

SPRING MEETING, 2012

NATIONAL HARBOR, MD, MARCH 6 – 10, 2012

FIRST SESSION

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

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

International Vice President William McLean was excused.

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 and plans for educating and training international and local officers, and members to strengthen local involvement in building community-based and ridership coalitions in support of improved transit service, increased funding, contract campaigns and organizing drivers and anti-privatization initiatives.

Particular attention was given to the pending 2012 elections and ATU's intensive planning and training programs to expand local participation in the elections and GOTV efforts. Thereafter, members of the General Executive Board engaged in a wide-ranging discussion on how best to achieve those objectives.

AUDIT COMMITTEE APPOINTED

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

PRESENTATION ON 'US LABOR AGAINST THE WAR' WAS GIVEN BY BOB MULLENKAMP

Co-conveners Brooks Sunkett (CWA) and Bob Muehlenkamp discussed the founding (2003) of U.S. Labor Against the War (USLAW). Its mission, as amended in 2012, is to be "the organized voice within the labor movement for peace and priorities, better to secure human needs and to demilitarize U.S. foreign policy." In the face of rising deficits, and urgent needs for increased expenditures at home, the USLAW today is continuing its activities to better direct its nation's resources toward unmet domestic needs.

The international executive officers and members of the Board expanded on the previous discussion of U.S. Labor Against the War.

MOTION APPROVED TO JOIN 'U.S. LABOR AGAINST THE WAR' AND MAKE A ONE-TIME CONTRIBUTION OF \$5,000.00

Upon motion duly made and seconded, the members of the General Executive Board approved joining the USLAW and making a one-time contribution of \$5,000.00, in support of its ongoing campaigns.

LOCAL UNION ADMINISTRATION

The international executive officers and members of the Board discussed financial reports, misappropriations of union funds, and lost time at local unions.

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 July 1, 2011 – December 31, 2011.

REPORT OF THE INTERNATIONAL SECRETARY-TREASURER ON ATU MS RESEARCH

The 26th annual golf tournament, jointly sponsored by the ATU MS Research Funds of the United States and Canada, was held on Monday, September 26, 2011, at Musket Ridge Golf Club in Myersville, MD, preceded by the “practice round” on Sunday, November 25. The results of this period’s efforts are as follows:

The U.S. fund had as of July 1, 2011, available cash of \$4,504.82. The collections during the six-month period ended December 31, 2011, amounted to \$76,239.51. These receipts were as follows: General Contributions of \$2,594.51, Local Union Contributions of \$12,859.00, Golf Tournament Receipts of \$58,736.00, and Booster Contributions of \$2,050.00.

During the same six-month period, the fund paid golf tournament expenses of \$25,106.04. These transactions created an available cash balance for charitable purposes and for future operations of \$55,637.79. The annual contribution to the National Multiple Sclerosis Society was pending at the end of this period.

The Canadian fund had available cash as of July 1, 2011, of \$4,974.43. The collections for the six-month period ended December 31, 2011, totaled \$39,225.44. These receipts consisted of General Contributions of \$50.10, Local Union Contributions of \$31,000.00, Interest Income of \$.34, Golf Tournament Receipts of \$6,875.00, and Booster Contributions of \$1,300.00.

During the period, the fund incurred miscellaneous administrative expenses of \$913.62. As a result, the fund had available for contributions and future operations \$43,286.25. The annual contributions to Dr. John Roder of Mount Sinai Hospital, Toronto, ON, to further assist his ongoing MS research efforts, and the MS Society of Canada Research Fund were pending at the close of this period.

Special Recognition

Special recognition must again go to the officers and members of Local Union 113 of Toronto, ON. Their generous donation of \$30,000 will go a long way in

the fight against MS. Special mention is also due to the officers and members of the Boston Carmens Local Union 589, the New Jersey Council, and Local 1181 (New York, NY), for their sizeable contributions.

Upon motion duly made and seconded, the Report of the International Secretary-Treasurer on ATU MS Research was approved by the General Executive Board.

CONTRIBUTIONS FROM THE INTERNATIONAL SECRETARY-TREASURER’S ACCOUNT APPROVED

Upon motion duly made and seconded, the General Executive Board approved the contributions from the International Secretary-Treasurer’s account for the period of July 1, 2011 – December 31, 2011. Additional information on “Labor’s Campaign for Single Payer (LCS-P) was requested for review.

