

# **Spring Meeting, 2021**

## **Videoconference**

### **FIRST SESSION**

The meeting was convened at 11:00 a.m. Eastern Time on Monday, May 17, 2021. General Executive Board members present were Richard Murphy, Janis Borchardt, Paul Bowen, Marcellus Barnes, Yvette Trujillo, Gary Johnson Sr., Robin West, Charles Watson, Bruce Hamilton, Michelle Sommers, James Lindsay, Emanuele Sforza, John Callahan, Curtis Howard, Natalie Cruz, Anthony Garland and Raymond Greaves. International President John A. Costa presided. Also in attendance were International Secretary-Treasurer Kenneth R. Kirk, International Executive Vice President Javier M. Perez Jr., Chief of Staff Jessica Chu, General Counsel Robert Molofsky and Assistant General Counsel Dan Smith.

### **OPENING REMARKS BY THE INTERNATIONAL PRESIDENT**

International President Costa opened the meeting by reviewing the week's agenda and noting the comprehensive reports which would be presented to the General Executive Board over the course of the week.

### **AUDIT COMMITTEE APPOINTED**

International President Costa appointed to the Audit Committee, International Vice Presidents Charles Watson, Bruce Hamilton, and Michelle Sommers. International Vice President Watson was designated as Chair.

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

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

#### **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.

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 Missouri, New York and Rhode Island as required by those states' laws.

The highlights of the contributions paid from the various funds (combined) for the six-month period ending December 31, 2020, are as follows:

**Federal**

Senatorial Campaigns	\$ 82,000.00
Congressional Campaigns	\$387,000.00
Other	\$ 37,500.00

**State**

Senatorial Campaigns	\$ 60,575.00
Representative Campaigns	\$ 66,550.00
Other	\$190,400.49

**Local**

Mayoral Campaigns	\$ 3,800.00
Councilperson Campaigns	\$ 13,550.00
Other	\$ 73,729.00

**Other** \$ 59,710.38

Between July 1, 2020, and December 31, 2020, ATU-COPE took in contributions totaling \$481,362.81. As of December 31, 2020, the funds had a combined available balance of \$208,709.12.

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

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

The 2020 Scholarship Program named in memory of former International President Lawrence J. Hanley was concluded with the issuance of checks in the amount of \$8,000.00, to the following: Boston College, for the scholarship of Emma Curley; the University of Colorado Boulder, for the scholarship of Marian Prather; King's College, for the scholarship of Marissa Jason; the University of Pennsylvania, for the scholarship of Mauricio Hernandez; Queens University, for the scholarship of Sasha Felthman, and Mount Royal University, for the scholarship for Samantha King.

The 2021 Scholarship Program named in memory of former International Secretary-Treasurer Oscar "Double O" Owens commenced with the publication of the official application in the 2020, October/November/December issue of the In Transit. A subsequent mailing of a supply of applications, accompanied by the official guidelines was mailed to each local union.

As customary, applications were received from U.S. and Canadian residents and are being held pending a review. The applicants were forwarded a listing 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, 2021, to file their application for this year’s scholarship. All subsequent materials had to be postmarked by March 15, 2021.

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

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

ATU M.S. RESEARCH FUND

STATEMENT OF RECEIPTS AND DISBURSEMENTS

JULY 1, 2020 - DECEMBER 31, 2020

U.S. OPERATIONS

Cash in Bank - July 1, 2020	\$ 6,130.48
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CASH RECEIPTS

Local Union Contributions	21.00
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Golf Tournament Proceeds:

Booster Contributions	<u>1,426.00</u>
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Total Cash Receipts	1,447.00
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TOTAL CASH AVAILABLE	\$ 7,577.48
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CASH DISBURSEMENTS

Total Cash Disbursements	0.00
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Cash in Bank - December 31, 2020	\$ <u><u>7,577.48</u></u>
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ATU M.S. RESEARCH FUND

STATEMENT OF RECEIPTS AND DISBURSEMENTS

JULY 1, 2020 - DECEMBER 31, 2020

CANADIAN OPERATIONS

Cash in Bank - July 1, 2020 \$ 6,224.80

CASH RECEIPTS

Golf Tournament Proceeds:

