



# Amalgamated Transit Union

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## Local #1576 Newsletter

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April 2009

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Website: [www.atu1576.org](http://www.atu1576.org)

### President's Report by Kathleen Custer, President/B.A.

In response to Lynn Starcher's to our members, attached is the letter I emailed to the CT Board of Directors:

Dear CT Board of Directors:

You adopted the following motion on April 2, 2009:

In response to the letter received from the ATU, the Board of Directors reaffirms the direction given to the bargaining team that all bargaining units should be treated the same with regard to medical contributions. As with the other bargaining units, we offer Paid Time Off (PTO) for 100% medical or direct staff to seek a cost share alternative for medical.

The intent of the Board's motion is that "all bargaining units should be treated the same with regard to medical contributions." The fact of the matter is that CT's Last and Final Offer to ATU regarding medical contributions treats our bargaining unit very differently, and is therefore inconsistent with the Board's own motion.

CT has proposed a PTO system to ATU in exchange for maintaining 100% employer paid medical care. This is similar to other bargaining units. But CT has coupled its PTO proposal to ATU with a harsh and punitive Attendance and Leaves proposal (Article 9). ATU is not being given the option of accepting the PTO proposal but not the Attendance and Leaves proposal. It must accept **both** or lose 100% medical coverage. No other bargaining unit is being forced to accept both a PTO system and a radical revision of its attendance and leave policies in order to keep 100% employer paid medical coverage. In short, ATU is being treated differently than other bargaining units with regard to medical contributions.

I think it is very important that the Board read the Attendance and Leaves proposal in CT's Last and Final Offer. Let me give you just one example of its unfairness: Proposed Article 9.1, D, "Unscheduled Absences," states: "Unscheduled absences, whether paid or unpaid may be excused by management after review of the factual circumstances; otherwise, they are unexcused." What this means is that an absence due to a legitimate, sudden illness is presumptively unexcused and will subject an ATU member to discipline. An ATU member can avoid discipline for an unexpected illness only by revealing personal and confidential medical information to CT management. Under this proposal, CT managers can discipline an ATU member for a sudden illness even if the member has a doctor's verification.

Neither the IAM Supervisors nor Mechanics have such draconian attendance and leave policies in their collective bargaining agreements. Their attendance and leave policies are comparable to the attendance and leave policies that have applied to ATU members until now.



## President's Report (continued)

ATU believes that this should continue to be the case. LAM Supervisors and Mechanics are not being asked to accept radical changes to their attendance and leave policies, in addition to agreeing to PTO, in order to keep 100% employer paid medical benefits. ATU is. CT's Last and Final Offer to ATU is in direct conflict with the Board of Director's motion that all bargaining units be treated the same with regard to medical contributions.

Our membership has indicated that the adoption of a PTO system is not in and of itself their biggest concern. They are, however, uniformly opposed to CT's Article 9 proposal. If CT and ATU go to interest arbitration over medical contributions issues, it will likely be the result of CT's insistence that ATU alone among the bargaining units agree to an unreasonable attendance and leaves policy, and not because of PTO.

In sum, I hope you will heed your own words and ensure that CT treats all of the bargaining units equally with regard to medical contributions. Consistent with the Board's motion of April 2, we ask that CT be directed to withdraw its proposal that ATU modify the current policies on attendance and leaves as an additional requirement for the continued payment of 100% medical benefits.

As usual, should you have any questions or would like further detail please don't hesitate to contact me.

On behalf of the ATU membership and negotiating team,



Kathleen M. Custer, President/Business Agent ATU Local 1576

Contract negotiations continue with the First Transit property in Tacoma and have progressed positively. We have scheduled several days in May to continue negotiations and hope to be able to bring a contract to you soon. Special thanks to Roy Ott and Laura Sandoval for their hard work.