GENERAL DISCUSSIONS

The remainder of the session was devoted to discussions among the international executive officers and the members of the Board on the bankruptcy of Local 1593. The meeting adjourned at 5:00 p.m. to reconvene at 9:00 a.m. on Wednesday, March 7, 2012.

SECOND SESSION

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

Also in attendance were International Executive Vice President Robert H. Baker, Sr., International Secretary-Treasurer Oscar Owens, General Counsel Robert Molofsky, and Executive Assistant to the International President Lauri Straughan. In addition, Assistant General Counsel Dan Smith was present.

International Vice President William McLean was excused.

APPEALS TO THE GENERAL EXECUTIVE BOARD

Appeal No. 1: Pamela Diederich Local Union 1737 (Douglas County, CO)

There came before the General Executive Board, an appeal by Pamela Diederich, a member of Local 1737 (Douglas County, CO), which contested the May 22, 2011, decision of International President Hanley. Therein, President Hanley denied Sister Diederich's appeal regarding her challenge to her termination case.

Sister Diederich presented her case by conference call via speakerphone, before the General Executive Board and provided a full explanation of her concerns involving the appeal.

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

Appeal No. 2: Phillip William Local Union 1181 (New York, NY)

There came before the General Executive Board, an appeal by Phillip Williams, a member of Local 1181 (New York, NY), which contested the October 27, 2011, decision of International President Hanley. Therein, President Hanley denied Brother Williams' appeal regarding his challenge to his termination case.

Brother Williams made a personal appearance before the General Executive Board and provided a detailed summary of the issues, facts and circumstances underlying his appeal.

Upon a thorough deliberation of all the facts and evidence in this case, the General Executive Board voted to uphold the decision of International President Hanley.

MINUTES OF FALL 2011 GENERAL EXECUTIVE BOARD MEETING APPROVED

Upon motion duly made and seconded, the minutes of the previous General Executive Board Meeting held October 17 - 21, 2011, were approved as submitted.

REPORT ON LOCAL 1593 (TAMPA, FL) TRUSTEESHIP

International Vice President Rivera reported on the

ongoing process to address the serious financial and administrative issues underlining the trusteeship of Local 1593. Rivera reviewed with the Board the status of pending efforts to address the local's administrative, financial and legal issues and scheduled elections. He updated the Board on the potential to settle the bankruptcy litigation subject to further consideration by the Board.

REPORT ON LOCAL 241 (CHICAGO, IL) TRUSTEESHIP

International Vice Presidents Perez and Barnes presented a detailed summary of their ongoing efforts to address the significant financial, administrative, and organizational issues underlying the trusteeship of Local 241. They reviewed their progress to date, and discussed ongoing preparations and meetings to negotiate a new collective bargaining agreement.

REPORT ON LOCAL 1385 (DAYTON, OH) TRUSTEESHIP

International Vice Presidents Richmond and Johnson presented a comprehensive report on the progress to address all outstanding issues in the trusteeship of Local 1385.

INTERNATIONAL PRESIDENT'S REPORT ADOPTED

Upon motion duly made and seconded, the Report of the International President for the six-month period ending December 31, 2011, was approved with edits to page 21, striking the reference to First Transit, under listing for Local 1336; and amending reference to Local 1229 (St. John, NB) on page 22 to reflect that it was a lockout.

MOTION APPROVED TO TERMINATE LOCAL 1385 (DAYTON, OH) FROM TRUSTEESHIP EFFECTIVE MAY 1, 2012

Upon motion duly made and seconded, the General Executive Board voted to terminate the trusteeship of Local 1385 effective May 1, 2012.

REPORT ON LOCAL 878 (EVANSVILLE, IN) TRUSTEESHIP

International Vice President Bowen presented a detailed summary of the issues underlying the trusteeship of Local 878 and the progress achieved to date.

MOTION APPROVED TO TERMINATE TRUSTEESHIP OF LOCAL 878 (EVANSVILLE, IN)

Upon motion duly made and seconded, the General Executive Board voted to terminate the trusteeship of Local 878 immediately following completion of pending reports and other filings.

REPORT ON CONTRACT CAMPAIGNS AND STRIKE PREPARATION PROCESS – SUMMARY MEMO AND QUESTIONNAIRE TO BE SENT TO ALL ATU LOCALS

International President Hanley presented and the General Executive Board discussed enhanced procedures and planning efforts to assist locals in difficult contract campaigns, potential strike situations and compliance with the requirement set forth under Section 20.

