

Amalgamated Transit Union General Executive Board

Spring Meeting, 2015

Emeryville, CA - May 12 – 16, 2015

FIRST SESSION

The meeting convened at 9:00 a.m. on Tuesday, May 12, 2015. General Executive Board members present were Richard Murphy, Bob Hykaway, Janis Borchardt, Paul Bowen, Kenneth Kirk, Gary Rauen, Marcellus Barnes, Rafael Rivera, Yvette Trujillo, Gary Johnson, Sr., Robin West, John Costa, Charles Watson, Claudia Hudson, Bruce Hamilton and Michelle Sommers. International President Lawrence Hanley presided.

Also in attendance were International Secretary-Treasurer Oscar Owens, International Executive Vice President Javier M. Perez, Jr., General Counsel Robert Molofsky, and Senior Staff Director/Executive Assistant to the International President Lauri Straughan. International Vice President Larry Kinnear was absent from the meeting.

REPORT OF THE INTERNATIONAL PRESIDENT

International President Hanley reviewed the meeting agenda and special presentations. He provided a status report to the Board on the ongoing renovations at ATU-TEC (Amalgamated Transit Union Training and Education Center). Hanley led the Board in a discussion of recent service expansion by UBER, BRIDJ, and LYFT into both paratransit and specialized demand responsive and “boutique” bus service, and the experiments by Google and others with “driverless” vehicles.

The impact of these developments on transit service, jobs and potential organizing opportunities were discussed. Also discussed were the proliferation of streetcar projects and the highly burdensome cost they place on cities to finance those projects, and the negative financial stress on city bus operations resulting from their high costs. By contrast, bus rapid transit was discussed as a much more affordable and flexible option for improved service in heavily used corridors.

President Hanley also reviewed the ongoing federal and local campaigns to address the rising number of assaults on drivers, and ATU’s national campaign (“Vision Zero”) to combat the rising pedestrian injuries and deaths caused by bus manufacturers’ engineering of “blind spots” on buses, shielding drivers’ view of pedestrians when making left turns.

The Board viewed a specially produced power point on this project. He reported in particular, on the ATU response to recent legislation in New York City, imposing mandatory penalties against drivers for pedestrian fatalities, regardless of cause or evidence of negligence; and the status of ATU-led efforts to include provisions in the pending multi-year transportation bill to require new federal regulations to address these issues. Also continuing efforts to reestablish school bus employee protections in New York City were reviewed.

Noting our continued privatization battles in the states, President Hanley also discussed the impact of recent legislation passed in Massachusetts to suspend its so-called “Pacheco” law’s application to decisions to contract out portions of MBTA service operations. The law had required an independent audit analysis to verify whether any proposed contracting would in fact produce the expected cost savings. Here a democratic legislature failed to stop the drive by the state’s GOP governor to pass the restriction in a trumped-up effort to contain transit costs.

Finally, President Hanley discussed with the Board ATU’s expanded education and training programs under way, including newly designed programs for officers and executive board members, to enhance their collective bargaining and contract campaign skills, including a special session on contract costing, and health care bargaining under the *Affordable Health Care Act*.

REPORT ON ATU-TEC (The Tommy Douglas Conference Center)

International President Hanley affirmed the decision to name the Amalgamated Transit Union Education and

Training Center after Thomas Clement “Tommy” Douglas. Douglas – considered the conscience of the Canadian Parliament on matters of civil liberties – was the founder of the New Democratic Party (NDP) and led the fight in Canada to provide health insurance for all. Efforts to also name the Center in memory of civil rights pioneer Rosa Parks were suspended because of unnecessarily high fees requested by her foundation.

Hanley briefed the Board on recent developments and contracts with design, engineering, construction, (including major work by the Montgomery County Water and Sanitation Service Commission to install new filter systems) and Center management contractors, leasing options for available space, including the former “archives building; timelines for completion of the first of three residential halls”, and expectations for third party use of the facilities, in addition to serving as the main venue for ATU education and training programs, and conferences.

Hanley expressed a high degree of interest in use of the facilities, which coupled with an aggressive marketing campaign would result in significant occupancy of the “rooms and training facilities”. In this regard, he highlighted inquiries by other unions (AFSCME, IAFF, AFT, APWU, AFL-CIO Retiree Association and labor affiliated organizations, the AFL-CIO (scheduled to hold its July executive council meetings at the Center); Montgomery County, MD, groups, civil rights and other progressive organizations.

AUDIT COMMITTEE APPOINTED

Appointed to the Audit Committee were International Vice Presidents Gary Rauen, Marcellus Barnes and Rafael Rivera. International Vice President Gary Rauen was designated as chair.

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

Upon motion duly made and seconded, the International Secretary-Treasurer’s Report on ATU-MS Research was approved. A summary appears below.

The 29th annual golf tournament, jointly sponsored by the ATU MS Research Funds of the United States and Canada, was held on Monday, September 29, 2014, at Musket Ridge Golf Club in Myersville, MD, preceded by the “practice round” on Sunday, September 28, 2014.