I recently filed a grievance against First Transit in Everett, on behalf of the Union membership regarding the implementation of a new Employee handbook. First Transit has issued a revised employee handbook to all properties, whether Union represented or non-represented. After sending the company a letter demanding to bargain this handbook, I received no official response. General Manager Ken Rutz explained to me, however, that Corporate had given the directive to implement the handbook. I filed the grievance upon first notification.

After First Transit denied the grievance, I immediately submitted the grievance for arbitration to the Executive board and the Membership at the April 19th meeting cycle so no time was wasted. The arbitration vote was unanimous. I will keep you informed of the progress once the date is scheduled.

In the meanwhile, I urge you to be cautious and pay close attention to what you do/don't do. This handbook is very punitive in nature and the discipline is severe, including termination for what generally would be a counseling session. If you are disciplined under this revised handbook, please contact a Union Steward for review of any potential grievance.

Take Care and thank you for your patience.

Kathleen Custer

President/BA

Amalgamated Transit Union

Local #1576



## **Financial Secretary/Treasurer's Report by Patty Ceis**

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### **"What About the Employee Free Choice Act?"**

There's a lot of controversy you may have heard concerning an important pro-Labor bill coming up soon for a vote in our U.S. Congress, the "Employee Free Choice Act" (EFCA). After going to the most recent ATU International Legislative Conference in Washington D.C. (four days in March, paid by our International office), here's what I've learned about it. Unlike what the opposition says, under the proposed EFCA, the secret ballot choice will still be available like it is now - an employee can walk into his bosses' office and tell him that he wants a secret ballot election to find out what the interest is to Unionize employees. Not many employees do that now because of the jeopardy they put their own job into by doing it. The EFCA would enable employees to have a second option of bypassing their employer and go straight to a Union to fill out cards. If more than 50% of the employees want a Union, then one can come in with legal rights to organize. The employees would have the right to a choice of those two methods. (Which one do you think will be more popular?)

About 80 years ago, yes, Unions were known to strong arm people but that hasn't been the case for many, many years and unfortunately, many entertaining talk shows and employers are still giving Unions a bad wrap because of the past history - "employers good, unions bad".

As the law is now, employees can have a secret ballot and vote to have a Union come in and organize but when it comes to getting a contract, then the employer will do everything they can to sabotage efforts and labor has no legal right to secure one. There are presently many cases where this has happened and the employees are no better off than before their secret ballot vote because they can't secure a contract.

Another advantage labor would have if the EFCA passes, is that it will allow a Union to force any employer into arbitration if they drag their feet too long on settling a contract. Then an arbitrator would decide from both side's proposals what the contract would be. I've been told by our ATU International Political Director that right now, Labor has the support in Congress that's needed in order to pass this bill. However, there are many companies/corporations who are banding together to put out a huge media campaign against this, before Congress' vote takes place. Organized Labor will be trying to put out enough media as well to compensate for that in order to hold onto the support they now have.

Unions need all the support we can muster so we can hold onto what we've fought for so hard and so long to get! Please contact your federal legislators, both Senators Murray and Cantwell, and House Representatives in your district and tell them you support Unions and that they should vote for the Employee Free Choice Act. This is the most important thing you can do right now to sustain strength in our Union.

Patty Ceis  
Financial Secretary/Treasurer



## **Vice President's Report by Rick Jurkovic**

### **Shop Steward Training Coming Soon from the Federal Mediation Conciliation Service (FMCS).**

Soon, we will be adding new Shop Stewards to our list. These and current Shop Stewards will serve for 12 months following their appointment. To become a Shop Steward, be sure to sign up when the position is posted on the Union bulletin boards. I have been in contact with FMCS assistance with Shop Steward training. FMCS works with both employers and Labor and provides training classes. All EBoard officers, Shop Stewards and any new Shop Stewards will be eligible for this training, which will be done over two Saturdays sometime this summer. The goal is to have well trained Stewards who will research and represent our Members well on a non-confrontational basis with Management.

