

Fall Meeting, 2019

Las Vegas, NV, September 16-20, 2019

FIRST SESSION

The meeting convened at 9:00 a.m. on Monday, September 16, 2019. General Executive Board members present were Richard Murphy, Janis Borchardt, Paul Bowen, Kenneth Kirk, Marcellus Barnes, Rafael Rivera, Yvette Trujillo, Gary Johnson, Sr., Robin West, Charles Watson, Bruce Hamilton, Michelle Sommers, James Lindsay, III, Emanuele Sforza, John Callahan, Curtis Howard, Natalie Cruz and Anthony Garland. International President John A. Costa presided. Also, in attendance, were International Secretary-Treasurer Oscar Owens, International Executive Vice President Javier M. Perez, Jr., General Counsel Robert Molofsky, Assistant General Counsel Dan Smith, and Executive Assistant to the International President Mary Goldsworthy.

REPORT OF THE INTERNATIONAL PRESIDENT

International President John A. Costa convened the meeting and reviewed the agenda for the week. He noted that the planning for the International Convention was nearly complete, and that advance work was well under way. He also noted, that retired officers would be joining the Board meeting on Friday, September 20, 2019, and would also join the Board for dinner on Saturday, September 21, 2019.

International President Costa touched on some of the fights in which ATU and our local unions were engaged. He discussed recent efforts by certain members of Local 591 (Gatineau, QC), to disaffiliate from the ATU. He reported on his meeting with Local 591 officers regarding their concerns, including issues related to the available International Union resources and trainings in French. He reported on the International Union's campaign to ensure that Local 591 understands what is at stake, and the importance of the Local staying in the ATU. The Board discussed the issue following International President Costa's report.

REPORT OF THE INTERNATIONAL PRESIDENT APPROVED (with amendments)

Upon motion duly made and seconded, the General Executive Board approved the report of the International President, with the following amendments: page 1, should reflect that President Costa attended all meetings of the Board of Directors of the ATU Training and Education Center, Inc. (ATU TEC), and meetings of the Trustees of the ATU Pension Plan for International Officers and Employees and the Trustees of the 401(k) and 457 plans sponsored by the ATU (ATU Pension Plans); page 3, should reflect that International Executive Vice President Perez attended all meetings of the Board of Directors of the ATU TEC, meetings of the Trustees of the ATU Pension Plans, special meetings of the General Executive Board and the Lawrence J. Hanley memorial service; and page 4 should reflect that International Secretary-Treasurer Owens attended all

meetings of the Board of Directors of ATU TEC, meetings of the Trustees of the ATU Pension Plans, special meetings of the General Executive Board and the Lawrence J. Hanley memorial service.

AUDIT COMMITTEE APPOINTED

Appointed to the Audit Committee by International President Costa, were International Vice Presidents Robin West, Gary Johnson, Sr., and Charles Watson. International Vice President Johnson was designated as Chair.

REPORT OF THE INTERNATIONAL SECRETARY-TREASURER ON ATU-COPE APPROVED

Upon motion duly made and seconded, the General Executive Board approved the report of the International Secretary-Treasurer on the Amalgamated Transit Union Committee on Political Education (ATU-COPE). The report as presented, appears below.

The ATU-COPE program collects voluntary contributions from ATU members for the purpose of making contributions to, and expenditures for candidates for federal, state and local offices and addressing federal, state and local political issues.

ATU-COPE consists primarily of the Voluntary Account, which is used to make contributions to candidates for federal elections (i.e., U.S. Senate, U.S. House and U.S. President), and to state and local candidates in jurisdictions which strictly regulate political contributions. In addition to the Voluntary Account, ATU-COPE maintains the Special Holding Account for contributions to state and local candidates, and maintains separate accounts in Missouri, New York and Rhode Island, as required by those states' laws.

The highlights of the contributions paid from the various funds (combined) for the six-month period ending June 30, 2019, are as follows:

Federal

Senatorial Campaigns	\$ 6,500.00
Congressional Campaigns	\$115,500.00
Other	\$ 5,000.00

State

Senatorial Campaigns	\$ 16,350.00
Representative Campaigns	\$ 20,080.00
Other	\$ 60,750.00

Local

Mayoral Campaigns	\$ 3,350.00
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Councilperson Campaigns	\$ 38,750.00
Other	\$ 47,334.00

Between January 1, 2019 and June 30, 2019, ATU-COPE took in contributions totaling \$494,415.39. As of June 30, 2019, the funds had a combined available balance of \$542,815.28.

