

# FALL MEETING, 2012

PITTSBURGH, PA, DECEMBER 3 – 7, 2012

## FIRST SESSION

The meeting convened at 9:00 a.m. on Monday, December 3, 2012. General Executive Board members present were Larry Kinnear, Javier Perez, Jr., Richard Murphy, Bob Hykaway, William McLean, Janis Borchardt, Paul Bowen, Kenneth Kirk, Gary Rauen, Marcellus Barnes, Rafael Rivera, Yvette Salazar, Gary Johnson, Sr., Robin West, John Costa, and Charles Watson. International President Lawrence Hanley presided.

Also in attendance were International Executive Vice President Robert Baker, Sr., International Secretary-Treasurer Oscar Owens, General Counsel Robert Molofsky, and Executive Assistant to the International President Lauri Straughan.

Retired International Vice Presidents Rodney Richmond and Charles Cook attended as special guests.

### OPENING REMARKS OF THE INTERNATIONAL PRESIDENT

International President Hanley reviewed the Board agenda for the week, including scheduled speakers. He then presented a summary of activities over the period, including the political training programs and 2012 election activities. He advised the Board of Mike Maher's recent election as the new director of the Canadian Council.

The international president also discussed the direct support by the International and by ATU local officers and members through the ATU Disaster Relief Fund to assist ATU members affected by Hurricane Sandy. International Vice President John Costa expressed the sincere gratitude of the New York and New Jersey locals for this support.

### AUDIT COMMITTEE APPOINTED

Appointed to the Audit Committee were International Vice Presidents Paul Bowen, Kenneth Kirk, and Gary Rauen. International Vice President Bowen was designated as chair.

### REPORT OF THE INTERNATIONAL PRESIDENT

International President Hanley presented a Power Point summary of the Union's ongoing education and training, political activity, and coalition building efforts – including ATU's expansive outreach to riders and other community organizations in support of transit.

### ATU RESTRUCTURING DISCUSSION

As part of the International's ongoing effort to respond to issues raised by the [2010] Convention's Resolution A, as amended; "Structural Exploration Committee," International President Hanley initiated a discussion with the Board on their views for making ATU a more effective organization. The discussion was facilitated in part by ATU consultant Bob Muehlenkamp.

The Board engaged in a "SWOT" analysis over ATU strengths, weaknesses, opportunities and threats as part of the ongoing effort to implement the mandate of the 2010 Restructuring Resolution – A, to review and recommend potential changes to ATU's financial structure, governance, priorities, programs, operations, and staffing. The results of this review and recommendations will be presented to the delegates at the 2012 International Convention.

### GENERAL DISCUSSIONS

The remainder of the session was devoted to discussions among the international executive officers and members of the Board. The meeting adjourned at 5:30 p.m. to reconvene at 9:00 a.m. on Tuesday, December 4, 2012.

## SECOND SESSION

The meeting convened at 9:00 a.m. on Tuesday, December 4, 2012. General Executive Board members

present were Larry Kinnear, Javier Perez, Jr., Richard Murphy, Bob Hykaway, William McLean, Janis Borchardt, Paul Bowen, Kenneth Kirk, Gary Rauen, Marcellus Barnes, Rafael Rivera, Yvette Salazar, Gary Johnson, Sr., Robin West, John Costa, and Charles Watson. International President Lawrence Hanley presided.

Also in attendance were International Executive Vice President Robert Baker, Sr., International Secretary-Treasurer Oscar Owens, and Executive Assistant to the International President Lauri Straughan.

Retired International Vice Presidents Rodney Richmond and Charles Cook attended as special guests.

General Counsel Robert Molofsky was excused.

## **APPEAL TO THE GENERAL EXECUTIVE BOARD**

**Via conference call**

### **Appeal No. 1: Andrew Price Local 587 (Seattle, WA)**

There came before the General Executive Board, an appeal by Andrew Price, a member of Local 587 (Seattle, WA), which contested the April 24, 2012, decision of International President Hanley. Therein, President Hanley denied Brother Price's appeal regarding his challenge to the local for not submitting his seniority grievance to the second step.

Brother Price presented his case by conference call, via speakerphone before the General Executive Board and provided a detailed summary of the issues, facts and circumstances underlying his appeal.

Upon a thorough explanation of all the facts and issues raised, the General Executive Board voted to uphold the decision of International President Hanley.

## **MINUTES OF SPRING 2012 GENERAL EXECUTIVE BOARD MEETING APPROVED**

Upon motion duly made and seconded, the minutes of the previous spring General Executive Board Meeting held March 6 – 10, 2012, were approved as submitted.

## **REPORT OF THE INTERNATIONAL SECRETARY-TREASURER APPROVED**

Upon motion duly made and seconded, the Report of the International Secretary-Treasurer for the period

July 1, 2012 – December 31, 2012, was approved by the General Executive Board.

## **REQUESTS FOR FINANCIAL ASSISTANCE**

### **Local 382 (Salt Lake City, UT)**

Norman Blessant, financial secretary of Local 382, requested financial assistance due to lawsuits, outstanding debt, negotiations and issues possibly resulting in arbitration or an additional lawsuit, all that have created a financial strain on the local.

The General Executive Board, after careful review and consideration of the facts, voted to deny providing financial assistance to Local 382.