Financial Statements for the period of July 1, 2014, through December 31, 2014, for both the U.S. and Canadian MS Research Funds follow:

ATU MS RESEARCH FUND STATEMENT OF RECEIPTS AND DISBURSEMENTS July 1, 2014 – December 31, 2014

U.S. OPERATIONS

Cash in Bank – July 1, 2014	\$ <u>3,830.32</u>
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CASH RECEIPTS

General Contributions	\$ 8,400.00	
Local Union Contributions	\$ 10,413.91	
Golf Tournament Proceeds		
Program Ads	\$ 3,050.00	
Green & Tee Sponsors	\$ 2,310.00	
Green Sponsors	\$ 1,125.00	
Cart Sponsors	\$ 300.00	
Dinner Only	\$ 500.00	
Golf Participants	\$ 27,900.00	
Raffles/Auctions	\$ 1,694.00	
Other Golf Tournament Receipts	\$ 1,018.00	
Booster Contributions	\$ <u>4,059.62</u>	
 Total Cash Receipts		 \$ <u>60,770.53</u>

<u>TOTAL CASH AVAILABLE</u>	<u>\$64,600.85</u>
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CASH DISBURSEMENTS

Golf Tournament Expenses		\$ 25,692.96
Total Cash Disbursements		<u>\$ 25,692.96</u>
Cash in Bank – December 31, 2014		<u>\$ 38,907.89</u>

TOTAL CASH AVAILABLE\$ 41,866.70**CASH DISBURSEMENTS**

Miscellaneous Expenses	\$		
Audit Expenses		904.00	
Donations		38,000.00	
Filing Fees		30.00	
Bank Charges		19.80	
Total Cash Disbursements			<u>38,953.80</u>
Cash in Bank – December 31, 2012	\$		<u>2,912.90</u>

ATU MS RESEARCH FUND
STATEMENT OF RECEIPTS AND DISBURSEMENTS
July 1, 2012 – December 31, 2012

CANADIAN OPERATIONS

Cash in Bank – July 1, 2014		<u>\$ 2,206.10</u>
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CASH RECEIPTS

General Contributions	\$ 1,000.00	
Local Union Contributions	\$ 27,262.00	
Golf Tournament Proceeds		
Program Ads	\$ 500.00	
Green Sponsors	\$ 225.00	
Golf Participants	\$ 4,800.00	
Interest Income	\$ 3.56	
Booster Contributions	\$ 660.10	
Total Cash Receipts		<u>\$ 34,450.66</u>

TOTAL CASH AVAILABLE\$ 36,656.76**CASH DISBURSEMENTS**

Audit Fees	\$ 904.00	
Bank Charges	\$ 47.00	
Total Cash Disbursements		<u>\$ 951.00</u>
Cash in Bank – December 31, 2014		<u>\$ 35,705.76</u>

REPORT ON LOCAL 241-CHICAGO, IL

Trustees and International Executive Vice President Javier M. Perez, Jr., and Marcellus Barnes, reported on the recent election of officers and the financial status of the local upon its release from trusteeship. They noted the elimination of its \$2.6 million deficit, the filing of its LM-2 report and cash on hand of some \$850,000. Barnes reported that following special training for the election committee, the recent election process was successfully completed.

REPORT ON THE TRUSTEESHIP OF LOCAL 1764-WASHINGTON, DC

International Executive Vice President and Trustee Javier Perez, Jr., reported on ongoing efforts to improve the local's fulfillment of its collective bargaining responsibilities, addressed its financial and administrative problems and the grievance backlog.

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 3:30 p.m. to reconvene at 9:00 a.m. on Wednesday, May 13, 2015.

SECOND SESSION

The meeting convened at 9:00 a.m. on Wednesday, May 13, 2015. General Executive Board members present were Richard Murphy, Bob Hykaway, Janis Borchardt, Paul Bowen, Kenneth Kirk, Gary Rauen, Marcellus Barnes, Rafael Rivera, Yvette Trujillo, Gary Johnson, Sr., Robin West, John Costa, Charles Watson, Claudia Hudson, Bruce Hamilton and Michelle Sommers. International President Lawrence Hanley presided.

Also in attendance were International Secretary-Treasurer Oscar Owens, International Executive Vice President Javier M. Perez, Jr., General Counsel Robert Molofsky, and Senior Staff Director/Executive Assistant to the International President Lauri Straughan. International Vice President Larry Kinnear was absent from the meeting.

AUDIT REPORT APPROVED

After discussion, 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 ended December 31, 2014.

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, 2014 – December 31, 2014, was approved by the General Executive Board.

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 ATU-COPE. The report as presented appears below.

The Amalgamated Transit Union Committee on Political Education (ATU-COPE) 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 also maintains separate accounts in Florida, Missouri, New York and Wisconsin, as required by those states' laws.