REPORT OF THE INTERNATIONAL SECRETARY-TREASURER ON THE ATU MS RESEARCH FUND APPROVED

The 34th Annual Golf Tournament for the benefit of multiple sclerosis research is scheduled for October 20 - 21, 2019, at Worthington Manor Golf Club in Urbana Maryland.

The practice round is on Sunday, and the official tournament begins with a shotgun start at 10:00a.m. Monday morning. The format this year will mirror our former tournaments, modified shamble using Callaway scoring. A super ticket may also be purchased entitling the participant to two gimmie putts and one mulligan. A buffet lunch will be provided at the turn, followed by a banquet ceremony with prizes, and raffles.

We will continue the traditional hole-in-one contest with a brand-new Cadillac as reward for anyone with enough skill or luck to accomplish a hole in one on the selected par 3 hole. The million-dollar shot contest will once again be scheduled. The golfer that is closest to the pin on a pre-selected hole, gets the opportunity to try for a hole-in-one from the fairway, and if successful, wins \$1,000,000.00.

Financial Statements for the period of January 1, 2019, through June 30, 2019, for both the U.S. and Canadian MS Research Funds follows.

Upon motion duly made and seconded, the members of the General Executive Board approved the report of the International Secretary-Treasurer on the ATU MS Research Fund. The report as presented, appears below.

ATU MS RESEARCH FUND
STATEMENT OF RECEIPTS AND DISBURSEMENTS
JANUARY 1, 2019, THROUGH JUNE 30, 2019

U.S. OPERATIONS

Cash in Bank – January 1, 2019 \$27,819.38

CASH RECEIPTS

Local Union Contributions \$ 1,626.59
Booster Contributions 627.29

Total Cash Receipts \$ 2,253.88

TOTAL CASH AVAILABLE \$30,073.26

CASH DISBURSEMENTS

Golf Tournament Expenses
Donations \$26,000.00
Miscellaneous Expenses 8.24

Total Cash Disbursements \$26,008.24

Cash in Bank – June 30, 2019 \$ 4,065.02

ATU MS RESEARCH FUND
STATEMENT OF RECEIPTS AND DISBURSEMENTS
JANUARY 1, 2019, THROUGH JUNE 30, 2019

CANADIAN OPERATIONS

Cash in Bank – January 1, 2019 \$33,344.40

CASH RECEIPTS

Interest Income \$ 76.85

Total Cash Receipts \$ 76.85

TOTAL CASH AVAILABLE \$33,421.25

CASH DISBURSEMENTS

\$ 00.00

Total Cash Disbursements \$ 00.00

Cash in Bank – June 30, 2019 \$33,421.25

REPORT OF THE INTERNATIONAL SECRETARY-TREASURER ON THE ATU SCHOLARSHIP PROGRAM APPROVED

Upon motion duly made and seconded, the members of the General Executive Board approved the report of the International Secretary-Treasurer on the ATU Scholarship Program. The report as presented, appears below.

The selection process for the Amalgamated Transit Union 2019 Scholarship Competition named in memory of retired International President Ronald J. Heintzman, who passed away in April 2018, and retired International Executive Vice President, Robert Baker, Sr., who passed away in May 2018, was completed during this period by the Scholarship Selection Committee. The Committee was chaired by Trip McLaughlin, Senior Vice President, Investments, Morgan Stanley. Committee members consisted of Cynthia Watson, Watson Labour Lawyers and Christian Phillips, CPA, President/CEO, Eberts & Harrison. Brian Doherty, ULLICO, was excused from the meeting

A total of 59 applicants met all of the program requirements. These were reduced to 13 finalists.

A merit system that weighed scholastic performance, school evaluations, personal activities (a biographical statement) and the required essay, was used to select the winners.

In reviewing the essays, the Committee evaluated each of the following criteria: content and originality; and grammar, style, and spelling. Evaluations were based upon the content of the answers as an indication of the student=s critical thought process in response to each question.

For scholastic performance and school evaluation, the Committee relied primarily on information furnished by the various secondary schools. They looked for those who made a contribution to their schools and those who showed a willingness to hold part-time jobs during the school year and during the summer. They also considered any special circumstances that may have influenced the student=s academic performance.

The Committee complimented the applicants for their interesting biographical statements and essays. This year’s winners are as follows:

Linda Washburn, daughter of ATU Local 85 member Robert Washburn, who plans to pursue degrees in political science, history and pre-law.

Olivia Sadilek-Thring, daughter of ATU Local 569 member Michael Thring, who plans to pursue a degree in physiology.