I would like to thank Shop Steward **Patricia Davis** from Senior Services (DART) for the great job she did representing seven new employees at Senior Services. Patricia became aware that several of the new employees were not being paid for the mapping they were doing before starting their shifts. Often new employees feel intimidated by Management while they are on their probationary period and try not to "rock the boat". While Management may not consider themselves intimidating, the rules we work under with the threat of termination are very intimidating so I can understand a new employee feeling that way. Patricia Davis picked up on the situation and filed a grievance on their behalf which in part asked that this be researched by Management with the remedy that these new employees are made whole. As a result, seven employees were paid over 65 hours of mapping which was over \$800.00 total. Our Members at Senior Services are fortunate to have someone like her go to bat for them, even when they were unaware.

In Solidarity,  
Rick M. Jurkovic



At the March 25th meeting of the SCLC, our Vice President, Rick Jurkovic, stood up and gave the Council a very detailed report of the ongoing negotiations with CT. If you think you're tired of hearing about this, you're not alone judging by the number of raised eyebrows in the room. Our fellow Snohomish County Union delegates are both sympathetic and supportive.

Our moment of justification came when newly elected CT Board of Directors member Mike Cooper addressed the Council. At the end of his address, he spoke directly to Rick saying 15 months is unacceptable to go without a contract. He told the gathering he would do everything in his power to help us get our contract finalized. **THANK YOU MIKE COOPER!!**

Here's couple of dates you may want to make note of. The Letter Carriers Food Drive is Saturday, May 9th, so please stock up during sales and donate to the hard-working Mail Carriers for donation to those in need. Thank you. On Saturday, June 6th, the 8th annual Flight for Sight Run and Walk for Guide Dogs of America takes place at the Everett Boeing Activity Center. For more information on or to take part in please call 206-764-0319 or 1-800-763-1301, ext. 3319 or online at [www.iam751.org/funrun.html](http://www.iam751.org/funrun.html).

Thank you for all your hard work,  
Chris Brydges



## **Commentary by John Sainz, Recording Secretary**

I was asked recently how I was doing. This was the day after Lynn Starcher's letter, which only verified what I had believed already. Despite her protestations to the contrary, our CEO doesn't give a rat's posterior about the ATU Membership. I was a tad miffed at the company, to say the least. Sadly though, I now consider that emotion to be the norm when dealing with CT.

I was told that it was the private sector that was so difficult to deal with. However, your negotiating teams secured contracts with both FT Everett and Senior Services (DART) with both sides being reasonably happy with the results. **These are private sector companies.** We hope for similar results with the recently begun negotiations with FT Tacoma.

I spent 6 years in the US Air Force and was treated far better than CT wishes to be able to do in their contract proposal. It should be noted, they are not proposing the exactly same for ATU as they did for IAM. Any nonsense from Ms. Eleanor about treating everyone the same is just so much tripe.

I have also been asked my recommendation. I cannot tell you what to do. I can only speak to what I feel is in my family's best interest. My wife used to work here and she's in total agreement with my choice, let it go to Arbitration. Neither side will come out a winner if we do, but I will not cut my own throat for a couple thousand dollars now and a five year long reign of terror later. In the end, any decision will come from you, the Membership. All I ask of you is that you all fully understand what is at stake here.

I have just returned from the ATU Western Regional Seminar in Seattle. This was my second such conference. I learned more about communications, particularly ways to broadcast to the younger, more technologically savvy Members. I also received specific training in Negotiations (a course CT's negotiating team should take. On the final two days I had the great privilege to be taught the art and rules of running Executive Board and Charter Meetings by one of the finest Instructors the ATU has ever had teach at its seminars. The gentleman's name is John Lund. We will suffer the loss of his teachings (he says he's arranged to get them on the International's website) as he has only one more seminar to teach. We will, however, gain a valuable Labor ally as Mr. Lund has been tapped to become the Deputy Assistant Secretary Of Labor for the Office of Labor and Management Standards in Washington, DC.