### **Local 1290 (Moncton, NB)**

George Turple, president/business agent of Local 1290, requested financial assistance to help cover legal fees associated with negotiations with the City of Moncton, which have now entered into the third year. Currently \$25,000.00 is still outstanding in legal fees and in order to continue in negotiations the local will need financial assistance.

The General Executive Board, after careful review and consideration of the facts, voted to refer the request to the executive officers for further investigation with authorization to take appropriate action.

### **Local 1637, (Las Vegas, NV)**

Jeffrey Raske, former financial secretary of Local 1637, requested financial assistance in the form of a waiver of three months per capita tax, due to costs associated with organizing efforts of Veolia supervisors, and exorbitant legal bills associated with five arbitrations in the amount of approximately \$59,020.89.

The General Executive Board, after careful review and consideration of the facts, voted to postpone a decision to allow the executive officers to further investigate.

### **Local 1591, (Broward County, FL)**

April Williams, president/business agent of Local 1591, requested financial assistance in the form of a waiver of six months per capita tax or a reduced per capita tax, due to the local experiencing furlough days and a wage freeze, for the past three years.

The General Executive Board, after careful review and consideration of the facts, voted to authorize the executive officers to take appropriate action after further investigation.

## REPORT OF THE INTERNATIONAL SECRETARY-TREASURER ON ATU MS RESEARCH

The 27<sup>th</sup> annual golf tournament for the benefit of multiple sclerosis research was held September 23 - 24, 2012, at Musket Ridge golf club in Myersville, MD.

Financial Statements for the period of January 1, 2012, through June 30, 2012, for both the U.S. and Canadian MS Research Funds follow.

### ATU MS RESEARCH FUND Statement of Receipts and Disbursements January 1, 2012 – June 30, 2012

#### CANADIAN OPERATIONS

Cash in Bank – January 1, 2012 \$43,286.25

#### CASH RECEIPTS

General Contributions	\$ 41.75
<i>Golf Tournament Proceeds:</i>	
Green & Tee Sponsors	\$ 700.00
Golf Participants	\$ 600.00
Interest Income	\$ 1.56

**Total Cash Receipts** **\$ 1,343.31**

**TOTAL CASH AVAILABLE** **\$44,629.56**

#### CASH DISBURSEMENTS

Bank Charges	\$ 17.80
Donations	\$41,000.00
Total Cash Disbursements	<u>\$41,017.80</u>
Cash in Bank – June 30, 2012	<u>\$ 3,611.76</u>

#### U. S. OPERATIONS

Cash in Bank – January 1, 2012 \$ 55,637.79

#### CASH RECEIPTS

General Contributions	\$ 1,026.00
Local Union Contributions	\$ 227.50
<i>Golf Tournament Proceeds:</i>	
Program Ads	\$ 1,075.00
Cart Sponsors	\$ 75.00
Dinner Only	\$ 125.00
Golf Participants	\$ 2,410.00
Sponsor Receipts	\$ 3,500.00
Booster Contributions	\$ 505.00

Total Cash Receipts \$ 8,943.50

**TOTAL CASH AVAILABLE** **\$64,581.29**

#### CASH DISBURSEMENTS

Golf Tournament Expenses	\$ 500.00
Donations	\$54,000.00
Total Cash Disbursements	<u>\$54,500.00</u>
Cash in Bank – June 30, 2012	<u>\$10,081.29</u>

## **TRUSTEESHIPS**

### **Report on Local 1195 (Harrisburg, PA) Trusteeship**

International Vice President Chuck Watson, reported on the trusteeship of Local 1195, instituted on May 7, 2012. The local was trusteeed to address significant governance, organizational and financial issues, compliance with its federal reporting requirements and satisfaction of its per capita obligations to the International. At the close of the reporting period it appeared that its employer, Bieber Transportation, was preparing to shut down its operations.

### **Report on Local 1385, (Dayton, OH) Terminated Trusteeship**

International Vice President Gary Johnson, Sr., reported on the termination of the trusteeship and restoration of Local 1385 representative functions as of June 4, 2012. He reviewed the efforts by now-retired International Vice President Rodney Richmond to establish appropriate financial controls, bylaw amendments, and other operational changes necessary to address the financial issues which had precipitated the trusteeship.

### **Report on Local 241, (Chicago, IL) Trusteeship**

International Vice Presidents Javier Perez and Marcellus Barnes presented a detailed summary of the ongoing efforts to address the financial, administrative and organizational issues underlying the trusteeship of Local 241, and the status of ongoing negotiations to reach a new collective bargaining agreement. The trusteeship was continuing at the close of the reporting period.

### **Report on Local 1593, (Tampa, FL) Terminated Trusteeship**

International Vice President Ray Rivera gave an administrative report on the progress to address the financial issues confronting. He noted that after the close of the reporting period the Board approved International President Hanley's recommendation to terminate the trusteeship effective September 4, 2012.

## **STRIKE SANCTIONS**

No requests for strike authorization came before the Board.

## **CONTRACT CAMPAIGNS & STRIKE PREPARATION**

International President Hanley led a discussion on the recently distributed pre-authorization "ATU Strike Questionnaire." Issued in part to help evaluate the merits of a potential strike, the local questionnaire is designed to help locals secure broad labor and community support for any intended job actions. In affirming the value of the document, members of the General Executive Board discussed how to best work with their assigned locals to ensure maximum support for their contract campaigns.