Interest Income 4.92

Booster Contributions 20.00

Total Cash Receipts 24.92

TOTAL CASH AVAILABLE \$ 6,249.72

CASH DISBURSEMENTS

Bank charges \$ 1.45

Total Cash Disbursements 1.45

Cash in Bank - December 31, 2020 \$ 6,248.27

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

International Vice President John Callahan reported on the status of the trusteeship of Local 1374 (Calgary, AB). The trusteeship was instituted to assist with the restructuring of the local union following a large drop in membership of over 400 members, resulting from the cessation of service by Greyhound Lines, Inc., in Alberta, Canada. In May 2019, Local 1374's members employed by the Red Deere Transit System, were transferred to Local 569 (Edmonton, AB). In August 2019, Local 1374's remaining Greyhound members and its members employed by the intercity carrier Brewster Transport Company, Ltd., were transferred to Local 1415 (Toronto, ON). IVP Callahan reported that the local union continues to deal with determining which members of Local 1374 went to Local 569 or Local 1415 and noted the particular difficulty with regard to the retirees.

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

International President John Costa reported on the trusteeship of Local 1764 (Washington, DC). The trusteeship was imposed in large part, to address the failure of the local union to bargain and to prepare to bargain, contracts at its largest properties. ATU Collective Bargaining Administrator John Ertl, who is one of the local union's co-trustees, reported that the membership of Local 1764, had voted to have its Washington-area properties transfer to Local 689 (Washington, DC), and its Baltimore-area properties transfer to Local 1300 (Baltimore, MD). IP Costa also reported that the transfer of Washington-area properties into Local 689 had been completed in the Fall of 2020, and that all necessary actions related to the trusteeship would be

completed by June 1, 2021. He further reported that Local 1300 had reversed its decision on accepting Local 1764's Baltimore-area properties, and that the trustees were continuing to develop member leadership and negotiate collective bargaining agreements at the properties. He also discussed the recent one-day strike at a WMATA Metro Access call-center, operated by MV Transportation.

#### **REPORT ON THE TRUSTEESHIP OF LOCAL 1546 (BATON ROUGE, LA)**

International Vice President Anthony Garland reported on the status of the trusteeship of Local 1546 (Baton Rouge, LA). The trusteeship was instituted as a result of a mass termination by the Capital Area Transit System, the local union lacked the necessary complement of officers employed by the employer, with access to the employer's property, and day-to-day contact with their members in the workplace. IVP Garland reported that the local union was making progress in bargaining and may reach an agreement soon. He also noted that of 14 terminated employees, the local union was able to return ten of them to work. The Executive Board was also reinstated as the result of an arbitrator's award.

#### **REPORT ON THE TRUSTEESHIP OF LOCAL 998 (MILWAUKEE, WI)**

International Vice Presidents Janis Borchardt and Michelle Sommers reported on the status of the trusteeship of Local 998 (Milwaukee, WI). The trusteeship was instituted because of leadership disfunction, including the inability of the local union's president/business agent and financial secretary to maintain a working relationship. IVPs Borchardt and Sommers reported they had reached collective bargaining agreements in Waukesha, Kenosha, and the Milwaukee paratransit service. They have been establishing a filing system for the local union's records and are examining the bylaws.

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

International Vice President Yvette Trujillo reported on the trusteeship of Local 1772 (Englewood, CO). IVP Trujillo reported that the local union had new leaders and had been released from trusteeship, effective January 1, 2021.

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

International Representative Michael Cornelius reported on the conclusion of the trusteeship of Local 1756 (Arcadia, CA), effective January 5, 2021. He reported that new elections were conducted, the leaders were doing a good job in handling bargaining at Foothill Transit operated by Transdev, and the local union finances were in a good shape.

#### **REPORT ON THE TRUSTEESHIP OF LOCAL 268 (CLEVELAND, OH)**

International Vice President Natalie Cruz reported on the status of the trusteeship of Local 268 (Cleveland, OH). The trusteeship was instituted in part to address excessive spending by the local union following its failure to amend its bylaws to reduce the number of full-time officers, monthly stipends, and other expenses. IVP Cruz reported the issues giving rise to the trusteeship

had been resolved, elections had been conducted, and the local union was released from trusteeship effective April 5, 2021.

**MOTION TO CONTRIBUTE TO UNITE THE COUNTRY PAC APPROVED**

International President John Costa discussed the crucial role of federal pandemic assistance in saving the transit industry in the United States. He explained the important role that the ATU played in ensuring the victory of transit and labor-friendly candidates for the executive and legislative branches of the U.S. federal government. The discussion moved to the importance of keeping transit and labor-friendly majorities in the U.S. House of Representatives and Senate. He also discussed the Unite the Country PAC, a committee to which the ATU contributed to during the presidential election, and the role it will play in electing transit and labor-friendly candidates. Upon a motion duly made and seconded, the General Executive Board approved a \$250,000 contribution to the Unite the Country PAC.