The highlights of the contributions paid from the various funds (combined) for the six-month period ending December 31, 2014, are as follows:

Federal		
Senatorial Campaigns		\$ 74,500.00
Congressional Campaigns		\$ 281,100.00
Other		\$ 262,000.00
State		
Senatorial Campaigns		\$ 76,335.00
Representative Campaigns		\$ 64,805.00
Other		\$ 161,750.00
Local		
Mayoral Campaigns		\$ 58,350.00
Councilperson Campaigns		\$ 26,525.00
Other		\$ 65,436.00

Between July 1, 2014 and December 31, 2014, ATU-COPE took in contributions totaling \$533,669.22. As of December 31, 2014, the funds had a combined available balance of \$383,065.11.

REPORT OF THE INTERNATIONAL SECRETARY-TREASURER ON THE ATU SCHOLARSHIP

Upon motion duly made and seconded, the Board approved the following International Secretary-Treasurer's Report on the ATU Scholarship Program.

The 2014 Scholarship Program named in memory of Ray Wallace, retired international secretary-treasurer, was concluded with the issuance of checks in the amount of \$5,000.00 to the following: Harvard University for the scholarship of Kyle Devine, McMaster University for the scholarship of Nathalee Ewers, University of Lethbridge for the scholarship of Solomon Ip, University of Tennessee at Chattanooga for the scholarship of Savannah May, and the Massachusetts Institute of Technology for the scholarship of Erica Yuen. A check in the amount of \$2,000 was issued to the New Jersey Institute of Technology, for the vocational scholarship of Rahul Syal.

The 2015 Scholarship Program named in memory of Joseph Welch, retired international vice president, who passed away in February 2014, commenced with the publication of the official application and guidelines in the September/October 2014 issue of *In Transit*. A subsequent mailing of a supply of applications, accompanied by the official guidelines, was made to each local union.

As is customary, applications were received from U.S. and Canadian residents and are being held pending a review. The applicants were forwarded a list of the rules and required procedures to complete the application process. They also received a scholarship questionnaire and a bibliography of suggested references for the required essay.

The required essay had to be no less than 500 words and no more than 750 words in English, French or Spanish, on the subject of "Organized Labor's Contribution to the Welfare of the People of the United States" (for residents of the United States), or "Organized Labour's Contribution to the Welfare of the People of Canada" (for residents of Canada).

Prospective applicants had until January 31, 2015, to file their application for this year's scholarship. All subsequent materials had to be postmarked by March 15, 2015.

APPEALS TO THE GENERAL EXECUTIVE BOARD

Appeal No. 1: Quella Thompson Local 192-Oakland, CA

There came before the General Executive Board, an appeal by Quella Thompson, a member of Local 192-Oakland, CA, of the August 22, 2014, decision of International President Lawrence Hanley. Therein, President Hanley denied Ms. Thompson's challenge to decisions by the local members not to consider a series of charges she had filed against Local 192 President/Business Agent Yvonne Williams.

Ms. Thompson appeared before the Board and provided a full explanation of the issues and concerns underlying her appeal. The matters raised and reviewed by the Board included issues involving the local's processing of the charges, the timing of an interim election, vacancy appointments, grievance administration, training concerns, contract administration, financial matters, and the conduct of meetings among other issues.

Upon a thorough deliberation of all the facts and evidence in this case, the Board, upon motion duly made and seconded voted to uphold the decision of the international president. This included follow-up with the local officers on the issues sustained by the international president involving adherence to the local's bylaws with regard to the timing of interim elections, timely response to document requests, and the proper application of Robert's Rules for the conduct of membership meetings.

Appeal No. 2: Frank Lacey Local 26-Detroit, MI

There came before the General Executive Board, an appeal by Frank Lacey, a member of Local 26-Detroit, MI, which contested the July 11, 2014, decision of International President Lawrence Hanley. Therein, President Hanley denied Mr. Lacey's appeal regarding his challenge to the local union's February 21, 2014, election of

officers.

Brother Lacey presented his case by conference call, via speakerphone, before the Board and provided a full explanation of his concerns involving the appeal.

Upon a thorough deliberation of all the facts and evidence in this case, the General Executive Board, upon motion duly made and seconded, voted to uphold the decision of the international president.

**Appeal No. 3: Omer Lutvica
Local 1415-Toronto, ON**

There came before the General Executive Board, an appeal by Omer Lutvica, a member of Local 1415-Toronto, ON, which contested the September 10, 2014, decision of International President Lawrence Hanley. Therein, President Hanley denied Mr. Lutvica's appeal regarding his challenge to the local union's May 15, 2014, rerun election of officers.

Brother Lutvica presented his case by conference call, via speakerphone, before the Board and provided a full explanation of his concerns involving the appeal.

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

MOTION APPROVED TO LOAN \$2 MILLION DOLLARS TO ATU-TEC

International President Hanley reported to the Board on the finances of ATU-TEC Properties Inc., including expenditures to date for ongoing renovations and the drawdown of its initial loan from the ATU for construction and related expenses. Hanley outlined the present structure under which ATU had provided ATU-TEC Properties, LLC, with an initial loan of \$25 million as part of the structured arrangement for the purchase of the property.