Valerie R. Puliafico, daughter of ATU Local 589 member Joseph Puliafico, who plans to pursue a career in chemistry.

Rylee A. Funk, daughter of ATU Local 689 member Dominic Funk, who plans to pursue a degree in biology/pre-med.

Francesca M. Marchese, daughter of ATU Local 726 member Anthony Marchese, who plans to pursue degrees in environmental studies and language.

Celine Y. Tseng, daughter of ATU Local 1277 member Bill Tseng, who plans to pursue a degree in nursing.

REPORT ON THE TRUSTESHIP OF LOCAL 268 (CLEVELAND, OH)

International Vice President Natalie Cruz reported on the trusteeship of Local 268 (Cleveland, OH). The trusteeship was instituted in part to address excessive spending by the local union following its failure to amend its bylaws to reduce the number of full-time officers, monthly stipends, and other expenses. She reported on the progress to address the local union's finances and pending grievances, improve administrative practices and communication with bargaining unit employees, and to build up member support following a significant reduction in membership. She noted the local union's treasury was growing and that the local union had added 100 new members. She observed that the bylaws needed to be worked on. The trusteeship was continuing at the close of the reporting period.

REPORT ON THE TRUSTEESHIP OF LOCAL 1374 (CALGARY, AB)

International Vice President John Callahan reported on the trusteeship of Local 1374 (Calgary, AB). The trusteeship was instituted to assist with the restructuring of the local, following a large drop in membership (over 400 members), resulting from the cessation of service by Greyhound Lines, Inc., in Alberta, Canada. Arrangements were made to transfer Local 1374's remaining Greyhound members, and its members employed by the Intercity Brewster Transport Company, Ltd., to Local 1415 (Toronto, ON). Arrangements were made to transfer Local 1374's members employed by the Red Deere Transit System, to Local 569 (Edmonton, AB). The lack of local union officers had complicated the ability of the trusteeship to wind down. The trusteeship continued at the close of the reporting period.

REPORT ON THE TRUSTEESHIP OF LOCAL 1593 (TAMPA, FL) AND LOCAL 1771 (ESCAMBIA COUNTY, FL)

International Vice President Curtis Howard reported on the status of the trusteeships of Local 1593 and Local 1771.

International Vice President Howard reported on the progress to date, to address the financial issues of Local 1593 (Tampa, FL), including payment of back per capita tax and outstanding legal fees. He also, advised that the local's revised bylaws had been approved. Howard recommended additional training on grievance arbitration and terminating the trusteeship following the election of new officers. In particular, he believed that the local union needed to win paid union leave in order to alleviate a major financial burden on the local.

Howard also reported that he has been working with Local 1771 (Escambia County, FL), and that he was assisting it and Local 1395 (Pensacola, FL), to effectuate a merger of Local 1771 into Local 1395. The membership of Local 1771 had voted to merge into Local 1395, and he expected the merger to be completed by the end of 2019. Both trusteeships continued at the end of the reporting period.

REPORT ON THE TRUSTEESHIP OF LOCAL 1745 (KANKAKEE, IL)

International Vice President Janis Borchardt reported on the status of the trusteeship of Local 1745 (Kankakee, IL), and her progress to address the local's administrative and financial issues, and collective bargaining with the local's largest employer. The local union was in bargaining negotiations with First Transit. Borchardt was working on revisions to the bylaws. The trusteeship continued at the end of the reporting period.

REPORT ON THE TRUSTEESHIP OF LOCAL 1756 (ARCADIA, CA)

International Vice President Yvette Trujillo reported on the status of the trusteeship of Local 1756 (Arcadia, CA). The trusteeship was instituted to address financial and operational issues. She reported that internal organizing was going well, and that the local union was in the midst of determining the amount that the former president/business agent owed the local union. The trusteeship continued at the close of the reporting period.

REPORT ON THE TRUSTEESHIP OF LOCAL 1764 (WASHINGTON, DC)

International Executive Vice President Javier M. Perez, Jr. reported on the status of the trusteeship of Local 1764 (Washington, DC). He noted that there had been substantial progress under the trusteeship. The local union paid its per capita tax arrearage, it was in the process of reconciling its membership lists, signing up non-members and was waiting for the conclusion of the most recent audit. He also reported that the local union had organized three different groups of workers and it would organize an additional property shortly, and that bargaining had been going well. The trusteeship continued at the close of the reporting period.