## **INTERNATIONAL PRESIDENT'S REPORT APPROVED**

Upon motion duly made and seconded, the Report of the International President for the six-month period ending June 30, 2012, was approved.

## **GENERAL DISCUSSIONS**

The remainder of the session was devoted to discussions among the international executive officers and members of the Board. The meeting adjourned at 5:30 p.m. to reconvene at 9:00 a.m. on Wednesday, December 5, 2012.

## **THIRD SESSION**

The meeting convened at 9:00 a.m. on Wednesday, December 5, 2012. General Executive Board members present were Larry Kinnear, Javier Perez, Jr., Richard Murphy, Bob Hykaway, William McLean, Janis Borchardt, Paul Bowen, Kenneth Kirk, Gary Rauen, Marcellus Barnes, Rafael Rivera, Yvette Salazar, Gary Johnson, Sr., Robin West, John Costa, and Charles Watson. International President Lawrence Hanley presided.

Also in attendance were International Executive Vice President Robert Baker, Sr., International Secretary-Treasurer Oscar Owens, and Executive Assistant to the International President Lauri Straughan.

Retired International Vice Presidents Rodney Richmond and Charles Cook attended as special guests.

General Counsel Robert Molofsky was excused.

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

The selection process for the Amalgamated Transit Union 2012 scholarship competition, named in memory of Gary Maurer, retired international representative, was completed during this period by the scholarship selection Committee. The committee was chaired by James Kennedy, Jr., counsel, ULLICO. Committee members consisted of H. L. “Trip” McLaughlin, III, senior vice president, Investments, Morgan Stanley Dean Witter; John W. Harrison, III, president of Eberts & Harrison; and Cynthia Watson of Labour Lawyers.

A total of 82 applications met all of the program requirements. These applications were reduced to 14 finalists and one vocational finalist.

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

## SPECIAL TELECONFERENCE WITH SEN. CHRIS MURPHY, REPS. PAUL MURPHY & TAMMY DUCKWORTH

The international officers and General Executive Board members spoke with Sen. Chris Murphy,

D-CT, Rep. Paul Murphy, D-FL, and Rep. Tammy Duckworth, D-IL, via teleconference. Each thanked ATU for the instrumental role our campaign activity played in their election victory. In praising the special ATU pro-transit literature distributed in support of their elections, Sen. Murphy and Reps. Duckworth and Murphy pledged to be forceful advocates for a strong well-funded transit program.

## INTERNATIONAL EXECUTIVE VICE-PRESIDENT’S REPORT ON ORGANIZING APPROVED

Upon motion duly made and seconded, the members of the General Executive Board approved the International Executive Vice President’s Report on Organizing. A summary appears below.

Efforts to organize workers in transportation-related industries and other areas, as designated by the General Executive Board pursuant to Section 1 of the Constitution and General Laws, continued over the course of these six months.

### Campaigns Won during the Period

Local / Location	Employer	# of Employees	Type of Employees
732 (Atlanta, GA)	MV Transportation	78	Operators and Dispatchers
1028 (Des Plaines, IL)		20	Dispatchers, reservationist and schedulers
1235 (Nashville, TN)	Maury County Public Transportation	17	Drivers
1576 (Lynnwood, WA)	First Transit	90	Dispatchers, supervisors, administrative clerks and transit operators
1760 (Ottawa, ON)	City of Ottawa (OC & Para Transpo)	10	Supervisors
1769 (Corpus Christi, TX)	Regional Transit Auth. Employee Association of Corpus Christi	145	Bus operators, dispatchers, mechanics, clerks and supervisors
1771(Escambia County FL)	Escambia County	200	Landfill workers, mosquito control technicians, mechanics, heavy equipment operators, janitors, road/bridge repair crews, moving crews and facilities maintenance technicians.
<b>TOTAL</b>		<b>560</b>	



## Campaigns Pending at the Close of the Period

Local/Location	Employer	# of Employees	Type of Employees
164 (Wilkes-Barre, PA)	Luzerne County Transit Authority	10	Dispatchers, clerical and road supervisors
164 (Wilkes-Barre, PA)	Hazleton Transit	12	Bus operators
770 (Mobile, AL)	Mobile Transit Management System (The Wave)	12	Clerical workers
1576 (Lynnwood, WA)	Hopelink Trans	60	Paratransit drivers
<b>TOTAL</b>		<b>94</b>	

### Decertification Petitions/Raids during the Period

Local 381 (Butte, MT) - A petition was filed with the National Labor Relations Board (NLRB) to decertify the local union as the bargaining representative of First Student, Inc., employees at the Bozeman School District. International Vice President Yvette Salazar, reported that an election was held on January 5, 2012, and the membership voted 27 to 20 in favor of the union.

Local 1309 (San Diego, CA) - A petition was filed with the (NLRB) to decertify the local as the bargaining representative of the Veolia Transportation, Inc., employees at the El Cajon property. International Representative Anthony Withington reported that no further activity to raid or decertify the local has been reported. The petition was withdrawn.

Local 1338, (Dallas TX) - A petition was filed with the (NLRB) to decertify the local union as the bargaining representative of Transit Management of Denton County/First Transit employees at the Denton County Transportation Authority, (DCTA). International Organizer Marilyn Williams reported that an election was held on May 7, 2012, and the membership voted 56 to 19 in favor of the union.