To insure sufficient resources to both cover the costs of the project and a mechanism for the ATU to recoup the additional funds needed, President Hanley requested authority for ATU to make an additional loan of up to \$2 million. Upon motion duly made and seconded the General Executive Board authorized an additional \$2 million loan to ATU-TEC Properties, LLC.

REPORT ON ONGOING ATU CONTRACT, LEGISLATIVE AND POLITICAL CAMPAIGNS

President Hanley reviewed progress to date, and discussed ongoing contract, legislative and political campaigns involving our locals in the cities of Arcadia, CA, Atlanta, Boston, Chicago, Grand Rapids, New York, Rochester, Sarasota, Vancouver, and Winnipeg, and statewide campaigns in Alabama, Louisiana, Michigan and New Jersey. In each case the officers and members of the Board, reviewed the issues, coalition building efforts, member participation and the resources necessary to make them successful.

President Hanley also reported on efforts and activities to inject transit into the presidential campaign. He advised the Board that ATU would not be issuing an early endorsement, but would be initiating efforts to publicize the candidates' positions and to conduct a poll of our members on their preferences. Noting that voter turnout will be key in the 2016 elections, the Board discussed how best to provide strategies and information to the locals to maximize registration and turnout.

SUMMARY OF 2014 ATU MEDIA AWARDS

President Hanley reported to the Board that ATU and our Communications Department was honored to receive six 2014 Labor Media Awards from the International Labor Communicators Association (ILCA). In presenting the awards, ILCA noted that the winners "represent some of the best and most inspired work in labor communications... promoting the highest standards of labor journalism".

The awards included the following:

- 1st Place: Best Design Internet, "ATU International Website"
- 1st Place: Best Cartoon, "Struggle Against Austerity – *In Transit* Jan/Feb 2013"

- 1st Place: Saul Miller Award / Political Action, “What Works – ATU Members Shaking Things Up All over U.S. and Canada – *In Transit* May/June 2013”
- 2nd Place: Best Design Magazines, “Struggle Against Austerity – *In Transit* Jan/Feb 2013”
- 2nd Place: Best Editorial or Column, “Atlanta Transit Bill Harkens Back to the Days of Jim Crow”
- 3rd Place: Best Front Page/Cover, “Struggle Against Austerity – *In Transit* Jan/Feb 2013”

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 4:30 p.m. to reconvene at 9:00 a.m. on Thursday, May 14, 2015.

THIRD SESSION

The meeting convened at 9:00 a.m. on Thursday, May 14, 2015. General Executive Board members present were Richard Murphy, Bob Hykaway, Janis Borchardt, Paul Bowen, Kenneth Kirk, Gary Rauen, Marcellus Barnes, Rafael Rivera, Yvette Trujillo, Gary Johnson, Sr., Robin West, John Costa, Charles Watson, Claudia Hudson, Bruce Hamilton and Michelle Sommers. International President Lawrence Hanley presided.

Also in attendance were International Secretary-Treasurer Oscar Owens, International Executive Vice President Javier M. Perez, Jr., General Counsel Robert Molofsky, and Senior Staff Director/Executive Assistant to the International President Lauri Straughan. Retired International Vice President William McLean attended as a guest. International Vice President Larry Kinnear was absent from the meeting.

Appeal No. 4: Gary Long, Harold Grant, Joseph Scheade, II, Robert W. Nelson Jr. and George Weber Local 1548-Plymouth, MA

There came before the General Executive Board, an appeal by Gary Long and other members of Local 1548-Plymouth, MA, which contested the September 17, 2014, decision of International President Lawrence Hanley. Therein, President Hanley sustained in part, the election appeal of Local 1548 President/Business Agent Charles Ryan, overturning the local’s decision to rerun its recent officer elections, but ordered the local to run a special election prior to the 58th ATU Convention to determine who shall serve as delegates, because the ballot failed to list delegate positions.

Brother Grant presented the case on behalf of the appellants by conference call, via speakerphone, before the Board and provided a full explanation of his concerns involving the appeal.

Upon a thorough deliberation of all the facts and evidence in this case, the General Executive Board, upon motion duly made and seconded, voted to uphold the decision of the international president.

MINUTES OF FALL 2014 GEB MEETING APPROVED, AS CORRECTED

Upon motion duly made and seconded, the members of the General Executive Board approved the minutes of the previous General Executive Board meeting held December 15-19, 2014, in Tampa, FL. In doing so, the Board directed that the minutes be corrected as follows: page 14, to state that a vote on strike sanction by Local 1637-Las Vegas, NV, against Keolis, was postponed pending review of the negotiations and local’s position.

REQUESTS FOR FINANCIAL ASSISTANCE

Local 615-Saskatoon, SK

President/Business Agent Jim Yakubowski of Local 615-Saskatoon, SK, requested financial assistance to help offset legal expenses directly associated with ongoing contract negotiations with the City of Saskatoon.