See you at the All Members' Meeting. Be safe.  
John



### **Tacoma-Based Union Representatives Overwhelmed In Difficult Driver Area** by Bob McLauchlan, Driver, FT Tacoma

A high number of Shuttle Driver terminations and disciplinary actions under previous Management plus the current battle to improve the Union contract have kept three Union Representatives very busy "fighting" for Drivers' rights.

According to Laura Sandoval, Roy Ott and Tony Digilio, the past year and a half has been very difficult because of the high Driver turn-over rate, the extensive number of firings and the large number of disciplinary actions taken against the First Transit Operators. Both Laura and Roy, who are Executive Board Officers who have more than 29 years combined driving Pierce transit shuttles, have never seen a period like this. In fact, Roy, who has been on the contract negotiating team since 1999, joined Laura as an Executive Board Officer because she was so overwhelmed with Union work. They both spend between 40-60 hours per month working strictly on Union issues. This is in addition to their 40-plus hours per week driving shuttles. Compensation for their effort: \$40 each per month-less than a dollar per hour.

"We do everything we can to help make sure things get better for Drivers" Laura said. "I am very passionate about this. I would just like management to follow the contract and Drivers to be treated fairly. In the past, there have been too many cases where one Driver is treated differently from another driver. This has to stop." Like Laura, Roy says he really "likes to fight for the rights of the Drivers." He has been very concerned about the fact that Drivers will "not stand up on their own behalf. Drivers need to come to us with issues....and not be afraid of repercussions." Shop Steward Tony Digilio said all three of the Union Representatives are available in the event of a problem or work related issue. "A Union Representative is like a lawyer," Tony emphasized. "Something can be said wrong....interpreted wrong....and can come back on the Driver. Do not say anything without Union help. You cannot be denied Union representation."

The major question frequently asked of the Union is "What do you do with the \$44 per month plus initiation dues taken out of Drivers' checks?" It was explained that this money is for the operational costs of the Amalgamated Transit Union, Local 1576 based in Everett, for example to pay wages lost by the Officers in performance of Union duties, paying required government fees, funding the Arbitration account and paying our attorney.

Tony said much of what happens behind the scenes regarding discipline against Drivers remains private, so most of the Union Reps.' work done to aid individual Drivers goes unseen. Recently a Driver received a suspension. The Tacoma group plus the Everett headquarters and the attorneys stepped in to not only get the Driver's job back, but also 100% back pay. Tony stresses that this was not the first, or last, case where the Union stepped in to protect Drivers' rights.

With the recent resignation of the previous Acting Project Manager, Laura and Roy hope this change will lead to better communications and a better relationship between Management and the Union. Raul Silva, the new Project Manager, has indicated his desire to work closely with the Union Representatives.

The contract between First Transit and the Union ends April 30th. The three major issues are: higher salaries, lower medical costs and eliminating "mandatory" six days.

(See "Hard Working Reps." on Back)

### **What To Do If You Have a Health and Safety Problem**

by Dani Charles, Executive Board Officer, CT

I was recently contacted by a member who had an on the job injury due to a safety issue that she felt was not addressed appropriately. She felt frustration because she did not know where to turn to address the issue in order to avoid future injury to others. Later that same day I learned of several others who had the same issue on the same day. Everyone felt nothing was being done about it. I would like to talk about reporting safety issues and how they are or should be addressed.

If you have an emergency situation, where someone could potentially face an immediate health and safety risk, call Dispatch immediately. This is the first and best thing you can do, so that if necessary your co-workers can be informed over the radio and on the information board. This is our responsibility, to make the initial report. A lot of us take it a step further and alert our co-workers when we see them at the park and ride, or back at base. We have all learned of hazards to avoid from our fellow drivers who get the word out to us. The frustration comes when we see long term hazards not being addressed, and don't know how to take it a step higher.