**RESOLUTION AUTHORIZING INTERNATIONAL PRESIDENT COSTA TO CLAIM FUNDS APPROVED**

Upon a motion duly made and seconded, the General Executive Board authorized International President John Costa in the name of, and on behalf of ATU, to take appropriate action to claim property in the name of the ATU, including property consisting of proceeds from uncashed checks from Piedmont Realty Trust and any future unclaimed funds, effective immediately; and to authorize International Secretary-Treasurer Kenneth R. Kirk to take all action necessary, including the release of documents, in order to claim such funds.

**MOTION TO CONTRIBUTE TO THE NEW JERSEY STATE AFL-CIO APPROVED**

It was announced that International President John Costa was being honored at a June 2021 award ceremony, for his leadership in the labor movement in New Jersey, by the New Jersey State AFL-CIO. Upon a motion duly made and seconded, the General Executive Board approved a \$10,000 contribution to the New Jersey State AFL-CIO, to purchase a page in the award ceremony program.

**REPORT OF THE INTERNATIONAL PRESIDENT APPROVED**

Upon a motion duly made and seconded, the General Executive Board approved the International President's Report.

**GENERAL DISCUSSIONS**

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

The meeting adjourned at 1:03 p.m., to reconvene at 11:00 a.m. on Tuesday, May 18, 2021.

## **SECOND SESSION**

The meeting was convened at 11:00 a.m. Eastern Time on Tuesday, May 18, 2021. General Executive Board members present were Richard Murphy, Janis Borchardt, Paul Bowen, Marcellus Barnes, Yvette Trujillo, Gary Johnson Sr., Robin West, Charles Watson, Bruce Hamilton, Michelle Sommers, James Lindsay, Emanuele Sforza, John Callahan, Curtis Howard, Natalie Cruz, Anthony Garland and Raymond Greaves. International President John A. Costa presided. Also, in attendance were International Secretary-Treasurer Kenneth R. Kirk, International Executive Vice President Javier M. Perez, Jr., Chief of Staff Jessica Chu, General Counsel Robert Molofsky, Assistant General Counsel Dan Smith, and Associate General Counsel Rich Otzel.

Assistant Controller Salma Yousefi and Senior Accountant Alexis Cowan were also in attendance.

### **APPEALS TO THE GENERAL EXECUTIVE BOARD**

APPEAL NO. 1

Frank Lacey

#### **LOCAL UNION 26 (DETROIT, MI)**

There came before the General Executive Board, an appeal by Local 26 member Frank Lacey, appealing to the Board, the February 24, 2021, decision of International President John Costa. International President Costa's decision denied Brother Lacey's appeal of the decision of Local 26, to reject his challenge to the local union's election of officers conducted on May 24, 2019.

Brother Lacey joined the meeting via telephone conference call, in order to explain the basis of his challenge and appeal, and to answer questions from the members of the Board.

Upon a thorough deliberation of all the facts and evidence in this case, the Board, upon motion duly made and seconded, voted to sustain the decision of International President Costa.

APPEAL NO. 2

Jaroslav Pizunski

#### **LOCAL UNION 1209 (NEW LONDON, CT)**

There came before the General Executive Board, an appeal by Local 1200 member Jaroslav Pizunski, appealing to the Board, the October 23, 2020, decision of International President John Costa. International President Costa's decision rejected Brother Pizunski's appeal of the decision of Local 1209, to reject his challenge to the local union's election of officers conducted on August 19, 2020.

Upon a thorough deliberation of all the facts and evidence in this case, the Board, upon motion duly made and seconded, voted to sustain the decision of International President Costa.

**MINUTES OF THE JULY 2, 2020, SPECIAL MEETING OF THE GENERAL EXECUTIVE BOARD APPROVED**

Upon a motion duly made and seconded, a majority of the General Executive Board approved the minutes of the Special GEB meeting held on July 2, 2020.

**MINUTES OF THE NOVEMBER 30, 2020, SPECIAL MEETING OF THE GENERAL EXECUTIVE BOARD APPROVED**

Upon a motion duly made and seconded, the General Executive Board approved the minutes of the Special GEB meeting held on November 30, 2020.

**MINUTES OF THE 2020 FALL MEETING OF THE GENERAL EXECUTIVE BOARD APPROVED**

Upon a motion duly made and seconded, the General Executive Board approved the minutes of the 2020 Fall GEB Meeting.

**ATU-TEC FINANCIAL REVIEW**

International President John Costa opened a discussion of the finances of the Amalgamated Transit Union Training and Education Center. Senior Accountant Alexis Cowan provided the Board with a review of the finances.