### Strikes/Lockouts

#### Local 113, Toronto, ON

On January 12, 2012, a strike by Local 113 (Toronto, ON) ended after an agreement was reached on all outstanding issues with Veolia Transportation, Inc. (York Region Transit-Viva Bus). The membership voted to ratify the agreement, thus ending the three-month strike.

On January 27, 2012, the strike by Local 113 (Toronto, ON) ended after an agreement was reached on all outstanding issues for the members of Local 113 who are employed by Veolia Transportation, Inc. (York Region Transit). The membership voted to ratify the tentative agreement by a 77% margin.

#### Local 508, Halifax, NS

On Thursday, February 2, 2012, the members of Local 508 (Halifax, NS) who are employed by Halifax Regional Municipality Metro Transit went on strike when an agreement could not be reached in contract negotiations.

Thereafter, on March 14, 2012, the strike by Local 508 ended after an agreement was reached on all outstanding issues. The membership ratified the agreement by a vote 577 to 74.

#### Local 1229, Saint John, NB

On May 16, 2012, the strike by Local 1229 (St. John, NB) ended after an agreement was reached on all outstanding issues with Acadian Coach Lines. The membership ratified the agreement by a 90% vote.

#### Local 1290, Moncton, NB

On Wednesday, June 27, 2012, Codiac Transit Commission locked out 90 members of Local 1290 (Moncton, NB), when an agreement could not be reached in contract negotiations. The lockout continued at the close of this period.

#### Local 1433, Phoenix, AZ

At 12:01 a.m. on Sunday, March 11, 2012, the members of Local 1433 (Phoenix, AZ) who are employed by Veolia Transportation, Inc. (Valley Metro Phoenix) went on strike when an agreement could not

be reached in contract negotiations.

On March 15, 2012, the strike by Local 1433 (Phoenix, AZ) ended after an agreement was reached on all outstanding issues. The membership ratified the agreement by a vote of 397 to 15.

#### **Local 1587, Toronto, ON**

On January 28, 2012, a strike in Local 1587 (Toronto, ON) ended after an agreement was reached on all outstanding issues with Miller Transit (York Region Transit). The membership ratified the agreement by an 80% vote.

At 12:00 a.m. on Monday, October 24, 2011, the members of Local 1587 (Toronto, ON) who are employed by First Transit Canada went on strike when an agreement could not be reached in contract negotiations. No settlement had been reached and that unit remained on strike at the close of this period. It was reported that First Transit Canada lost the contract to Tomakjian Group (TOK Transit, Ltd.), a non-union company.

### **Expenses**

Approximately \$190,507 was spent during this report period on organizing. This figure includes the salaries and expenses for the Organizing Department and lost time and miscellaneous expenses for member organizers. Local union members assigned to assist with these drives were reimbursed by the International for their wages and expenses incurred.

### **AUDIT COMMITTEE'S REPORT ADOPTED**

After discussion, upon a motion duly made and seconded, the members of the General Executive Board approved the report of the Audit Committee for the six-month period ended June 30, 2012.

### **DISCUSSION ON TRANSIT INDUSTRY ISSUES AND TRENDS**

International President Hanley and ATU Consultant Bob Muehlenkamp led the Board in a wide ranging discussion of transit industry issues and trends, including privatization and its expansion in the fixed route and paratransit and school bus sectors; attacks on defined benefit plans through state legislation and at the

bargaining table; specific issues affecting school bus and over-the-road employees, including ATU's bathroom breaks and anti-assault campaigns; national polls showing increases in transit ridership across all groups; and the value of alliances with environmental groups seeking to address global warming and climate change.

## **GENERAL DISCUSSIONS**

The remainder of the session was devoted to discussions among the international executive officers and the members of the Board. The meeting adjourned at 5:00 p.m., to reconvene at 9:00 a.m. on Thursday, December 6, 2012.

## **FOURTH SESSION**

The meeting convened at 9:00 a.m. on Thursday, December 6, 2012. General Executive Board members present were Larry Kinnear, Javier Perez, Jr., Richard Murphy, Bob Hykaway, William McLean, Janis Borchardt, Paul Bowen, Kenneth Kirk, Gary Rauen, Marcellus Barnes, Rafael Rivera, Yvette Salazar, Gary Johnson, Sr., Robin West, John Costa, and Charles Watson. International President Lawrence Hanley presided.

Also in attendance were International Executive Vice President Robert Baker, Sr., International Secretary-Treasurer Oscar Owens, and Executive Assistant to the International President Lauri Straughan.

Retired International Vice Presidents Rodney Richmond and Charles Cook attended as guests.

Also in attendance were International Representatives Anthony Withington, Dennis Antonellis, Stephan MacDougall, Claudia Hudson, and Anthony Garland.

General Counsel Robert Molofsky was excused.

### **AMERICANS FOR TRANSIT – REPORT ON PROJECTS AND PROGRAMS**

Andrew Austin, executive director of Americans for Transit, a 501(c)(3), established to assist in the formation of community-rider & transit coalitions, briefed the Board on its activities during the reporting period.

### **PRESENTATION ON THE GOOD JOBS – FIRST-TRANSIT RESEARCH PROJECT**

Greg Leroy, executive director of Good Jobs First,

briefed the Board via teleconference on the status of his research identifying pro-transit employers, and an update on his database.

