,
on Nov. 11, 2010.

Ronald Smith
Active Conductor
on Nov. 3, 2010.

Gino Lombardi
Retired TA Bus
Maintainer
on October 22, 2010.

Bathold Vollmart
Retired MABSTOA
Bus Operator
on Sept. 29, 2010.

Robert W. Kempfs
Retired Track Worker
on October 15, 2010.

James Morro
Retired TA Cleaner
on June 5, 2010.

John Visone
Retired TA Maintainer
on October 2, 2010.

Joseph Matteo
Retired TA Bus Operator,
Ulmer Park,
on October 12, 2010.

Walter W. Patterson
Retired TA
Surface Employee
on October 19, 2010.

Michael Cowell
Retired Structure Maintainer
on October 21, 2010.

Victor M. Sitiriche
Active TA
Surface Cleaner
on October 11, 2010.

Ephraim Diaz
Active LES Maintainer
on August 30, 2010.

Walter Gayz, Jr.
Retired Liberty Lines
Bus Operator
on Nov. 1, 2010.

Frank Holland
Active Member,
Rapid Transit Operations
on January 23, 2011.

Benny J. Washington
Retired, NYCT Member
on January 11, 2011.

Victor Reveron
Active Car
Maintainer, 207th St.
on January 3, 2011.

Felicia Hickey
Active Station Agent
on December 16, 2010.

Arthur F. Bates
Retiree since 1977
on January 16, 2011.

Martin Hunt
Retiree since 1986
on January 25, 2011.

Leon P. Sealey Sr.
Retired Brake
Maintainer,
on December 7, 2010.

James Malamas
Retired Bus Operator,
Fresh Pond Depot,
on December 7, 2010.

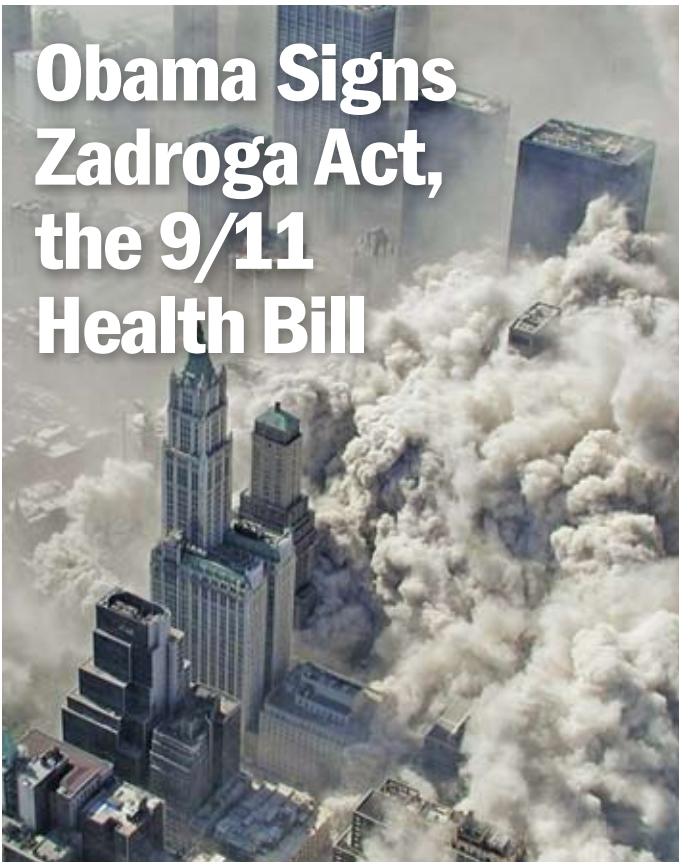
Gene Farrell
Active Car Cleaner,
Fresh Pond Depot,
on November 29, 2010.

Charlie Linea
Active Bus Operator,
Ulmer Park Depot,
on November 2, 2010.

Anthony Basile
Retired Car Cleaner
on November 7, 2010.

Joseph Schnorr
Retiree since 1996,
on February 1, 2011.

Alexander Dixon
Retiree since 1980,
on January 11, 2011.



Obama Signs Zadroga Act, the 9/11 Health Bill

President Obama signed the James Zadroga 9/11 Health and Compensation Act after the new year, paving the way for health care and compensation for New Yorkers – including first responders, volunteers, residents and others who believe they were sickened by the dust from World Trade Center attacks.

The measure, supported by TWU Local 100, the unified unions and many others, provides medical monitoring and medical, mental health and benefits assistance services for those covered by the bill (hundreds of Local 100 members who responded and worked at or near the site fall into this category). It also reopens the September 11 Victim Compensation Fund.

If you believe you are eligible for coverage under this bill, call the World Trade Center Medical Monitoring and Treatment Program at 888-702-0630. Serious 9/11 medical conditions include: Asthma, Interstitial Lung Disease, Asbestosis, Reactive Airway Disease (RADS), COPE, GERD, Chronic Sinusitis, Chronic Rhinitis, Birth Defects, Post Traumatic Stress Disorder and Cancer.