**DISCUSSION OF U.S. AND CANADIAN TAX IMPLICATIONS OF THE OFFICER AND STAFF PENSION PLAN**

International President John Costa and General Counsel Robert Molofsky provided the Board with an update on a pending agreement with Ullico, to indemnify Canadian retirees for Ullico's oversight on not withholding taxes on that portion of their pension, which was earned for working in the U.S.

**GENERAL DISCUSSIONS**

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

The meeting adjourned at 1:15 p.m., to reconvene at 11:00 a.m. on Wednesday, May 19, 2021.



## THIRD SESSION

The meeting was convened at 11:00 a.m. Eastern Time on Wednesday, May 19, 2021. General Executive Board members present were Richard Murphy, Janis Borchardt, Paul Bowen, Marcellus Barnes, Yvette Trujillo, Gary Johnson Sr., Robin West, Charles Watson, Bruce Hamilton, Michelle Sommers, James Lindsay, Emanuele Sforza, John Callahan, Curtis Howard, Natalie Cruz, Anthony Garland and Raymond Greaves. International President John A. Costa presided. Also, in attendance were International Secretary-Treasurer Kenneth R. Kirk, International Executive Vice President Javier M. Perez, Jr., Chief of Staff Jessica Chu, General Counsel Robert Molofsky and Assistant General Counsel Dan Smith.

### FINANCIAL ASSISTANCE

#### LOCAL 285 (STEUBENVILLE, OH)

By letter dated July 27, 2020, Local 285 Acting President/Business Agent Ronald Turner requested financial assistance to help offset expenses directly associated with a recent arbitration.

The financial statement of Local 285, for the period ending June 30, 2020, listed a beginning balance of \$2,979.43. Receipts for the period amounted to \$2,668.47, and disbursements were \$2,335.74, leaving a balance at the end of the period of \$3,312.16.

Currently, Local 285 has 11 active members.

After careful review and consideration of the facts, the General Executive Board voted to approve \$4,500, in financial assistance to Local 285.

#### LOCAL 1208 (JACKSON, MS)

By email dated October 14, 2020, Local 1208 President/Business Agent Alphonso Burns Jr. requested financial assistance to help offset expenses directly associated with recent arbitration cases.

The financial statement of Local 1208, for the period ending December 31, 2020, listed a beginning balance of \$13,323.00. Receipts for the period amounted to \$15,701.00, and disbursements were \$13,691.00, leaving a balance at the end of the period of \$15,333.00.

Currently, Local 1208 has 45 active members.

After careful review and consideration of the facts, the General Executive Board voted not to approve financial assistance to Local 1208.

#### LOCAL 1778 (LANSING, MI)

By letter dated February 22, 2021, Local 1778 President/Business Agent Maria Powell requested financial assistance because soon after the local ratified a first contract, a petition to

decertify was filed, which was then delayed due to coronavirus restrictions, causing a delay in the local's ability to begin collecting membership dues until December 2020.

Currently, Local 1778 has 65 active members.

Because there were questions regarding the circumstances and background related to the local union's finances, the General Executive Board voted to table the request for financial assistance pending further investigation.

#### LOCAL 128 (ASHEVILLE, NC)

By telephone call and later by correspondence of January 8, 2021, Local 128 President/Business Agent Diane Allen requested financial assistance to help offset expenses directly associated with recent arbitration cases.

The financial statement of Local 128, for the period ending December 31, 2020, listed a beginning balance of \$5,766.74. Receipts for the period amounted to \$9,914.54, and disbursements were \$7,499.96, leaving a balance at the end of the period of \$8,181.32.

Currently, Local 128 has 29 active members.

After careful review and consideration of the facts, a majority of the General Executive Board voted to approve \$4,600 in financial assistance to Local 128.

#### AUDIT COMMITTEE REPORT APPROVED

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 ending December 31, 2020.

#### INTERNATIONAL SECRETARY-TREASURER'S REPORT APPROVED

Upon a motion duly made and seconded, the General Executive Board approved the report of the International Secretary-Treasurer for the period July 1, 2020, through December 31, 2020.

#### REPORT OF THE GENERAL COUNSEL

ATU General Counsel Robert Molofsky reported on the work of the Legal Department. He opened his report by noting that the Department's 13(c) program work had expanded dramatically with additional federal transit grants under the Coronavirus Aid Relief, and Economic Security Act (CARES Act), the Coronavirus Response and Relief Supplemental Appropriations Act (CRRSAA), and the American Rescue Plan Act (ARP Act). He also noted the Department was looking at ways to use 13(c) protections to deal with issues related to transit agencies' transition to electric bus fleets and micro transit service.