## **PRESENTATION AND DISCUSSION ON THE AFFORDABLE CARE ACT & COLLECTIVE BARGAINING ISSUES**

Steve Kreisberg, AFSCME director of research, presented a summary of the new law, and the issues it raises in bargaining contracts in 2013 – 2014 and beyond. Thereafter he, the executive officers and board members engaged in discussion on issues involving “grandfathered” plans, state health plan exchanges, and related tax issues.

## **MASSACHUSETTS SENATOR ELIZABETH WARREN ADDRESSES THE BOARD**

Newly elected Sen. Elizabeth Warren, D-MA, addressed the Board via teleconference and expressed her deep gratitude for the extraordinary support she received from ATU locals and members, which she stated was key to her winning a hard fought race. She affirmed her continued support for transit and labor issues.

## **REPORT ON LOCAL 732 (ATLANTA, GA) – ANTI-PRIVATIZATION CAMPAIGN**

International President Hanley reported on the member mobilization, media and community coalition efforts of Local 732, supported by the International, to defeat state legislation compelling the privatization of MARTA’s paratransit service and other bargaining unit work. Among other anti-labor provisions, if passed, the pending bill would have frozen the defined benefit pension plan for new hires after January 1, 2014.

In addition it calls for a restructuring of the MARTA Board to increase suburban representation on the governing body. International President Hanley described the media messaging and international staff assistance provided by the International, including commissioning an analysis by Columbia University Professor Elliott Sclar to refute a recent KPMG study which supported the legislation.

## **REPORT ON ATU ELECTION 2012 POLITICAL ACTIVITY**

International President Hanley reviewed with the Board, ATU’s unprecedented political activity in connection with the 2012 federal and state elections, and transit ballot initiatives. He highlighted the local political training conducted by the international vice presidents, the national “webinar” held and simultaneously broadcast from Cleveland, OH, and Denver, CO; the extraordinary member mobilizations, and Get Out The Vote (GOTV) and pro-transit campaigning undertaken by ATU locals across the U.S.

Copies of the numerous member mailings, leaflets and pro-transit GOTV cards were given to each Board member. International President Hanley noted that the level of activity during the 2012 campaign exceeded all prior election-year activity and earned the gratitude of many successful candidates.

## **REPORT ON ATU LOCAL 689 (WASHINGTON, DC) – COPE PROGRAM**

International Representative Anthony Garland gave a report on Local 689’s expanding COPE program. He highlighted the local’s outreach efforts and the increased member participation in the program.

## **DISCUSSION WITH LOCAL 85’s OFFICERS (PITTSBURGH, PA)**

The officers of Local 85 briefed the Board on ongoing collective bargaining, negotiations, and transit service cuts facing their members. Thereafter, members of the General Executive Board discussed the issues raised and how best to address them, by building stronger community coalitions to combat the right wing anti-labor think tanks and their supporters.

International President Hanley and the Board stressed the necessity of increased COPE contributions and other resources to build a sustainable ridership coalition, media program and to bring their pro-transit message to seniors, students, and the general public.



## **TELECONFERENCE WITH PATRICK GASPARD, EXECUTIVE DIRECTOR, DEMOCRATIC NATIONAL COMMITTEE**

Democratic National Committee (DNC) Executive Director Patrick Gaspard addressed the Board via teleconference. He expressed the gratitude of the White House and the DNC for all the 2012 election work conducted by ATU locals throughout the U.S. He complimented ATU's political program, especially our pro-transit GOTV effort and the extraordinary role played by ATU to help President Obama win in Ohio.

Thereafter, the Board discussed ways to sustain ATU's political momentum as we continue to fight for a strong federal transit bill, and address the rising number of state anti-labor laws, pending action, and funding battles in both the U.S. and Canada.

## **MOTION APPROVED TO EXTEND ATU COPE-PLUS PROGRAM**

Upon motion duly made and seconded, the members of the General Executive Board approved the extension of the ATU-COPE-PLUS program through the 2014 election cycle.

## **MOTION APPROVED AUTHORIZING INTERANTIONAL PRESIDENT HANLEY TO PURSUE SETTLEMENT OF PENDING LITIGATION INVOLVING FORMER PRESIDENT HEINTZMAN**

Following a litigation update, upon motion duly made and seconded, the members of the General Executive Board approved a motion authorizing International President Hanley to pursue settlement of the pending litigation with former International President Ron Heintzman, subject to final approval of settlement terms by the Board

## **GENERAL DISCUSSION**

The remainder of the session was devoted to discussions among the international executive officers and members of the Board. The meeting adjourned at 5:45 p.m. to reconvene at 9:00 a.m. Friday, December 7, 2012.

## **FIFTH SESSION**

The meeting convened at 9:00 a.m. on Friday, December 7, 2012. General Executive Board members present were Larry Kinnear, Javier Perez, Jr., Richard Murphy, Bob Hykaway, William McLean, Janis Borchardt, Paul Bowen, Kenneth Kirk, Gary Rauen, Marcellus Barnes, Rafael Rivera, Yvette Salazar, Gary Johnson, Sr., Robin West, John Costa, and Charles Watson. International President Lawrence Hanley presided.

Also in attendance were International Executive Vice President Robert Baker, Sr., International Secretary-Treasurer Oscar Owens, and Executive Assistant to the International President Lauri Straughan.

Retired International Vice Presidents Rodney Richmond and Charles Cook attended as guests.

Also in attendance were International Representatives Anthony Withington, Dennis Antonellis, Stephan MacDougall, Claudia Hudson, and Anthony Garland.