The financial statement of Local 615 for the period ended December 31, 2014, listed a beginning balance of \$5,482.19. Receipts for the period amounted to \$495,343.08, and disbursements were \$442,977.54, leaving a balance at the end of the period of \$57,847.73. Currently, Local 615 has 392 active members.

The General Executive Board, after careful review and consideration of the facts, voted to grant Local 615’s

request for financial assistance, in the form of a (3) three-month waiver of per capita tax.

Local 1360-Topeka, KS

Financial Secretary Christine M. Guerero-Stickles of Local 1360-Topeka, KS, requested financial assistance in the form of a (3) three-month waiver of per capita tax, due to financial difficulties.

The financial statement of Local 1360 for the period ended December 31, 2014, listed a beginning balance of \$184.03. Receipts for the period amounted to \$9,235.60, and disbursements were \$5,006.36, leaving a balance at the end of the period of \$4,413.27. Currently, Local 1360 has 38 active members.

The General Executive Board, after careful review and consideration of the facts, voted to grant Local 1360's request for financial assistance in the form of a (3) three-month waiver of per capita tax.

Local 1729-Pittsburgh, PA

President/Business Agent Patricia Carfagna of Local 1729-Pittsburgh, PA, requested financial assistance due to the local's general fund being depleted as a result of not enough revenue being generated, and outstanding legal bills in connection with First Transit.

The financial statement of Local 1729, for the period ended December 31, 2014, listed a beginning balance of \$30,723.04. Receipts for the period amounted to \$28,990.18, and disbursements were \$32,191.12, leaving a balance at the end of the period of \$27,522.10. Currently, Local 1729 has 34 members.

The General Executive Board, after careful review and consideration of the facts, voted to grant Local 1360's request for financial assistance to cover its pending legal expenses involving unfair labor practice, before the NLRB and related litigation.

REPORT/DISCUSSION ON JOINT INDUSTRY COUNCILS

International President Hanley briefed and discussed with the Board recent activities, ongoing research, including information on pending and expected RFP's and related activities underway, in implementing the Joint Industry Councils and assisting locals.

REMARKS BY ROSE ANN DEMORO, EXECUTIVE DIRECTOR, NATIONAL NURSES UNITED, AND DISCUSSION ON 2016 PRESIDENTIAL CAMPAIGNS

Rose Ann Demoro, executive director of National Nurses United, the largest organization of nurses in the U.S., and a national vice president of the AFL-CIO, addressed the Board to describe and discuss the organization's recent political programs, positions on the "Robin Hood tax" designed to tax Wall Street transactions to pay for domestic programs, and the union's reasoning for endorsing Bernie Sanders for president.

Following her remarks, President Hanley and the Board discussed the ongoing presidential campaign and planned activities by ATU to "inject" transit and transportation funding into the campaign, and engage ATU members by providing information on the various candidates' views on transportation and other issues important to ATU members.

In addition, Hanley described plans for a membership poll, telephone town hall meetings with the candidates, leaflet and other communications, and said there was no basis as of yet and no timetable for an early ATU endorsement.

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 4:30 p.m. to reconvene at 9:00 a.m. on Friday, May 15, 2015.

FOURTH SESSION

The meeting convened at 9:00 a.m. on Friday, May 15, 2015. General Executive Board members present were Richard Murphy, Bob Hykaway, Janis Borchardt, Paul Bowen, Kenneth Kirk, Gary Rauen, Marcellus Barnes, Rafael Rivera, Yvette Trujillo, Gary Johnson, Sr., Robin West, John Costa, Charles Watson, Claudia Hudson,

Bruce Hamilton and Michelle Sommers. International President Lawrence Hanley presided.

Also in attendance were International Secretary-Treasurer Oscar Owens, International Executive Vice President Javier M. Perez, Jr., ATU General Counsel Robert Molofsky, and Senior Staff Director/Executive Assistant to the International President Lauri Straughan.

In addition, International Representatives Anthony Withington, Dennis Antonellis, Stephan MacDougal, Anthony Garland, and Antonette Bryant were present. Retired International Vice President William McLean attended as a guest. International Vice President Larry Kinnear was absent from the meeting.

ADVANCED TRAINING AND DISCUSSION ON CONTRACT COSTING

ATU Education Consultant and Trainer Joe Twarog conducted an advanced seminar on contract costing for members of the General Executive Board. The four-hour session included a review of the ongoing training provided to ATU local officers, application of Excel programs to calculate costs and directed exercises applying costing models to actual transit contract terms.

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 2:30 pm to reconvene at 9:00 a.m. on Saturday, May 16, 2015.

FIFTH SESSION

The meeting convened at 9:00 a.m. on Saturday, May 16, 2015. General Executive Board members present were, Richard Murphy, Bob Hykaway, Janis Borchardt, Paul Bowen, Kenneth Kirk, Gary Rauen, Marcellus Barnes, Rafael Rivera, Yvette Trujillo, Gary Johnson, Sr., Robin West, John Costa, Charles Watson, Claudia Hudson, Bruce Hamilton and Michelle Sommers. International President Lawrence Hanley presided.