Strike and Lockout Procedures from the Constitution and General Laws

A memo outlining the procedures to be followed by local unions in such situations was reviewed for distribution to all ATU locals. The “ATU Strike Preparation Questionnaire” to assist locals focused on the required notifications to the International and appropriate agencies, a “power analysis” of the bargaining situation, member mobilization assessment and plans, community allies, messaging and public communications and potential for a successful strike. It was agreed that an edited version of the memo and questionnaire should be sent to all ATU locals.

REQUESTS FOR FINANCIAL ASSISTANCE

Local 1374 (Calgary, AB)

Gary Galbreath, president/business agent of Local 1374, requested financial assistance in the form of six

(6) months waiver of per capita tax, due to financial costs associated with the local’s five (5) pending arbitration cases.

The General Executive Board, after careful review and consideration of the facts, voted to authorize providing financial assistance to Local 1374, in the form of a grant of three (3) month’s waiver of per capita tax.

Local 1625 (Buffalo, NY)

Ronald Andrzejewski, president/business agent of Local 1625, requested financial assistance in the form of three (3) months waiver of per capita tax, due to the local’s past due bills and back taxes owed to the Internal Revenue Service.

The General Executive Board, after careful review and consideration of the facts, voted to authorize providing financial assistance to Local 1625, in the form of a grant of three (3) month’s waiver of per capita tax.

Local 1637, (Las Vegas, NV)

Jeffrey Raske, financial secretary of Local 1637, requested financial assistance due to exorbitant legal expenses incurred by the local. He also states, the local has outstanding legal bills for arbitrators in the amount of \$1,875.00 and legal counsel in the amount of \$17,222.18.

The General Executive Board, after careful review and consideration of the facts, voted to deny providing financial assistance to Local 1637.

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 5:00 p.m. to reconvene at 9:00 a.m. on Thursday, March 8, 2012.

THIRD SESSION

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

Hanley presided.

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

International Vice President William McLean was excused.

GENERAL DISCUSSION

The international executive officers and members of the Board engaged in discussions regarding “Occupy Boston - the National Day of Action on Transit”, on April 4, 2012.

MOTION TO CONTINUE TO SUPPORT THE OCCUPY WALL STREET MOVEMENT AND ITS CALL FOR AN APRIL ‘DAY OF ACTION’

Following a full discussion of the Occupy Movement’s activities to date, support for transit and other objectives, upon motion duly made and seconded, the members of the General Executive Board voted to support Occupy’s continuing activities, its “call for action” scheduled for April 2012, and to encourage ATU members to join in their campaigns.

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

Upon motion duly made and seconded the members of the General Executive Board approved the following report on ATU-COPE.

ATU-COPE (Financial)

The Amalgamated Transit Union Committee on Political Education (ATU-COPE) program collects voluntary contributions from ATU members for the purposes of making contributions to and expenditures for candidates for federal, state and local offices and addressing federal, state and local political issues.

A complete financial report has been provided in a

separate report.

Between January 1, 2011, and December 31, 2011, ATU-COPE took in contributions totaling \$981,112.63. As of December 31, 2011, the funds had a combined available balance of \$613,153.45.

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.

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

Decertification Petitions/Raids During the Period

Local 241 (Chicago, IL) – A group of former Local 241 officers, who had been displaced by the trusteeship, gathered petitions to decertify Local 241 and recertify as Teamsters. The IBT honored our no raid agreement and the petitions were never filed.

Local 381 (Butte, MT) – A petition was filed with the National Labor Relations Board (NLRB) to decertify the local union as the bargaining representative for some 60 employees of First Student Inc., servicing the Bozeman School District. Charges subsequently filed by the local with the NLRB were dismissed. However, shortly after the close of the reporting period the union prevailed in the decertification election.

Local 1309 (San Diego, CA) – A petition was filed with the NLRB to decertify the local union as the bargaining representative of the 115 employees of Veolia Transportation Inc., at the El Cajon property. The IBT intervened and attempted to raid the property. Concentrated efforts were made to ensure that ATU continued as the bargaining representative. As a result, the IBT withdrew their petition and shortly thereafter, the petition filed for decertification was also withdrawn. To date, no further action to raid or decertify the local has been reported.