You can also call Phil Caruana at the TWU Compensation Desk at 212-873-6000 ext. 2113 or at 646-235-0783.

50 Years Ago, Dr. King TWU Convention in

2011 MARKS THE 50TH ANNIVERSARY of a defining moment in TWU history—the keynote speech by Dr. Martin Luther King, Jr. at TWU’s 11th Constitutional Convention in New York.

Dr. King’s appearance at the TWU Convention, which had brought delegates from every TWU Local across America to join with Local 100 delegates in New York, came at a crossroads of the American Civil Rights movement.

Dr. King’s appearance at the TWU event came just a few years after the Montgomery bus boycott, sparked by Rosa Parks. And a few months after the first “Freedom Riders” set out on a bus from Washington, D.C. to New Orleans to test the 1960 Supreme Court decision, *Boynton v. Virginia*, which ended Jim Crow practices in interstate travel. The first “Freedom Ride” bus never made it. It was attacked and fire-bombed in Anniston, Alabama, an event referenced by Dr. King in his address at the TWU Convention.

But the great legislative breakthroughs of the Johnson Administration, including the Voting Rights Act, were still years away, and other victories a generation away.

TWU had staunchly supported the civil rights movement, with strong public pronouncements and financial assistance. The union had given important financial support to other civil rights activities sponsored by Dr. King’s Southern Christian Leadership Conference. The

union also provided financial support for a variety of the group’s legal challenges to bring down racial barriers.

Most importantly, though, the union insisted on equality in its workplaces in New York and across the country, using the power of the collective bargaining agreement to insure these rights.

TWU delegates greeted Dr. King, only 32 years old at the time, with a standing ovation. Delegates repeatedly



Rev. Martin Luther King with Mike Quill and Matthew Guinan at 1961 Convention.

ing Addressed New York

interrupted his speech with thunderous applause.

Dr. King lauded TWU for its “crusading spirit,” which he credited with helping to “break through the double-walled citadels of race prejudice” in TWU’s represented properties. “It is pathetic that our nation did not begin decades ago, as did you (TWU), to deal with the evil of discrimination,” stated King. “Had it done so, in 1961 its American Ambassadors in every nation on the globe would not be embarrassed and apologetic because our democratic garments exhibit some gaping moth holes.”

Dr. King also praised the union’s leaders for their principled stands. “You may not always be right,” he said. But you are never going to be intimidated into silence or conformity.

Dr. King addressed many issues that day, including voting rights in the South, the natural alliance between the labor movement and the civil rights movement, and automation of manufacturing jobs. But his most eloquent and profound words attacked the evils of segregation

“If democracy is to live, segregation must die,” he said. “The person of genuine good will may rise up with righteous indignation when a Negro is lynched in Missis-

sippi, or when a bus is burned in Anniston, Alabama. But that same person must rise up with righteous indignation when a Negro cannot live in his neighborhood, or when a Negro cannot get a particular job in his firm or in his organization, or in his particular industry. Or when a Negro cannot join his professional society, simply because of the color of his skin.”

“In the final analysis,” concluded Dr. King, “this problem will be solved when men develop the type of discontent which says, within, ‘We will take it no longer.’”

After King’s address, TWU President Michael J. Quill said in a message to the membership: “As long as 17 million Negroes are treated as second class citizens, our talk about liberty has a hollow sound. The shame and disaster of (discrimination) must be wiped out before we in America should dare to advise the world on the glories of democracy.”

Freedom Riders’ buses were regularly attacked, like this one in Alabama in 1961.



Supplemental Benefits for TWU Local 100 Members

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



M³ Technology “Protecting Your Future Today”

Now available for Members and Family Members: *Critical Illness program with payments for invasive cancer, heart attack, stroke, coronary artery disease, end-stage renal failure, major organ transplant surgery, and cash disease screening benefits.*

Medical problems caused 62% of all personal bankruptcies filed in the United States in 2007, according to a study by Harvard researchers.¹

1. Up to **\$25,000** of tax-free, lump sum benefit face amount payable twice for two of the following (maximum of **\$50,000** for two different illnesses): Heart Attack, Stroke, Invasive Cancer, Renal Failure, and Major Organ Transplant.
2. No medical examinations or blood tests required.
3. Cash Wellness Screening Benefits yearly for: mamogram, PSA prostate, chest x-ray, colonoscopy, stress test, PAP test, glucose test, etc.
4. Up to **\$6,250** (25% of face amount) of tax-free, lump sum benefits for Coronary Artery Disease or Carcinoma in Situ (localized cancer). Either of these benefits payable once.
5. Pays cash lump sum benefits in addition to all other private insurnace.
6. Cash Benefits to cover deductibles, co-pays, and expenses not covered by Major Medical.
7. \$250.00 of tax-free, lump sum benefits for skin cancer.
8. 30-day elimination period.
9. Members do not have to be hospital confined to collect cash benefits.

*Call the TWU Local 100 Member Service Hotline
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