REPORT ON THE TRUSTEESHIP OF LOCAL 1772 (ENGLEWOOD, CO)

International Vice President Yvette Trujillo reported on the trusteeship of Local 1772 (Englewood, CO). She reported that the local union had won an all-union agreement election and that the trusteeship was progressing well. She also reported that bylaws had been submitted to the Board.

GENERAL DISCUSSION

The remainder of the session was devoted to discussion among the International Executive Officers and members of the Board.

The meeting adjourned at 12:20 p.m., to reconvene at 9:00 a.m. on Tuesday, September 17, 2019.

SECOND SESSION

The meeting convened at 9:00 a.m. on Tuesday, September 17, 2019. General Executive Board members present were Richard Murphy, Janis Borchardt, Paul Bowen, Kenneth Kirk, Marcellus Barnes, Rafael Rivera, Yvette Trujillo, Gary Johnson, Sr., Robin West, Charles Watson, Bruce Hamilton, Michelle Sommers, James Lindsay, III, Emanuele Sforza, John Callahan, Curtis Howard, Natalie Cruz and Anthony Garland. International President John A. Costa presided. Also, in attendance were International Secretary-Treasurer Oscar Owens, International Executive Vice President Javier M. Perez, Jr., General Counsel Robert Molofsky, Assistant General Counsel Dan Smith, and Executive Assistant to the International President Mary Goldsworthy.

APPEAL TO THE GENERAL EXECUTIVE BOARD

Local Union 689 (Washington, DC)

Linda Lattimore-Mercer

There came before the General Executive Board an appeal by Local 689 Member Linda Lattimore-Mercer, of the March 12, 2019, decision of the International President Lawrence J. Hanley, wherein President Hanley determined that Sister Lattimore-Mercer was ineligible to run for the office of Shepard Parkway Division Executive Board Member/Shop Steward, because she had not served as a bus operator since 2016, as a result of medical disqualification and was participating in the WMATA Section 124/161 program, which placed her in a job outside of the Shepard Parkway Division. Sister Lattimore-Mercer appeared before the Board via an arranged conference call and provided background information and her views on the issues raised.

After a thorough deliberation of all the facts and evidence in this case, the Board, upon a motion duly made and seconded, voted to sustain the election appeal based on the unique circumstances present. However, the Board ordered that a new election be held only if Sister Lattimore-Mercer indicated her willingness to run for office and made herself eligible to do so by December 1, 2019, and that in no event would nominations be reopened.

REPORT ON ORGANIZING

International Executive Vice President Javier M. Perez, Jr. reported on the ongoing efforts to build the union through organizing new properties. It was noted that the ATU, working with its local unions, has successfully organized thousands of workers since the convention in Toronto, ON, in 2016. This success has been in the face of increasing employer recalcitrance. It appears that there are significant opportunities to organize additional transit workers that could be seized upon with the addition of training of rank-and-file leaders.

Upon the conclusion of the report there was discussion of the strength of the ATU's current internal organizing and the favorable outcomes which have been achieved.

Upon a motion duly made and seconded, the Board approved the organizing report.

CONVENTION BRIEFING ON THE CONSTITUTION AND GENERAL LAWS

General Counsel Robert Molofsky briefed the Board on the resolutions to amend the Constitution and General Laws (CGL), which will be discussed at the 59th International Convention. He explained that the International President's sole resolution sought to amend the CGL in reaction to recent litigation involving Local 113 (Toronto, ON). The proposed amendment would clarify the meaning of dual unionism, what constituted chargeable dual unionism, and would clarify that any action taken under the CGL Section 22.2, Charges Involving Dual Unionism, would be subordinate to federal, state and provincial laws consistent with the CGL Section 43, Subordination to Other Laws.

Molofsky reported that four local unions submitted five different resolutions proposing amendments to the CGL. He reported that Local 113 (Toronto, ON), submitted a resolution which would alter a number of sections regarding dual unionism, withdrawal of local unions from the ATU and other provisions pertinent to the relationship between the International Union and its affiliates. He also reported that Local 113 had submitted the resolution only so it could get a full and fair hearing at the International Convention, and that it did not support the resolution.

He also reported that Local 241 (Chicago, IL), submitted a resolution to amend the CGL Section 12.6, Trusteeships, in order to provide more input by members of a local union in trusteeship, prior to the amending of the bylaws under this section. He reviewed a second resolution from Local 241, which sought to require the International Union to issue journeyman cards to ATU represented maintenance members.