Strikes

Local 113 (Toronto, ON) - At 12:00 a.m. on Monday, October 24, 2011, members of Local 113 employed by Veolia Transportation, Inc. (York Region Transit-Viva Bus) went on strike when an agreement could not be reached in contract negotiations. The strike was still in effect at the close of this period.

Local 1587 (Toronto, ON) – At 12:00 a.m. on Monday, October 24, 2011, members of Local 1587 employed by First Student Canada and Miller Transit (York Region Transit) went on strike when an agreement could not be reached in contract negotiations. The strike was still in effect at the close of this period.

Local 1229 (Saint John, NB) – the members of Local 1229, who are employed by Acadian Coach Lines, went on strike Friday, December 2, 2011, when an agreement could not be reached in contract negotiations. The strike was still in effect at the close of this period.

Expenses

Approximately \$253,137.00 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 the member organizers. It also includes full-time international representatives' salaries and expenses for those who assisted in these organizing campaigns. The International reimbursed the local union members assigned to assist these drives for their wages and expenses incurred.

REPORT ON AMERICANS FOR TRANSIT

International President Hanley introduced Greg Leroy, executive director of Good Jobs First, to discuss the formation, mission, structure and financing of the newly formed non-profit “Americans for Transit, Good Jobs First,” a nationally recognized resource center promoting accountability in economic development and smart growth for working families.

Americans for Transit’s mission is to strengthen, create, and unite grassroots transit rider organizations across the United States. It aims to create a big-tent coalition of transit riders and advocates addressing the pressing transit funding crisis in America.

Leroy advised that Andrew Austin is the executive

director of Americans for Transit. He previously served as the field director at Transportation Choices, in Washington State, where he led numerous transit ballot measures and rider organizing campaigns.

President Hanley discussed how the new organization would be an invaluable resource to assist ATU locals and communities in establishing effective coalitions to advance a pro-transit/pro-labor agenda.

MOTION WAS APPROVED TO CONTRIBUTE TO AMERICANS FOR TRANSIT

Upon motion duly made and seconded, the members of the General Executive Board voted to approve a \$100,000 contribution to Americans for Transit.

REPORT ON THE AFFORDABLE CARE ACT

AFSCME health policy experts, Sally Tyler and Mary Meeker, presented a comprehensive summary of the Act, its requirements and applicability to both existing collective bargaining agreements and future negotiations. Thereafter, the members of the General Executive Board engaged in a wide-ranging discussion about the impact of the new law on existing health care plans, costs and negotiations.

DISCUSSION ON ATU STRUCTURAL EXPLORATION COMMITTEE

International President Hanley and the members of the General Executive Board, discussed various approaches to implement Resolutions A and R, approved by the delegates to the 2010 ATU Convention, calling for the appointment of a special committee to review and develop recommendations for potential changes to the Constitution and General Laws on ATU dues structure, internal organization, organizing and representation functions and methods of operations. The Board agreed that ongoing efforts to address these matters should continue with ideas and information solicited from a diverse range of local union officers, Board members, staff and outside experts.

AUDIT COMMITTEE'S REPORT ADOPTED

After discussion, a motion was duly made and seconded, by the members of the General Executive Board to approve the report of the Audit Committee for the six-month period ended December 31, 2011.

INTERNATIONAL VICE PRESIDENT RODNEY RICHMOND ANNOUNCE HIS RETIREMENT

International Vice President Richmond announced his retirement effective July 1, 2012. Richmond, who was first elected to the position at the 1986 Convention, thanked the executive officers and board members for their support and friendship, and for the privilege to represent the members of ATU. International Vice President Richmond received a standing ovation.

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 5:40 pm to reconvene at 9:00 a.m. on Friday, March 9, 2012.

FOURTH SESSION

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

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

Also in attendance were International Representatives Anthony Withington, Dennis Antonellis, Stephan MacDougall, Claudia Hudson, and Canadian Council Director Stan Dera.

International Vice President William McLean was excused.

PRESENTATION ON REPORTING AND RECORD KEEPING REQUIREMENTS UNDER LMRDAS

John Lund, assistant secretary, Office of Labor Management Standards, presented a comprehensive Power Point and led a discussion among the international executive officers and members of the Board, on both international and local union recordkeeping and reporting requirements under the *Labor Management Reporting and Disclosure Act of 1959*, as amended.