General Counsel Robert Molofsky was excused.

## **MOTION APPROVED TO SUPPORT CAMPAIGN TO OVERTURN THE CITIZENS UNITED SUPREME COURT DECISION**

John Bonifaz, Esq., gave a presentation to the Board on the national campaign to overturn the U.S. Supreme Court decision in "Citizens United," permitting unlimited corporate funding of election campaigns. Upon a motion duly made and seconded, the members of the General Executive Board voted to approve a \$25,000 contribution in support of the campaign for a constitutional amendment to overturn the decision.

## **REPORT BY THE DIRECTOR OF GOVERNMENT AFFAIRS**

Jeff Rosenberg, director of Government Affairs, provided a detailed report to the Board focusing on the new federal surface transportation bill, and state legislative battles.

Rosenberg summarized the two-year federal bill, (HR 4348) *Moving Ahead for Progress in the 21<sup>st</sup> Century* (MAP-21), noting its failure to provide increased transit funding; the inclusion over our objections of pro-privatization provisions; limited success in securing greater funding flexibility for operating

assistance beyond small urban transit systems serving populations of less than 200,000, and urban systems that operate 75 or fewer buses in peak service hours; a small \$5 million program for workforce development and some improvements in over-the-road bus safety requirements. Fortunately, there was no weakening of the Section 13 (c) labor protection provisions.

Rosenberg also reported on state legislative developments in Delaware, Maryland, Minnesota, Indiana, Missouri, and New York. His report also included some post-election highlights on the composition of the new Congress.

## **TELECONFERENCE WITH SENATOR SHEROD BROWN, D-OH**

Newly-elected Senator Sherrod Brown, D-OH, addressed the Board via teleconference. The senator thanked ATU for its support and expressed gratitude for all the work by ATU locals in Ohio and nationwide that contributed to his and President Obama's election victory.

## **MOTION APPROVED TO FILE CHARGES AGAINST FORMER PRESIDENT OF LOCAL 241 (CHICAGO, IL)**

Following a review and summary presentation of investigative findings, upon motion and duly made and seconded, the members of the General Executive Board voted, pursuant to Section 12.5 of the Constitution and General Laws, to issue a complaint against former Local 241 President/Business Agent Darrell Jefferson.

## **MOTION APPROVED TO AMEND THE SUPPLEMENTAL BENEFIT IN ATU PENSION PLAN FOR INTERNATIONAL OFFICERS AND EMPLOYEES**

Upon motion duly made and seconded, members of the General Executive Board approved an amendment to Section 5.12 of the ATU Pension Plan, retroactive to January 1, 2006, to remove the offset for the Canadian Governmental Plan benefits, to the supplemental benefit, otherwise payable under the Plan to Canadian officers and staff for service not covered by the U.S. Railroad Retirement Plan.

## **REPORT OF THE GENERAL COUNSEL**

General Counsel Robert Molofsky, reported via teleconference call the major activities of the Legal Department during the reporting period. He added that during the reporting period of January 1, 2012, through June 30, 2012, the Legal Department continued to provide counsel and representation to the International Union and ATU locals in connection with a wide range of issues.

We once again devoted considerable resources to the Section 13(c) processing of U.S. transit grants, and assisted local unions and outside counsel in the ongoing administration, interpretation and enforcement of employee protections.

We also handled a number of other litigation matters in which the International and local unions were involved before the courts and administrative agencies, and assisted in the investigation and hearings involving local union trusteeships.

Throughout the reporting period the Legal Department otherwise responded to a multitude of inquiries concerning organizing drives, internal union elections; local officer fiduciary responsibilities and issues under the NLRA, FLSA, FMLA, and pension and 401K retirement plan rights.

Molofsky also reported on Section 13(c) enforcement efforts involving anti-worker legislation affecting bargaining rights in Michigan; the resolution of Section 13(c) enforcement actions involving Local 1091 (Austin, TX); Local 1338 (Dallas, TX); Local 192 (Oakland, CA); Local 1741 (Lafayette, IN); Local 1342 (Buffalo, NY); Local 382 (Salt Lake City, UT); and Local 19 (Colorado Springs, CO); among others.

## **GENERAL DISCUSSION**

The remainder of the session was devoted to discussions among the international executive officers and members of the Board.

The meeting adjourned sine die at 4:15 p.m.

## **INTERIM ACTIONS AND RULINGS BY THE GENERAL EXECUTIVE BOARD**

For the Period January 1, 2012 – June 30, 2012

### **1. AUTHORIZATION FOR LOCAL 996 (SOUTH BEND, IN TO ENTER INTO INTEREST ARBITRATION**

Under authority vested in International President

Hanley, by action of the General Executive Board and pursuant to Section 19.2 of the Constitution and General Laws, on January 1, 2012, Local 996 was authorized to enter into interest arbitration with South Bend Public Transportation Corporation (TRANSP0).

**2. STRIKE SANCTION GRANTED TO MEMBERS OF LOCAL 508 (HALIFAX, NS)**

Under authority vested in International President Hanley, by action of the General Executive Board and pursuant to Section 20.2 of the Constitution and General Laws, on January 23, 2012, strike sanction was granted at the request of International Vice President West, to the members of Local 508, employed by Halifax Regional Municipality.