General Counsel Molofsky discussed a resolution submitted by Local 1015 (Spokane, WA), regarding the CGL Section 18.1, Per Capita Tax, subsection (c) to broaden the scope of transit services which may be exempted from per capita tax obligations in the months of July and August. Lastly, he reported on the various amendments proposed by Local 1321 (Albany & Troy, NY), which would affect the bylaws amendment process and other items involving local union governance.

WITHDRAWAL OF CHARGE BROUGHT UNDER ETHICS POLICY APPROVED

It was reported that the charge brought under the International Unions' ethics policy against International Executive Vice President Javier M. Perez, Jr., had been withdrawn by the charging party. Upon a motion duly made and seconded, the Board approved the withdrawal of the charge and closed the matter.

MOTION TO REVIEW THE FINANCES OF THE ATU TRAINING AND EDUCATION CENTER (ATU TEC)

Upon a motion duly made and seconded, the General Executive Board determined that it would meet after the International Convention to review the finances of the ATU TEC.

MOTION TO RAISE PER DIEM OF OFFICERS AND STAFF TRAVELING ON BUSINESS

Upon motion duly made and seconded, a majority of the General Executive Board approved raised the per diem paid to ATU officers and staff traveling on union business, to \$100 per night.

GENERAL DISCUSSION

The remainder of the session was devoted to discussion among the International Executive Officers and members of the Board.

The meeting adjourned at 3:35 p.m., to reconvene at 9:00 a.m. on Wednesday, September 18, 2019.

THIRD SESSION

The meeting convened at 9:00 a.m. on Wednesday, September 18, 2019. General Executive Board members present were Richard Murphy, Janis Borchardt, Paul Bowen, Kenneth Kirk, Marcellus Barnes, Rafael Rivera, Yvette Trujillo, Gary Johnson, Sr., Robin West, Charles Watson, Bruce Hamilton, Michelle Sommers, James Lindsay, III, Emanuele Sforza, John Callahan, Curtis Howard, Natalie Cruz and Anthony Garland. International President John A. Costa presided. Also, in attendance were International Secretary-Treasurer Oscar Owens, International Executive Vice President Javier M. Perez, Jr., General Counsel Robert Molofsky, Assistant General Counsel Dan Smith, and Executive Assistant to the International President Mary Goldsworthy.

DISCUSSION OF CONVENTION LOGISTICS

International President Costa discussed staff arrivals, the locations of different events, contract modifications and discussions with the Paris Hotel, and the means by which delegates would be provided with notification of conference board and caucus meetings.

STRIKE SANCTIONS

LOCAL 1548 (PLYMOUTH, MA)

The General Executive Board, acting pursuant to the CGL Section 20.2, granted strike sanction to the members of Local 1548 (Plymouth, MA), employed by Transdev.

LOCAL 998 (MILWAUKEE, WI)

The General Executive Board, acting pursuant to the CGL Section 20.2, granted strike sanction to the members of Local 998 (Milwaukee, WI), employed by Milwaukee County Transit System.

LOCAL 192 (OAKLAND, CA)

The General Executive Board, acting pursuant to the CGL Section 20.2, granted strike sanction to the members of Local 192 (Oakland, CA), employed by Alameda-Contra Costa Transit.

LOCAL 1493 (RALEIGH, NC)

The General Executive Board, acting pursuant to the CGL Section 20.2, granted strike sanction to the members of Local 1493 (Raleigh, NC), employed by First Transit (Durham City Transit Co).

LOCAL 1505 (WINNIPEG, MB)

The General Executive Board, acting pursuant to the CGL Section 20.2, granted strike sanction to the members of Local 1505 (Winnipeg, MB), employed by Winnipeg Transit.

LOCAL 689 (WASHINGTON, DC)

The General Executive Board, acting pursuant to the CGL Section 20.2, granted strike sanction to the members of Local 689 (Washington, DC), employed by Transdev (Cinder Bed Road).

Upon a motion duly made and seconded, the General Executive Board ordered that the strike sanctions approved, be granted only if the local union follows the proper strike planning procedure required by the International Union.

FINANCIAL ASSISTANCE

LOCAL 1415, (TORONTO, ON)

By letter dated March 14, 2019, Local 1415 Financial Secretary Jim Beresten requested financial assistance in the form of waiver of per capita tax for up to six-months, to help offset legal fees and other unexpected expenses incurred due to arbitration cases and a lawsuit filed against the local.

The financial statement of Local 1415, for the period ending December 31, 2018, listed a beginning balance of \$73,774.39. Receipts for the period amounted to \$291,614.56 and disbursements were \$270,807.60, leaving a balance at the end of the period of \$94,581.35.