In addition to reviewing obligations for filing LM2 reports and bonding requirements, he discussed the fiduciary standards and responsibilities expected of local union officers and members of the local executive boards. He further reviewed the range of technical assistance, web-based information and training offered by his office to assist unions in complying with the law. He concluded by recommending the distribution of uniform expense, credit card, lost time payment and bylaw provisions, to give guidance to locals to insure proper internal financial and expense controls.

MOTION TO INCLUDE FINANCIAL CONTROLS AND EXPENSE PROVISIONS IN LOCAL UNIONS RELEASED FROM TRUSTEESHIPS

Upon motion duly made and seconded, the members of the General Executive Board approved a motion consistent with authority granted the international president and the GEB, to include financial control, recording keeping and expense policy provisions in amended local union bylaws, prior to releasing local(s) from trusteeship.

MINUTES APPROVED FOR THE SPECIAL TELECONFERENCE MEETING OF THE GENERAL EXECUTIVE BOARD ON FEBRUARY 14, 2012

Upon motion duly made and seconded, the members of the General Executive Board approved the minutes of the special teleconference meeting of the GEB held on February 14, 2012, to discuss settlement of the pending bankruptcy case involving Local 1593 (Tampa, FL). The minutes of the teleconference meeting also

included reference to the approved motion to hold the 2016 Convention in Toronto, ON.

PRESENTATION ON JOINT ATU/ TWU ASSAULT AND BATHROOM BREAK COMMITTEE

Dave Newman, industrial hygienist, with NYCOSH and Ed Watt, TWU director of safety programs, presented a summary of the recent activities of the Joint ATU/TWU Assault and Bathroom Break Committee. It was formed in response to rising attacks on transit workers and to address inadequate facilities and schedules to allow sufficient time to use appropriate facilities.

They reported on its ongoing efforts to conduct comprehensive research among the local unions, develop recommended action plans at the federal, state and local level, and disseminate information on the scope of the problems and the industry's failure to address these critical health and safety issues. Newman and Watt discussed recent survey results, and pending efforts to meet with officials from OSHA and DOT among others.

GOVERNMENT AFFAIRS DEPARTMENT REPORT

Jeff Rosenberg, director of the Department of Government Affairs, reported to the Board on recent federal and state legislative developments and political activities of ATU, including the current status and prospects for passage of a new multi-year federal surface transportation bill to reauthorize the *Safe, Accountability, Flexible and Efficient Transportation Equity Act*. Though it expired in 2009, programs have continued under a series of extensions pending approval of a new bill.

He reported on pending efforts in both the U.S. Senate and House, and our efforts to guard against onerous privatization provisions, the inclusion of workforce development programs, and ATU-led coalition efforts to establish some flexibility for transit agencies to use capital funds for operating assistance under certain conditions, to head off the rising epidemic of service cuts, fare increases and layoffs. In this regard, he discussed ongoing efforts to garner support for the so-called Carnahan Bill, introduced by Representative Carnahan, D-MO, to address the urgent need for operating assistance.

Rosenberg also reviewed the impact of various anti-labor bills passed in Wisconsin, Ohio, Michigan and other states, and the role the Federal 13(c) protections played in mitigating their impact on transit employees. He described the successful effort in Illinois to defeat pension legislation adverse to our members employed by the CTA; and continuing efforts in New York to prevent issuance of RFP's without employee protections that would harm employees represented by Local 1181 (New York, NY).

Legislative efforts to secure additional state funding in Pennsylvania, and ongoing efforts to secure a felony assault bill in Missouri, and efforts in Rhode Island to place a union representative on the RIPTA Board were also discussed.

Continuing efforts to address safety and service issues in the over-the-road industry and ATU led efforts to address driver fatigue, which has proven to be a major cause of recent bus accidents were also discussed.

STRIKE SANCTIONS

Upon the request of International Vice President Rauen, the General Executive Board granted strike sanction to the members of Local 610 (Charleston, WV) employed by Veolia.

Upon the request of International Vice President Salazar, the General Executive Board granted strike sanction to the members of Local 381 (Butte, MT) employed by First Student.

Upon the request of International Vice President Rauen, the General Executive Board granted strike sanction to the members of Local 1577 (West Palm Beach, FL) employed by Metro Transit Services.

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 5:00 p.m. to reconvene at 9:00 a.m. Saturday, March 10, 2012.