**3. AUTHORIZATION FOR LOCAL 1547 (BROCKTON, MA) TO ENTER INTO AN AGREEMENT EXCEEDING THREE YEARS**

Under authority vested in International President Hanley, by action of the General Executive Board and pursuant to Section 33.1 of the Constitution and General Laws, on January 23, 2012, Local 1547 was authorized to enter into an agreement exceeding three years with East Coast Transit.

**4. AUTHORIZATION FOR LOCAL 1181 (NEW YORK, NY) TO ENTER INTO AN AGREEMENT EXCEEDING THREE YEARS**

Under authority vested in International President Hanley, by action of the General Executive Board and pursuant to Section 33.1 of the Constitution and General Laws, on February 2, 2012, Local 1181 was authorized to enter into an agreement exceeding three years with Maggie's Paratransit Corp.

**5. AUTHORIZATION FOR LOCAL 1336 (BRIDGEPORT, CT) TO ENTER INTO AN AGREEMENT EXCEEDING THREE YEARS**

Under authority vested in International President Hanley, by action of the General Executive Board and pursuant to Section 33.1 of the Constitution and General Laws, on February 24, 2012, Local 1336 was authorized to enter into an agreement exceeding three years with First Student, Inc.

**6. FINANCIAL ASSISTANCE GRANTED TO LOCAL 1593 (TAMPA, FL)**

Under authority vested in International President Hanley, by majority vote of the General Executive Board via telephone conference call on February

14, 2012, financial assistance was granted to Local 1593, to assist the local in filing for bankruptcy.

**7. AUTHORIZATION FOR LOCAL 627 (CINCINNATI, OH) TO ENTER INTO FACT-FINDING**

Under authority vested in International President Hanley, by action of the General Executive Board and pursuant to Section 19.2 of the Constitution and General Laws, on March 3, 2012, at the request of President/Business Agent Miller, Local 627 was authorized to enter into fact-finding.

**8. AUTHORIZATION FOR LOCAL 448 (SPRINGFIELD, MA) TO ENTER INTO AN AGREEMENT EXCEEDING THREE YEARS**

Under authority vested in International President Hanley, by action of the General Executive Board and pursuant to Section 33.1 of the Constitution and General Laws, on March 5, 2012, Local 448 was authorized to enter into an agreement exceeding three years with Lecrenski Brothers, Inc.

**9. STRIKE SANCTION GRANTED TO MEMBERS OF LOCAL 1277 (LOS ANGELES, CA)**

Under authority vested in International President Hanley, by action of the General Executive Board and pursuant to Section 20.2 of the Constitution and General Laws, on March 6, 2012, strike sanction was granted at the request of Local Financial Secretary James Lindsay to the members of Local 1277, employed by SunLine Transit Agency.

**10. AUTHORIZATION FOR LOCAL 788 (ST. LOUIS, MO) TO ENTER INTO AN AGREEMENT EXCEEDING THREE YEARS**

Under authority vested in International President Hanley, by action of the General Executive Board and pursuant to Section 33.1 of the Constitution and General Laws, on March 8, 2012, Local 788 was authorized to enter into an agreement exceeding three years with First Student, Inc. (East St. Louis).

**11. AUTHORIZATION FOR LOCAL 788 (ST. LOUIS, MO) TO ENTER INTO AN AGREEMENT EXCEEDING THREE YEARS**

Under authority vested in International President Hanley, by action of the General Executive Board and pursuant to Section 33.1 of the Constitution and General Laws, on March 8, 2012, Local 788 was authorized to enter into an agreement exceeding three years with Missouri Central School Bus Operation.

**12. STRIKE SANCTION GRANTED TO MEMBERS OF LOCAL 1433 (PHOENIX, AZ)**

Under authority vested in International President Hanley, by action of the General Executive Board and pursuant to Section 20.2 of the Constitution and General Laws, on March 16, 2012, strike sanction was granted at the request of Local President/Business Agent Bean, to the members of Local 1433, employed by Veolia Transportation, Inc.

**13. AUTHORIZATION FOR LOCAL 725 (BIRMINGHAM, AL) TO ENTER INTO INTEREST ARBITRATION**

Under authority vested in International President Hanley, by action of the General Executive Board and pursuant to Section 19.2 of the Constitution and General Laws, on April 2, 2012, Local 725 was authorized to enter into interest arbitration with the Birmingham Jefferson County Transit Authority (BJCTA).

**14. AUTHORIZATION FOR LOCAL 279 (OTTAWA, ON) TO ENTER INTO AN AGREEMENT EXCEEDING THREE YEARS**

Under authority vested in International President Hanley, by action of the General Executive Board and pursuant to Section 33.1 of the Constitution and General Laws, on April 24, 2012, Local 279 was authorized to enter into an agreement exceeding three years with Royal Canadian Mint.

**15. AUTHORIZATION FOR LOCAL 1505 (WINNIPEG, MB) TO ENTER INTO AN AGREEMENT EXCEEDING THREE YEARS**

Under authority vested in International President Hanley, by action of the General Executive Board and pursuant to Section 33.1 of the Constitution and General Laws, on May 9, 2012, Local 1505 was authorized to enter into an agreement exceeding three years with Brandon Transit (City of Brandon Transit).

**16. AUTHORIZATION TO PLACE LOCAL 1195 (HARRISBURG, PA) IN TEMPORARY TRUSTEESHIP**

Upon a polling of its membership, conducted pursuant to Section 12.6 of the Constitution and General Laws, on May 7, 2012, the General Executive Board authorized International President Hanley, to place Local 1195 in temporary trusteeship, effective immediately.