He explained the Department continued to respond to numerous and wide-ranging inquiries coming in from the field, related to everything from union governance to local union elections, collective bargaining, drug and alcohol testing, labor standards, safety and health, and employee benefits.

General Counsel Molofsky also reported that the Legal Department continued to play a role in the International Union's response to the Coronavirus pandemic, including by assisting International Union officers and local unions, and drafting contract language and memos on topics as diverse as union administration during the pandemic, state workers compensation presumptions regarding the Coronavirus, and school bus safety.

He also announced the enhanced state legislation program to track and respond to the growing number of bills being introduced in state houses, regarding autonomous vehicles and the electrification of bus fleets. The Legal Department, working with the Government Affairs Department, identified, and worked with local unions on 45 separate bills in 15 states.

A discussion of the current litigation was provided to the Board. Molofsky noted that, after being dormant for one-and-a-half years, the Ontario litigation involving Local 113, seeking to interfere in union self-governance, had been revived and would move forward. He also noted that the PEPRA litigation in California, was current pending on cross motions for summary judgment before the U.S. District Court for the Eastern District of California, and that the parties were waiting to see what position the U.S. Department of Labor would take under the new administration. Lastly, he informed the Board that the program of First Amendment litigation continued to be successful, with the exception of one adverse decision by a District Court involving Local 22 (Worcester, MA) which was being appealed to the U.S. Court of Appeals for the Second Circuit.

During the General Counsel's report, International President Costa announced to the Board that General Counsel Robert Molofsky, after 35 years of service to the ATU, would be retiring. He thanked him for everything that he had done to advance the cause of the union.

Assistant General Counsel Dan Smith reported that in 2020 and 2021, the ATU had significant success in road supervisor cases under the National Labor Relations Act. He noted that in the past, employers had been able to frequently block efforts by road supervisors to join the ATU, on the basis of findings that they were statutory supervisors under 2(11) of the Act, but that in 2020, we received three favorable decisions from Regional Directors, and in 2021, the U.S. Court of Appeals for the Eighth Circuit upheld a favorable decision of the National Labor Relations Board. Assistant General Counsel Smith closed by noting the ATU recently won a case allowing the union to conduct an election among only the fixed-route operators in a garage, which operated both fixed-route and paratransit service.

## **GENERAL DISCUSSIONS**

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

The meeting adjourned at 1:14 p.m. to reconvene at 11:00 a.m. on Thursday, May 20, 2021.

## **FOURTH SESSION**

The meeting was convened at 11:00 a.m. Eastern Time on Thursday, May 20, 2021. General Executive Board members present were Richard Murphy, Janis Borchardt, Paul Bowen, Marcellus Barnes, Yvette Trujillo, Gary Johnson Sr., Robin West, Charles Watson, Bruce Hamilton, Michelle Sommers, James Lindsay, Emanuele Sforza, John Callahan, Curtis Howard, Natalie Cruz, Anthony Garland, Raymond Greaves and Stephan MacDougall. International President John A. Costa presided. Also, in attendance were International Secretary-Treasurer Kenneth R. Kirk, International Executive Vice President Javier M. Perez, Jr., Chief of Staff Jessica Chu, General Counsel Robert Molofsky, and Assistant General Counsel Dan Smith.

International Representatives Dennis Antonellis, Sesil Rubain, Marilyn Williams, Michael Harms, and Michael Cornelius; ATU Canada President John Di Nino; Director of New Organizing Chris Townsend; Director of Field Mobilization Todd Brogan; Director of Collective Bargaining and Joint Industry Coordinator John Lyons; Director of Strategic Research Andrew Gena; Director of Communications David Roscow; Director of Government Affairs Jeff Rosenberg; National Political Director Clem Balanoff; Education and Training Administrator Russell Bateman; and Workforce Development Coordinator Jamaine Gibson were also in attendance.

### **APPOINTMENT OF STEPHAN MACDOUGALL AS THE 18<sup>TH</sup> INTERNATIONAL VICE PRESIDENT**

International President John Costa appointed ATU International Representative Stephan MacDougall to the position of 18<sup>th</sup> International Vice President. Upon a motion duly made and seconded, the members of the General Executive Board approved the appointment of the International President.