FIFTH SESSION

The meeting convened at 9:00 a.m. on Saturday, March 10, 2012. General Executive Board members present were Rodney Richmond, Larry Kinneer, Javier Perez,

Jr., Richard Murphy, Bob Hykaway, Charles Cook, Janis Borchardt, Paul Bowen, Kenneth Kirk, Gary Rauen, Marcellus Barnes, Rafael Rivera, Yvette Salazar, Gary Johnson, 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.

Also in attendance were International Representatives Anthony Withington, Dennis Antonellis, Stephan MacDougall, Claudia Hudson, and Canadian Council Director Stan Dera.

International Vice President William McLean was excused.

REPORT OF THE GENERAL COUNSEL

During the reporting period of July 1, 2011, through December 31, 2011, 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 applied to federal funding assistance to public transportation services. We also handled a number of other litigation matters in which the International or its local unions were involved before the courts and administrative agencies.

Throughout the reporting period, the Legal Department otherwise responded to a multitude of inquiries concerning organizing drives, internal union elections and local officer fiduciary responsibilities, issues implicating the *National Labor Relations Act*, the *Family and Medical Leave Act*, the *Fair Labor Standards Act*, pension and 401(k) retirement plan rights, drug and alcohol testing requirements, and other federal, state and provincial labor law matters.

More specifically, General Counsel Molofsky reported to the Board on major litigation developments, Section 13(c) case processing of U.S. transit grants and related Section 13(c) matters. The Board was also fully briefed on ongoing efforts to enforce Section 13(c) protections in response to state legislative attacks on transit and other

public employee collective bargaining rights, including legislation arising in Florida, Indiana, Massachusetts, Michigan, Ohio, and Wisconsin.

The ongoing Section 13(c) negotiations/arbitration to protect the Local 1091 (Austin, TX) members' collective bargaining rights, pension and health care benefits, following an anticipated transfer of employment from Star-Tran to another private contractor were also reviewed.

Notably, the Legal Department processed an impressive total of 477 grant applications involving some 119 ATU local unions and the New Jersey Council during this reporting period.

Further, the Board was updated on the status and successful outcomes of ATU Section 13(c) objections filed in response to state legislative attacks undermining public employee bargaining rights in Michigan, Massachusetts and New Jersey. In both Massachusetts and Michigan the U.S. Department of Labor held that the restrictions over bargaining on mandatory subjects of bargaining (wages and benefits in MI: health care in MA) would, unless cured, prevent compliance with the affected transit employees protected and thus render the grantees in the state ineligible for federal transit funding.

Following the Department's rulings the parties were able to address the issues raised with supplemental protections in Michigan and amended legislation in Massachusetts. Fortunately in New Jersey, the state attorney general held New Jersey transit exempt from the adverse legislation.

The Board was also briefed on the extensive efforts to protect the members of Local 1091 (Austin, TX) from adverse affects resulting from the contracting of work previously done by their long term employer, Star Tran, a private non-profit corporation formed by the Capital Metropolitan Transportation Authority, to two independent private companies.

This complex matter encompassed objections to the Department of Labor, a 13(c) claims arbitration case, and numerous unfair labor practice charges filed with the NLRB. This matter and the impact of the contracting of the fixed route service to McDonald Transit remained pending at the close of the reporting period. A detailed discussion of this case is included in the International President's Report to the GEB.

Updates on Section 13(c) litigation managed through retained counsel involving the Greater Cleveland

Regional Transit Authority and Local 268, (Cleveland, OH); the Greater Lafayette Public Transportation Corporation and Local 1741 (Lafayette, IN); the Toledo Area Regional Transit Authority and Local 697 (Toledo, OH); Mid-Ohio Valley Transit Authority and Local 1742, (Charleston, WV); City of Sioux Falls and Local 1356, (Sioux Falls, SD); Niagara Frontier Transportation Authority and Local 1342, (Buffalo, NY); Valley Regional Transit and Local 398 (Boise, ID); Utah Transit Authority and Local 382, (Salt Lake City, UT); and the City of Colorado Springs and Local 19 (Colorado Springs, CO) were provided.

Further, the Board reviewed ongoing efforts to insure continuation of longstanding employee protections in new bids contemplated by the New York Department of Education (DOE), notwithstanding the rejection of arguments advanced by Local 1181 (New York, NY) in litigation against the DOE.

Finally, pending unfair labor practices charges filed through retained counsel on behalf of Local 1229, (Moncton, NB) against Acadian Lines in Moncton, were also discussed with the Board.

GENERAL DISCUSSIONS

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 3:30 p.m.