Currently, Local 1415 has 256 active members.

The General Executive Board, after careful review and consideration of the facts, voted to grant Local 1415 a three-month waiver of per capita tax.

LOCAL 1765, (OLYMPIA, WA)

By letter dated May 30, 2019, Local 1765 Acting Financial Secretary David Claus-Sharwark, requested financial assistance to help offset expenses directly associated with unpaid federal taxes, fees, penalties, and other expenses totaling approximately \$30,000.00.

The financial statement of Local 1765, for the period ending December 31, 2018, listed a beginning balance of \$138,916.75. Receipts for the period amounted to \$261,060.27, and disbursements were \$344,722.76, leaving a balance at the end of the period of \$55,254.26.

Currently, Local 1765 has 298 active members.

It was noted that International Auditor Tyler Home and International Representative Dennis Antonellis were assigned to work with Local 1765 and assess its finances.

The General Executive Board, after careful review and consideration of the facts, voted to postpone consideration of the request pending further investigation.

MINUTES OF THE JUNE 25, 2019, SPECIAL MEETING OF THE ATU GENERAL EXECUTIVE BOARD APPROVED, AS AMENDED

Upon a motion duly made and seconded, the minutes of the June 25, 2019, special meeting of the ATU General Executive Board, were approved as written, with striking “*to be repaid on the same basis of the prior loans*”, at the bottom of the first page.

ESTABLISHMENT OF THE LAWRENCE HANLEY AWARD

Upon a motion duly made and seconded, the General Executive Board approved the establishment of the Lawrence Hanley Award, to recognize every three years, an ATU member for his or her lifetime of exemplary service to the union and his or her coworkers. Further, upon a motion duly made and seconded, the Board approved that a plaque be presented with the award.

Upon a motion duly made and seconded, the Board approved awarding the Lawrence Hanley Award to Marcel Malboeuf. Further, upon a motion duly made and seconded, the Board approved that in honoring Brother Malboeuf, he be named a leader and friend. Further, upon motion duly made and seconded, the Board approved that a plaque be presented with the award, and a plaque recognizing the honorees be hung at ATU headquarters.

REPORT OF THE GENERAL COUNSEL

Robert Molofsky, ATU General Counsel, reported to the General Executive Board on the Legal Department’s continued successful efforts to vindicate the rights of the ATU and our members under the First Amendment of the U.S. Constitution, and the Legal Department’s continued vigorous 13(c) enforcement program. Updates were provided regarding litigation involving Local 113 (Toronto, ON), and Local 1637 (Las Vegas, NV), as well as regarding developments at the National Labor Relations Board.

With respect to First Amendment litigation, it was noted there was a continued need to file lawsuits as transit systems attempted to shut down our ability to communicate with the riding public as we pursue broad community campaigns. It was reported that the litigation against the Spokane Transit Authority, which was initiated in 2017, ended when the U.S. Court of Appeals for the Ninth Circuit, issued a July 2, 2019, order affirming the decision of the lower court that the STA had violated the First Amendment of the U.S. Constitution when it refused to accept an advertisement from Local 1015 (Spokane WA), for placement in buses. The Board was updated

on ongoing litigation involving Local 22 (Worcester, MA), and the Worcester Regional Transit Authority, Local 276 (Stockton, CA), and the San Joaquin Regional Transit District, Local 1212 (Chattanooga, TN), and the Chattanooga Area Regional Transit Authority, and Local 1593 (Tampa, FL), and the Hillsborough Area Regional Transit Authority.

The Board was briefed on 13(c) cases in the context of privatization. They were advised that the International Union and Local 732 (Atlanta, GA), continue to pursue remedies in its 13(c) victory against MARTA's outsourcing to MV Transportation. Molofsky advised of ongoing efforts to protect the rights of Local 689 (Washington, DC), members in the face of a decision by the Washington Metropolitan Area Transit Authority to privatize the service operated from the newly built Cinder Bed Road garage, which had previously been performed by Local 689 members. There, as in Kansas City, the ATU successfully pursued 13(c) rights to compel negotiations over implementing agreements prior to commencement of the new operations.

General Counsel Molofsky reported that after the U.S. District Court for the Eastern District of California issued its final decision rejecting the position of the ATU, that the Public Employees' Pension Reform Act (PEPRA) was inconsistent with the requirements of 13(c), the U.S. Department of Labor (DOL) began certifying grants for PEPRA affected properties. He further advised that the ATU has filed a lawsuit under the Administrative Procedure Act, against the DOL, arguing that the certifications were contrary to law and in excess of the DOL's statutory authority.