Also in attendance were International Secretary-Treasurer Oscar Owens, International Executive Vice President Javier M. Perez, Jr., General Counsel Robert Molofsky, and Senior Staff Director/Executive Assistant to the International President Lauri Straughan.

In addition, International Representatives Anthony Withington, Dennis Antonellis, Stephan MacDougall, Anthony Garland, and Antonette Bryant were present. Retired International Vice President William McLean attended as a guest. International Vice President Larry Kinnear was absent from the meeting.

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 ATU Constitution and General Laws, continued over the course of these six months July 1, 2014 – December 31, 2014.

Under the direction and supervision of International Executive Vice President Javier M. Perez, Jr., the International led or assisted in the successful organizing of 46 transit workers into Locals 1015, 1225 and 1764.

During and at the end of the period, the International was involved in campaigns at 13 different properties to organize more than 900 employees. There was one decertification petition during this period – Local 1587-Toronto, ON. Members of Local 615-Saskatoon, SK, employed by the City of Saskatoon (Saskatoon Transit) and members of Local 1189-Guelph, ON, employed by Guelph Transit were locked out.

Campaigns Won during the Period

Local/Location	Employer	# of Employees	Type of Employees
1015-Spokane, WA	Grant Transit Authority	27	Operators
1225-San Francisco, CA	MV Transportation, Inc.	10	Maintenance Workers
1764-Washington, DC	First Transit, Inc.	9	Technicians and utility worker
TOTAL		46	

Campaigns Pending at the Close of the Period

Local/Location	Employer	# of Employees	Type of Employees
689-Washington, DC	DC Streetcar System	27	Operators and Mechanics
1027-Fresno, CA	Fresno Economic Opportunities Commission	100	Drivers
689-Washington, DC	Diamond Transportation (Metro Access)	6	Road Supervisors
1774-Aspen, CO	Roaring Fork Transportation Authority	118	
1279-Johnstown, PA	Indiana County Transit Authority (IndiGO)	45	
1576-Lynnwood, WA	Island Transit	63	
TOTAL		359	

Decertification Petitions/Raids During the Period

Local 1587-Toronto, ON

A petition was filed with the Canadian Labour Board to decertify the local union as the bargaining representative for the employees of Miller Transit. On October 8, 2014, an election was held and the membership voted to decertify from the union.

Lockouts

Local 615-Saskatoon, SK

On Saturday, September 20, 2014, members employed by the City of Saskatoon (Saskatoon Transit) were locked out. After several meetings between the parties, the members returned to work on Monday, October 20, 2014. These negotiations remained open at the close of this period.

Local 1189-Guelph, ON

On Monday, July 21, 2014, members employed by Guelph Transit were locked out. On Tuesday, August 5, 2014, the parties were able to reach an agreement, which the membership ratified by an 80% margin, thus ending the lockout.

Expenses

Approximately \$250,499 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.

STRIKE SANCTIONS

Local 1493-Raleigh, NC

Upon the request of International Vice President Gary Rauhen, the General Executive Board granted strike sanction to the paratransit members of Local 1493-Raleigh, NC, employed by Transdev.

Local 1505-Winnipeg, MB

Upon the request of International Vice President Bob Hykaway, the General Executive Board granted strike sanction to the members of Local 1505-Winnipeg, MB, employed by Winnipeg Transit.

REPORT OF THE GENERAL COUNSEL

The General Executive Board was briefed on significant litigation and Section 13(c) case processing decisions, and determinations issued by the U.S. Department of Labor (DOL). Rulings involving the Detroit Department of Transportation, MI, (Local 26), Rochester-Genesee Regional Transportation Authority, NY (Local 282), Washington Metropolitan Area Transportation Authority, DC (Local 689), El Paso, TX, (Local 1256), Dallas Area Rapid Transportation Authority, TX (Local 1338), and Palm Beach County, FL (Local 1277) were discussed.

The Board also was updated on the status of the pending post California pension reform legislation (PEPRA) litigation between DOL and the State of California, following the December 30, 2014, District Court Decision.

In that decision, the judge held that the agency had not engaged in “reasoned decision making” in denying grant certification, and remanded the case for further action consistent with the ruling. The Board then discussed subsequent case processing decisions by DOL, to enable grantees to receive their funds upon guaranteeing to restore employees’ pre-PEPRA rights should DOL ultimately prevail in the litigation.

The Board was also briefed on the potential impact and actions to retain members should the Supreme Court sustain the challenge to the constitutionality of state laws (*Friedrichs v. California Teachers Association*), that require the payment of agency fees by non-union members as a condition of employment.

Finally, the Board received a comprehensive presentation and summary review of the newly issued NLRB election rules governing the filing and processing of election petitions intended to reduce the time between the filing of petitions and the conducting of elections. A set of summary and explanatory materials and sample forms was distributed.

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 at 12:30 pm.