### **REPORT ON NEW ORGANIZING**

Director of New Organizing Chris Townsend reported that the ATU has continued to organize new properties throughout the pandemic, running eleven elections in 2021, of which ten were won. Director Townsend noted that in the Washington, DC area, there are two properties where the employers have tried to oust the ATU; in one case, the employer was trying to take advantage of the transfer of the property from one ATU local union to another, and in the other case, a new transit contractor tried to take advantage of its status as a new employer on the property and its consolidation of the ATU garage with a non-union garage. In both situations, He expects we will prevail. He also reported that the department was able to squash a nascent decertification effort at a school bus contractor and observed that experience confirmed the importance of addressing decertification drives early.

Townsend also addressed the issue of open shops. There are 160 local unions with 360 open-shop properties. He said the number of non-members, in our bargaining units, is estimated to be no less than 10,000. He also noted that the department is beginning to develop a program to address the issue.

## **REPORT ON FIELD MOBILIZATION**

Director of Field Mobilization Todd Brogan reported on the ongoing efforts of the Campaigns Department, during the pandemic. He reported on the large scope of campaign work from efforts related to the pandemic and its economic fallout, such as securing adequate PPE and fighting layoffs, to efforts around perennial issues such as bargaining, strikes, and political action.

He explained the deep organizing approach the Department has been able to take with a number of our local unions. This approach has included 1,056 members successfully completing member organizing training, and over 31,000 confirmed conversations have been held between members. The union has seen growing involvement in union campaigns in a number of local unions where the department has adopted this approach. Results have been, larger participation in union campaigns and contract ratification votes, and bigger “yes” votes in ratification votes.

Brogan concluded that the Department is now looking nine months out from bargaining campaigns and starting earlier than they were previously able to, by distributing bargaining surveys, building contract action teams, and conducting organizer training.

## **REPORT ON COLLECTIVE BARGAINING AND JOINT INDUSTRY COUNCILS**

Collective Bargaining Director and Joint Industry Council Coordinator John Lyons reported on bargaining trends in the last six months, including trends affected by the pandemic. He noted that the department has been working with a number of local unions in securing hazard pay. He also reported on the sale of FirstGroup’s, First Transit and First Student, to a private equity company. Director Lyons briefly reviewed the state of the Joint Industry Councils. He explained the assistance which his department has provided regarding the RFP process, bargaining, and trusteeships.

He finished his discussion by recounting his experience leading Local 689 in bargaining at a WMATA MetroAccess call-center operated by MV Transportation. The workers recently conducted a successful one-day strike, and bargaining is ongoing.

## **REPORT ON THE STRATEGIC RESEARCH DEPARTMENT**

Director of Strategic Research Andrew Gena reviewed the different types of assistance the department had provided to International Officers and staff, and to local unions in assisting with preparing local unions for bargaining and contract enforcement. He discussed the efforts of the department to prepare for strategic bargaining. He also reported on the efforts of the department to monitor SARS-CoV-2 vaccines and transit worker prioritization. Lastly, he discussed the purchase of First Transit and First Student from FirstGroup by EQT Infrastructure. EQT Infrastructure has stated that it intends to invest in the companies, but the purchase of the companies by a private equity fund remains very concerning.

## **REPORT ON KEY POLITICAL RACES IN 2021**

Clem Balanoff, National Political Director, reported on the key political races facing ATU members. He explained the importance of the ATU's early endorsement of U.S. President Joe Biden, and work in the recent U.S. Senate races in Georgia. He explained the ATU's support for Jennifer Carroll Foy in the Virginia Democratic gubernatorial primary, Nina Turner in the Democratic primary for the U.S. House of Representative for the 11<sup>th</sup> District of Ohio, and Eric Adams in the New York City Democratic mayoral primary. Lastly, Balanoff reported that the union will be focusing on ensuring strong turnout in the U.S. federal mid-term elections.

## **REPORT ON LEGISLATIVE AND POLITICAL AFFAIRS**

Director of Government Affairs Jeff Rosenberg reported on funding provided by the U.S. federal government to transit agencies under the CARES Act, CRRSAA, and ARP Act. He discussed the successful push to make sure federal transit grant money was available to private contractors at transit agencies, and that CERTS Act funding was available for the over-the-road and school bus industries.

Rosenberg explained the importance of the U.S. American Jobs Plan, and the provisions funding training for the transition to electric buses. He reported that the current surface transportation bill currently in U.S. Congress, would be a five-year bill with significant funding for transit systems, and would address operator assaults, bus blind spots, workforce development and a national transit training center, and autonomous vehicles.