The Board was briefed on the long running litigation involving the International Union and Local 113 (Toronto, ON), in which the plaintiffs allege the ATU Constitution and General Law's (CGL) provisions on trusteeships, dual unionism and the withdrawal of local unions from the ATU, are unlawful under federal and provincial law. It was explained that the court stayed the litigation pending the International Convention, so the plaintiffs and delegates would have an opportunity to amend the CGL. As had been noted in the report of the Laws Committee, the International Union was recommending a clarifying amendment to the CGL in light of the litigation.

The incipient penetration of autonomous vehicles and transportation network companies (TNC) in the transit industry was discussed, as was the need to look at our management rights language, retention language, and training and retraining language.

Assistant General Counsel Dan Smith reported on the status of the two lawsuits brought by former Local 1637 (Las Vegas, NV), President/Business Agent Jose Mendoza. It was noted that the second lawsuit was dismissed in its entirety as it was duplicative of the first lawsuit. It was explained that eight of the first lawsuit's ten counts were dismissed, but that the Legal Department was optimistic that the summary judgement would be granted in favor of the International Union on the remaining two counts.

The General Executive Board was also briefed of recent developments at the National Labor Relations Board (NLRB). The NLRB has materially curtailed the rights of employees and unions and shifted its enforcement priorities. Notably, in a decision involving Local 1637 (Las

Vegas, NV), and MV Transportation, the NLRB overturned its 70-year precedent holding that a union would be found to have waived its right to bargain over a mandatory subject of bargaining only if the waiver was clear and unmistakable, and held instead, that a union will be found to have waived its right to bargain where a collective bargaining agreements' management rights or other clause appears to allow the employer to make the change under standard contract interpretation standards, even if there is not a clear and unmistakable waive of the right to bargain over the matter. With regard to enforcement priorities, it was noted that the agency has increasingly focused on pursuing charges against labor unions related to union security clauses, dues deductions and duty of fair representation issues.

AUDIT COMMITTEE REPORT APPROVED

After discussion, and upon motion duly made and seconded, the members of the General Executive Board approved the report of the Audit Committee for the six-month period ending June 30, 2019.

REPORT OF THE INTERNATIONAL SECRETARY-TREASURER APPROVED

Upon motion duly made and seconded, the General Executive Board approved the report of the International Secretary-Treasurer, for the period January 1, 2019, through June 30, 2019.

GENERAL DISCUSSION

The remainder of the session was devoted to discussion among the International Executive Officers and members of the Board.

The meeting adjourned at 2:00 p.m., to reconvene at 9:00 a.m. on Thursday, September 19, 2019.

FOURTH SESSION

The meeting convened at 9:00 a.m. on Thursday, September 19, 2019. General Executive Board members present were Richard Murphy, Janis Borchardt, Paul Bowen, Kenneth Kirk, Marcellus Barnes, Rafael Rivera, Yvette Trujillo, Gary Johnson, Sr., Robin West, Charles Watson, Bruce Hamilton, Michelle Sommers, James Lindsay, III, Emanuele Sforza, John Callahan, Curtis Howard, Natalie Cruz and Anthony Garland. International President John A. Costa presided. Also, in attendance were International Secretary-Treasurer Oscar Owens, General Counsel Robert Molofsky, Assistant General Counsel Dan Smith, and Executive Assistant to the International President Mary Goldsworthy.

International Representatives Dennis Antonellis, Steve MacDougall, Sesil Rubain, Antonette Bryant and Mike Harms; JIC Coordinators John Lyons and Michael Cornelius; and ATU Canada President John Di Nino were also in attendance.

International Executive Vice President Javier M. Perez, Jr., and International Representative Marilyn Williams were excused from the meeting.

MOTION ON ELECTRONIC VOTING IN CANADA

Upon a motion duly made and seconded, the General Executive Board directed the International President to identify and recommend to the Board, for its approval, those election requirements in the Constitution and General Laws which shall be inapplicable in Canada for votes and elections, other than elections of Delegates and Alternates to the International Convention, and to develop substitute constitutional requirements, or election policies or practices, as are deemed necessary or appropriate in order to permit democratic and orderly electronic voting.

REPORT ON ATU CANADA

There was a discussion on Local 591 (Gatineau, QC), and the move by certain elements inside the local to disaffiliate from the ATU. Appeals to Quebec nationalism were being used against the ATU, and the ATU was dealing with the prevalence of employees changing unions in Quebec. The International Union is providing significant assistance to ATU Canada in fighting this movement.