INTERIM ACTIONS AND RULINGS BY THE GENERAL EXECUTIVE BOARD

For the Period July 1 – December 31, 2014

1. AUTHORIZATION FOR LOCAL 892-TOPEKA, KS TO RETAIN A LOWER DUES STRUCTURE

Under authority vested in International President Hanley, by action of the General Executive Board and pursuant to Section 18.3 of the ATU Constitution and General Laws, on July 2, 2014, Local 892-Topeka, KS, was granted permission to retain a lower dues structure.

2. AUTHORIZATION FOR LOCAL 1701-SARASOTA, FL TO RETAIN A LOWER DUES STRUCTURE

Under authority vested in International President Hanley, by action of the General Executive Board and pursuant to Section 18.3 of the ATU Constitution and General Laws, on July 8, 2014, Local 1701-Sarasota, FL, was granted permission to retain a lower dues structure.

3. AUTHORIZATION FOR LOCAL 1622-DANBURY, 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 34.1 of the ATU Constitution and General Laws, on July 8, 2014, Local 1622-Danbury, CT, was authorized to enter into an agreement exceeding three years, with Housatonic Area Regional Transit District (HART).

4. AUTHORIZATION FOR LOCAL 732-ATLANTA, GA TO RETAIN A LOWER DUES STRUCTURE

Under authority vested in International President Hanley, by action of the General Executive Board and pursuant to Section 18.3 of the ATU Constitution and General Laws, on July 21, 2014, Local 732-Atlanta, GA, was granted permission to retain a lower dues structure.

5. AUTHORIZATION FOR LOCAL 128-ASHEVILLE, NC TO RETAIN A LOWER DUES STRUCTURE

Under authority vested in International President Hanley, by action of the General Executive Board and pursuant to Section 18.3 of the ATU Constitution and General Laws, on July 21, 2014, Local 128-Ashville, NC, was granted permission to retain a lower dues structure.

**6. AUTHORIZATION FOR LOCAL 1700-CHICAGO, IL
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 34.1 of the ATU Constitution and General Laws, on July 21, 2014, (National Greyhound) Local 1700-Chicago, IL, was authorized to enter into an agreement exceeding three years, with The Bolt.

**7. VOTE TO ADOPT THE INTERNATIONAL PRESIDENT'S RECOMMENDATION OF
CHARGES AGAINST LOCAL 241-CHICAGO, IL, EXECUTIVE BOARD MEMBERS**

Upon a polling of its membership conducted pursuant to Section 12.5 of the ATU Constitution and General Laws, on July 22, 2014, the General Executive Board voted adopt the recommendation of the international president that charges be issued against Local 241-Chicago, IL, members who served on the local union's executive board, for financial malfeasance and nonfeasance, including financial malpractice.

**8. AUTHORIZATION FOR LOCAL 1555-OAKLAND, CA
TO RETAIN A LOWER DUES STRUCTURE**

Under authority vested in International President Hanley, by action of the General Executive Board and pursuant to Section 18.3 of the ATU Constitution and General Laws, on July 23, 2014, Local 1555-Oakland, CA, was granted permission to retain a lower dues structure.

**9. VOTE TO ADOPT HEARING OFFICER'S RECOMMENDATION OF
CHARGES AGAINST LOCAL 583-CALGARY, AB, MEMBER MIKE MAHAR**

Upon a polling of its membership, conducted pursuant to Section 12.5 of the ATU Constitution and General Laws, on July 30, 2014, the General Executive Board voted to adopt the recommendation of the hearing officer's findings and recommendations, in charges against Local 583-Calgary, AB, member Michael Mahar.

**10. VOTE TO ADOPT THE INTERNATIONAL PRESIDENT'S RECOMMENDATION OF
CHARGES AGAINST LOCAL 241-CHICAGO, IL MEMBERS MICHAEL BARRON AND NATHANIEL SCURLOCK**

Upon a polling of its membership, conducted pursuant to Section 12.5 of the ATU Constitution and General Laws, on July 30, 2014, the General Executive Board voted to adopt the recommendation of the international president that a complaint be issued against Local 241-Chicago, IL, members Michael Barron and Nathaniel Scurlock.

**11. AUTHORIZATION FOR LOCAL 714-PORTLAND, ME
TO RETAIN A LOWER DUES STRUCTURE**

Under authority vested in International President Hanley, by action of the General Executive Board and pursuant to Section 18.3 of the ATU Constitution and General Laws, on August 1, 2014, Local 714-Portland, ME, was granted permission to retain a lower dues structure for those members employed by Regional Transportation Program (RTP).

**12. AUTHORIZATION FOR LOCAL 714-PORTLAND, ME
TO RETAIN A LOWER DUES STRUCTURE**

Under authority vested in International President Hanley, by action of the General Executive Board and pursuant to Section 18.3 of the ATU Constitution and General Laws, on August 1, 2014, Local 714-Portland, ME, was granted permission to retain a lower dues structure for those members employed by The City of Bangor.

**13. AUTHORIZATION FOR LOCALS 819-825, 880 (NJ STATE COUNCIL LOCALS)
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 34.1 of the ATU Constitution and General Laws, on August 7, 2014, Locals 819, 820, 821, 822, 823, 824, 825, and 880 were authorized to enter into an agreement exceeding three years with New Jersey Transit Bus Operations, Inc. (NJTBO).