## **REPORT ON THE COMMUNICATIONS DEPARTMENT**

Director of Communications David Roscow reported on the International Union's aggressive communications program. He explained that the International Union's public electronic and social media have had more engagement than in the past. He also noted that the department has continued to assist local unions and International staff with communications support.

## **REPORT ON TRAINING AND EDUCATION**

Education and Training Administrator Russell Bateman reported on ATU's continued use of training by video conference during the pandemic. He noted that early in the pandemic, the training was focused on safety and health issues related to COVID-19, but that the scope of training by video conference has expanded to topics such as U.S. federal grant programs, new officer and steward responsibilities, collective bargaining, and organizing.

## **REPORT ON WORKFORCE DEVELOPMENT**

Workforce Development Coordinator Jamaine Gibson reported on ATU's increasingly successful workforce development program. He discussed the various training and apprenticeship projects with numerous local unions in 40 locations in the U.S. and Canada, including the ATU's bus and rail operator and maintenance mentorship and apprenticeship programs.

## **ANNOUNCEMENT OF RETIREMENT OF THE GENERAL COUNSEL**

International President John Costa announced the retirement of ATU General Counsel Robert Molofsky, recognized him for his 35 years serving the ATU and North America's transit workers, and thanked him for his service. Members of the General Executive Board expressed their gratitude for his contributions to the ATU and its members.

## **APPOINTMENT OF NEW GENERAL COUNSEL**

International President John Costa announced the appointment of Assistant General Counsel Dan Smith to the position of ATU General Counsel, effective July 1, 2021. Smith expressed his gratitude for the honor of the appointment.

## **GENERAL DISCUSSIONS**

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

The meeting adjourned at 4:17 p.m., to reconvene at 11:00 a.m. on Friday, May 21, 2021.

## **FIFTH SESSION**

The meeting was convened at 11:00 a.m. Eastern time on Friday, May 21, 2021. General Executive Board members present were Richard Murphy, Janis Borchardt, Paul Bowen, Marcellus Barnes, Yvette Trujillo, Gary Johnson Sr., Robin West, Charles Watson, Bruce Hamilton, Michelle Sommers, James Lindsay, Emanuele Sforza, John Callahan, Natalie Cruz, Anthony Garland, Raymond Greaves and Stephan MacDougall. International President John A. Costa presided. Also, in attendance were International Secretary-Treasurer Kenneth R. Kirk, International Executive Vice President Javier M. Perez Jr., Chief of Staff Jessica Chu, General Counsel Robert Molofsky and Assistant General Counsel Dan Smith.

International Representatives Dennis Antonellis, Sesil Rubain, Marilyn Williams, Michael Harms and Michael Cornelius; ATU Canada President John Di Nino; National Political Director Clem Balanoff; ATU-TEC Human Resources and Operations Counsel Rajita Andrews; Data Project Manager Abdelnasser Rashid; ATU IT Systems Engineer James Anaman; Quorum Consulting Group Partner Angela Davis; and Florida House Experience Health, Director of Public and Community Relations Janet Gerhard were also in attendance.

International Vice President Curtis Howard was excused from the meeting.

### **PRESENTATION ON ATU 401(K) AND 457 PLANS PROGRAM**

Angela Davis, Partner, Quorum Consulting Group, the third-party administrator for the ATU-sponsored 401(k) and 457 plans, addressed the Board. She noted that Quorum has administered the ATU plans for 20 years. She discussed the incredible growth of the plans over that period of time, in terms of the number of employers which have adopted the plans, members who participate in the plan, and assets held by participants in their accounts.

### **FHE HEALTH PRESENTATION**

Florida House Experience Health (FHE Health) Director of Public and Community Relations Janet Gerhard addressed the Board about workplace and family mental health, and National Stress Awareness Month. She explained that FHE Health is available to assist our members with any untreated mental health issues.

International President Costa highlighted the importance of people getting assistance when they are facing difficult times.

### **OVERVIEW OF ATU HEALTH BENEFITS**

Human Resources and Operations Counsel for ATU and ATU-TEC Rajita Andrews provided an overview to the health benefits programs currently available to the International Officers and staff in the United States and explained she will be working to prepare an overview for International Officers and staff in Canada, shortly.



## **DATA SYSTEMS MODERNIZATION PROJECT UPDATE**

Data Project Manager Abdelnasser Rashid and ATU IT Systems Engineer James Anaman explained the International Union's program to shift local union reporting of members to the International Union, from MUMS to Unionware, in order to create a simpler and more seamless process for local unions and the International.