There was also a discussion on a recent effort among certain members of Local 1724 (Vancouver, BC), to leave the ATU for Unifor. Unifor alerted ATU Canada of the matter and stated its intention not to raid us. Local 1724 had been jointly bargaining with Unifor.

It was noted that five local unions affiliated with Unifor have approached the ATU seeking to switch their affiliation to ATU. ATU has not encouraged or approved of any such efforts.

ATU Canada is undertaking vigorous efforts to get the National Democratic Party officials in office in the October 21, 2019, federal elections. Efforts include outreach to ATU members and digital campaigning utilizing digital fencing.

ATU has developed a whitepaper titled “Mobility Vision”, which lays out the union’s national transit strategy for Canada and is intended to be used in policy and legislative efforts.

It was raised that there may be a need for a French speaking representative, in order to be a major player in the Canadian transit industry and to properly service our members.

Lastly, it was noted that the memorial for Marcel Malboeuf, was a moving event recognizing a great leader

REPORT OF THE COLLECTIVE BARGAINING DEPARTMENT

JIC Coordinator John Lyons discussed the further progress of the Collective Bargaining Department and Joint Industry Councils. Brother Lyons discussed the state of the major transit contractors, and notable collective bargaining with ATU local unions. JIC Coordinator Michael Cornelius reported on the continuation of the JIC’s provision of costing analysis and how it has greatly assisted with collective bargaining at private, as well as public properties.

There was also a discussion of campaigns involving significant International Union support and bargaining trends in the industry.

DISCUSSION OF LAWS PROPOSALS TO THE INTERNATIONAL CONVENTION

General Counsel Robert Molofsky led a discussion of the resolutions regarding amendments to the Constitution and General Laws, which have been submitted to the International President.

GENERAL DISCUSSION

The remainder of the session was devoted to discussion among the International Executive Officers and members of the Board.

The meeting adjourned at 12:30 p.m., to reconvene at 9:00 a.m. on Friday, September 20, 2019.

FIFTH SESSION

The meeting convened at 9:00 a.m. on Friday, September 20, 2019. General Executive Board members present were Richard Murphy, Janis Borchardt, Paul Bowen, Kenneth Kirk, Marcellus Barnes, Rafael Rivera, Yvette Trujillo, Gary Johnson, Sr., Robin West, Charles Watson, Bruce Hamilton, Michelle Sommers, James Lindsay, III, Emanuele Sforza, John Callahan, Curtis Howard, Natalie Cruz and Anthony Garland. International President John A. Costa presided. Also, in attendance were International Secretary-Treasurer Oscar Owens, General Counsel Robert Molofsky, Assistant General Counsel Dan Smith, and Executive Assistant to the International President Mary Goldsworthy.

Also present were International Representatives Dennis Antonellis, Stephan MacDougall, Antonette Bryant, Sesil Rubain, Marilyn Williams, Michael Harms; ATU Canada President John Di Nino; ATU Joint Industry Council Coordinators, John Lyons and Michael Cornelius; Dean Hubbard Director of Collective Bargaining, and Staff Attorneys Rich Otzel and Katherine Andrews.

Also, in attendance were Retired International officers James La Sala, Ellis Franklin, Wilford Spears, Charles Cook, Donald Hansen, Robert Saarinen, William McLean, Rodney Richmond, Bob Hykaway, Randy Graham and Retired International Representative Anthony Withington.

International Executive Vice President Javier M. Perez, Jr., was excused from the meeting.

DISCUSSION OF CLIMATE STRIKE

The General Executive Board discussed the importance of the globally organized “Climate Strike”, and trade union leadership and participation in that action and the environmental movement at large. General support for the movement was expressed and International President Costa arranged support for delegates and officers planning to participate in the Las Vegas strike.

ELECTRONIC SUBMISSION OF EXPENSE REPORTS AND RECEIPTS APPROVED

Upon a motion duly made and seconded, the General Executive Board approved a motion to allow officers to submit their expense reports and receipts electronically in order to simplify, expedite and modernize the process.

CONVENTION COMMITTEE UPDATE

International President Costa provided an overview of the different convention committees and the work they had before them.

DISCUSSION OF CONVENTION LOGISTICS

International President Costa discussed the convention schedule, and related staffing and logistical issues.

GENERAL DISCUSSION

The remainder of the session was devoted to discussion among the International Executive Officers and members of the Board.

The meeting adjourned *sine die*.