**14. AUTHORIZATION FOR LOCAL 1576-LYNNWOOD, WA
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 September 3, 2014, Local 1576-Lynnwood, WA, was authorized to enter into interest arbitration with Community Transit.

**15. VOTE TO ADOPT THE INTERNATIONAL PRESIDENT'S RECOMMENDATION OF
CHARGES AGAINST LOCAL 1587-TORONTO, ON, MEMBERS TERRANCE TSUJI, WHITTIER HAZEL,
ABDUL HENDRICKS AND MIKE ROBERTS**

Upon a polling of its membership, conducted pursuant to Section 12.5 of the ATU Constitution and General Laws, on September 19, 2014, the General Executive Board voted to adopt the recommendation of the international president that a complaint be issued against Local 1587-Toronto, ON, members Terrance Tsuji, Whittier Hazel, Abdul Hendricks and Mike Roberts.

**16. AUTHORIZATION FOR LOCAL 1588-SOUTH WINDSOR, CT
TO RETAIN A LOWER DUES STRUCTURE**

Under authority vested in International President Hanley, by action of the General Executive Board and pursuant to Section 18.3 of the ATU Constitution and General Laws, on September 23, 2014, Local 1588-South Windsor, CT, was granted permission to retain a lower dues structure.

**17. AUTHORIZATION FOR LOCAL 583-CALGARY, AB
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 34.1 of the ATU Constitution and General Laws, on October 10, 2014, Local 583-Calgary, AB, was authorized to enter into an agreement exceeding three years with the City of Calgary.

**18. AUTHORIZATION FOR LOCAL 1182-SAINT JOHN, NB
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 34.1 of the ATU Constitution and General Laws, on October 8, 2014, Local 1182-St. John, NB, was authorized to enter into an agreement exceeding three years with Saint John Transit Commission.

**19. AUTHORIZATION FOR LOCAL 1395-PENSACOLA, FL
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 34.1 of the ATU Constitution and General Laws, on November 3, 2014, Local 1395-Pensacola, FL, was authorized to enter into an agreement exceeding three years with Pensacola Bay Transportation Company.

**20. AUTHORIZATION FOR LOCAL 697-TOLEDO, OH
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 November 14, 2014, Local 697-Toledo, OH, was authorized to enter into interest arbitration with Toledo Area Regional Transit Authority.

**21, 24 - 44. VOTES TO ADOPT HEARING OFFICER'S RECOMMENDATION OF
CHARGES AGAINST LOCAL 241-CHICAGO, IL, MEMBERS**

Upon a polling of its membership, conducted pursuant to Section 12.5 of the ATU Constitution and General Laws, on December 1, 2014, the General Executive Board voted to adopt the recommendation of the hearing officer's findings of guilt and remedies, in charges against Local 241-Chicago, IL, members Larry Muhammad, Michael Williams, Michael Wallace, Lonnie Walker, Michael Taylor, Gus Stevens, Michael Seaton, Nathaniel Scurlock, Dwayne Savage, Herman Reyes, Kevin Mitchell, Frederick McClure, Ruth

Latson, Venita Jones, Ernest Jones, Cederic Jones, Reuben Johnson, Vern Hodges, Carlos Harris, Michael Fairchild, Mary Beard, Michael Barron.

**22. AUTHORIZATION FOR LOCAL 558-SHREVEPORT, LA
TO RETAIN A LOWER DUES STRUCTURE**

Under authority vested in International President Hanley, by action of the General Executive Board and pursuant to Section 18.3 of the ATU Constitution and General Laws, on November 17, 2014, Local 558-Shreveport, LA, was granted permission to retain a lower dues structure.

**23. AUTHORIZATION FOR LOCAL 900-WAUKEGAN, IL
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 34.1 of the ATU Constitution and General Laws, on November 17, 2014, Local 900-Waukegan, IL, was authorized to enter into an agreement exceeding three years with PACE North Division... (Numbers 24 – 44 included with Number 21, above)

**45. AUTHORIZATION FOR LOCAL 241-CHICAGO, IL
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 34.1 of the ATU Constitution and General Laws, on December 1, 2014, Local 241-Chicago, IL, was authorized to enter into an agreement exceeding three years with PACE Southwest Division.

**46. AUTHORIZATION FOR LOCAL 732-ATLANTA, GA
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 34.1 of the ATU Constitution and General Laws, on December 8, 2014, Local 732-Atlanta, GA, was authorized to enter into an agreement exceeding three years with Metropolitan Atlanta Rapid Transportation Authority (MARTA).

**47. AUTHORIZATION FOR LOCAL 1493-RALEIGH, NC
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 34.1 of the ATU Constitution and General Laws, on December 16, 2014, Local 1493-Raleigh, NC, was authorized to enter into an agreement exceeding three years with Greensboro Transit Authority (*Transdev - Veolia Transportation*).