There is a next step you can take. Community Transit has a joint Labor-Management Health and Safety Committee whose job it is to address safety issues. There are forms in front of dispatch for you to fill out concerning the safety issue you see, and these issues are then brought to the Safety Committee agenda to be addressed. Rest assured, we are equally represented at this meeting, with members of our Union who have been elected by you to serve on this committee. You must turn in the form one week prior to the Safety you miss that deadline, your suggestion will be taken up at the following meeting.

The elected members of the Safety Committee are posted on the wall in the main hallway so that you know who you can contact with your concerns. I have sat in on a few of these meetings. When a concern comes through it is assigned for review and then at the next meeting the person who investigated the safety issue reports back what they found and makes any recommendations to the committee for fixing the problem. The member who provided the safety concern may be contacted for further information but in any case is given feedback at the end of this process.

These suggestions do not disappear into thin air as many suppose. Even if you think another member may have given the same suggestion, give your concern to the committee anyway. They may be already working on similar issues and your additional input will be valuable. A write up of the committee meeting is posted for members to review the suggestions that have already come through the committee and what if anything was done about it. Even if we do not get the outcome we desire, we have given our input and documented the safety issue.

Many of us view the Safety Committee as a bureaucratic roadblock to addressing safety concerns. However, it is our right to be represented at these committee meetings, by our fellow employees. Your elected Safety Reps are much closer to the work and working conditions than are Management, and the committee is there to ensure these concerns are heard, and addressed. It is Management's responsibility to keep your job safe. This responsibility is written into both federal OSHA laws and state DOSH laws. Part of the company's responsibility to fulfill these requirements is to have a functioning Safety Committee. Let's take advantage of the input we have in this process and get our safety concerns in to the committee and documented.



### Officer Contact Information

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**John Sainz, Recording Secretary**

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### \*Upcoming Charter Meetings\*

**Sunday May 17, 2009 @ 1:00 P.M.  
(2810 Lombard, Everett)**

**Sunday May 17, 2009 @ 5:30 P.M.  
(IBEW Hall, 3049 S. 36th, Tacoma)**

**Tuesday May 19, 2009 @ 10:00 A.M.  
(2810 Lombard, Everett)**

**Amalgamated Transit Union  
Local #1576**

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### WEINGARTEN RIGHTS

**“If this discussion could in any way lead to my being disciplined or terminated, or affect my personal working conditions, I respectfully request that my Union Representative, Officer, or Steward be present at this meeting. Without representation present, I choose not to participate in this discussion.”**

Commentary By Randy N. Ekstrand ,  
Executive Board Officer, Senior Services

Hello Fellow DART/ATU Members. At last the seven months of labor talks have resulted in a I think is a good contract. At this time the handbooks for all of you are in the works.

I would like to thank all that came to the meeting. Your presence tells all who worked on the contract that you are concerned with not only with how it concerns you, but with the good of the company, and the passengers we transport. The final results 40 yes 4 no, out of 81. Tells me, as one of your Executive Board Officers, that 50% of the work force (the national average in not a lot better) took the time out of busy days to voice their conscience which, when all is said and done, is all we can do. On that subject, with 26 years in the Marine Corps 13 years at DART, and having been on the planet 59 years, it's been my guide.

My dad made an off the cuff statement years ago. "When you look in the mirror to shave, what do you see?" I personally think for a horse tradin' cowboy that was meaningful.

In solidarity, Randy N. Ekstrand.



(“Hard Working Reps. cont. from Page 3)

One of the secondary issues is the language itself. Too often the language can be misinterpreted, Roy said. “We need to be careful how the contract is worded.” All three agreed they will do everything in their power to ensure the more than 90 full- and part-time Drivers get the best contract package possible for the next few years.

Roy added that Driver input is still needed and much appreciated. A great place to express concerns is the monthly Union meetings. The correct Information is located on the back wall and the front blackboard.



These are the bid dates for the rest of the year:

**May 16th and 17th: these dates are set.**

**August 22nd and 23rd: Per manpower Scheduling,  
these dates are not finalized**