**17. AUTHORIZATION FOR LOCAL 694 (SAN ANTONIO, TX) TO RETAIN A LOWER DUES STRUCTURE**

Under the authority vested in International President Hanley, by action of the General Executive Board and pursuant to Section 18.3 of the Constitution and General Laws, on May 31, 2012, Local 694 was granted permission to retain a lower dues structure.

**18. AUTHORIZATION FOR LOCAL 812 (CLARKSBURG, WV) TO ENTER INTO INTEREST ARBITRATION**

Under authority vested in International President Hanley, by action of the General Executive Board and pursuant to Section 19.2 of the Constitution and General Laws, on June 11, 2012, Local 812 was authorized to enter into interest arbitration with Central West Virginia Transit Authority.

**19. AUTHORIZATION FOR LOCAL 1321 (ALBANY & TROY, NY) TO ENTER INTO A TWO-YEAR EXTENSION OF THE CURRENT AGREEMENT**

Under authority vested in International President Hanley, by action of the General Executive Board and pursuant to Section 33.1 of the Constitution and General Laws, on June 11, 2012, Local 1321 was authorized to enter into a two-year extension of their current collective bargaining agreement due to expire June 15, 2013, pending ratification by the membership.

**20. APPROVAL OF LOCAL 1385's (DAYTON, OH) BYLAWS**

Under the authority vested in International President Hanley, by majority vote of the General Executive Board and pursuant to Section 13.2 of the Constitution and General Laws, on June 4, 2012, the Board approved Local 1385's bylaws.

**21. AUTHORIZATION FOR LOCAL 682 (FORT WAYNE, IN) TO RETAIN A LOWER DUES STRUCTURE**

Under the authority vested in International President Hanley, by action of the General Executive Board and pursuant to Section 18.3 of the Constitution and General Laws, on June 14, 2012, Local 682 was granted permission to retain a lower dues structure.



**22. AUTHORIZATION FOR LOCAL 1742  
(CHARLESTON, WV) TO RETAIN A LOWER  
DUES STRUCTURE**

Under the authority vested in International President Hanley, by action of the General Executive Board and pursuant to Section 18.3 of the Constitution and General Laws, on June 11, 2012, Local 1742 was granted permission to retain a lower dues structure.

**23. AUTHORIZATION FOR LOCAL 1743  
(PITTSBURGH, PA) TO RETAIN A LOWER  
DUES STRUCTURE**

Under the authority vested in International President Hanley, by action of the General Executive Board and pursuant to Section 18.3 of the Constitution and General Laws, on June 14, 2012, Local 1743 was granted permission to retain a lower dues structure.

**24. AUTHORIZATION FOR LOCAL 1293 (LINCOLN, NE)  
TO RETAIN A LOWER DUES STRUCTURE**

Under the authority vested in International President Hanley, by action of the General Executive Board and pursuant to Section 18.3 of the Constitution and General Laws, on June 14, 2012, Local 1293 was granted permission to retain a lower dues structure.

**25. AUTHORIZATION FOR LOCAL 1251  
(BATTLE CREEK, MI) TO ENTER INTO  
INTEREST ARBITRATION**

Under authority vested in International President Hanley, by action of the General Executive Board and pursuant to Section 19.2 of the Constitution and General Laws, on June 18, 2012, Local 1251 was authorized to enter into interest arbitration with The City of Battle Creek.

**26. AUTHORIZATION FOR LOCAL 1574  
(SAN MATEO, CA) TO RETAIN A LOWER  
DUES STRUCTURE**

Under the authority vested in International President Hanley, by action of the General Executive Board and pursuant to Section 18.3 of the Constitution and General Laws, on June 20, 2012, Local 1574 was granted permission to retain a lower dues structure.

**27. APPROVAL OF LOCAL 1593's (TAMPA, FL) BYLAWS**

Under the authority vested in International President Hanley, by majority vote of the General

Executive Board and pursuant to Section 13.2 of the Constitution and General Laws, on June 25, 2012, the Board approved Local 1593's bylaws.

**28. AUTHORIZATION FOR LOCAL 381 (BUTTE, MT)  
TO RETAIN A LOWER DUES STRUCTURE**

Under the authority vested in International President Hanley, by action of the General Executive Board and pursuant to Section 18.3 of the Constitution and General Laws, on June 20, 2012, Local 381 was granted permission to retain a lower dues structure.

**29. AUTHORIZATION FOR LOCAL 788 (ST. LOUIS, MO)  
TO ENTER INTO AN AGREEMENT EXCEEDING  
THREE YEARS**

Under authority vested in International President Hanley, by action of the General Executive Board and pursuant to Section 33.1 of the Constitution and General Laws, on June 28, 2012, Local 788, was authorized to enter into an agreement exceeding three years with the Illinois Central Bus Company (O'Fallon/Granite City).

**30. AUTHORIZATION FOR LOCAL 1729  
(PITTSBURGH, PA) TO RETAIN A LOWER  
DUES STRUCTURE**

Under the authority vested in International President Hanley, by action of the General Executive Board and pursuant to Section 18.3 of the Constitution and General Laws, on June 29, 2012, Local 1729 was granted permission to retain a lower dues structure.