## **REPORT ON ATU CANADA**

ATU Canada President John Di Nino briefed the Board about the state of ATU Canada during the pandemic. He noted that the vaccine rollout has been discouragingly slow in Canada, and that provincial lockdowns continue. President Di Nino also discussed the low level of federal assistance for transit agencies. He gave an account of a number of recent new organizing victories and first contracts successfully concluded.

He discussed the closing of Greyhound Canada, and that Canada now has no national intercity bus service. ATU Canada is currently working with allies on developing a national transportation strategy. Di Nino gave a legislative report, focusing on new legislation in Manitoba, which would interfere in the ability of local unions to engage in political action.

Lastly, Di Nino stated that ATU Canada recently concluded its annual conference which was successfully held by video conference with elections conducted by electronic balloting.

## **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 1:41 p.m. sine die.

INTERIM ACTIONS AND RULINGS BY THE  
GENERAL EXECUTIVE BOARD  
FOR THE PERIOD JULY 1, 2020, THROUGH DECEMBER 31, 2020

1. AUTHORIZATION FOR LOCAL 1474 (RICHMOND, IN)  
TO RETAIN A LOWER DUES STRUCTURE

Under authority vested in International President Costa, by action of the General Executive Board and pursuant to Section 18.3 of the ATU Constitution and General Laws, on July 7, 2020, Local 1474 (Richmond, IN), was granted permission to retain a Lower Dues Structure.

2. AUTHORIZATION TO ADOPT THE BYLAWS OF LOCAL 1745 (KANKAKEE, IL)

Upon a polling of its membership, conducted pursuant to Section 13.2 of the ATU Constitution and General Laws, on July 13, 2020, a majority of the General Executive Board voted to approve the recommendation of International President Costa, to approve the Bylaws of Local 1745 (Kankakee, IL), as the Decision and Order of the General Executive Board.

3. AUTHORIZATION TO APPROVE JULY 2, 2020, SPECIAL GEB MEETING  
MINUTES

Upon a polling of its membership, conducted pursuant to Section 12.8 of the ATU Constitution and General Laws, on July 24, 2020, a majority of the General Executive Board voted to approve the July 2, 2020, Special General Executive Board meeting minutes.

4. AUTHORIZATION TO PLACE LOCAL 1546 (BATON ROUGE, LA) INTO  
TEMPORARY TRUSTEESHIP

Upon a polling of its membership, conducted pursuant to Section 12.6 of the ATU Constitution and General Laws, on August 10, 2020, a majority of the General Executive Board authorized International President Costa to place Local 1546 (Baton Rouge, LA), into Temporary Trusteeship.

5. AUTHORIZATION FOR LOCAL 732 (ATLANTA, GA)  
TO RETAIN A LOWER DUES STRUCTURE

Under authority vested in International President Costa, by action of the General Executive Board and pursuant to Section 18.3 of the ATU Constitution and General Laws, on August 18, 2020, Local 732 (Atlanta, GA), was granted permission to retain a Lower Dues Structure.

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

Under authority vested in International President Costa, by action of the General Executive Board and pursuant to Section 18.3 of the ATU Constitution and General Laws, on August 18, 2020, Local 1293 (Lincoln, NE), was granted permission to retain a Lower Dues Structure.

7. AUTHORIZATION FOR LOCAL 946 (CORNWALL, ON)  
TO RETAIN A LOWER DUES STRUCTURE

Under authority vested in International President Costa, by action of the General Executive Board and pursuant to Section 18.3 of the ATU Constitution and General Laws, on August 20, 2020, Local 946 (Cornwall, ON), was granted permission to retain a Lower Dues Structure.

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

Under authority vested in International President Costa, by action of the General Executive Board and pursuant to Section 18.3 of the ATU Constitution and General Laws, on August 27, 2020, Local 1742 (Charleston, WV), was granted permission to retain a Lower Dues Structure.

9. AUTHORIZATION TO TERMINATE THE TRUSTEESHIP OF  
LOCAL 1593 (TAMPA, FL)

Upon a polling of its membership, conducted pursuant to Section 12.6 of the ATU Constitution and General Laws, on September 3, 2020, a majority of the General Executive Board authorized International President Costa to terminate the Trusteeship of Local 1593 (Tampa, FL).

10. AUTHORIZATION TO TERMINATE THE TRUSTEESHIP OF LOCAL 1771  
(PENSACOLA, FL) and MERGE INTO LOCAL 1395 (PENSACOLA, FL)

Upon a polling of its membership, conducted pursuant to Section 12.6 and Section 16 of the ATU Constitution and General Laws, on September 2, 2020, a majority of the General Executive Board authorized International President Costa to terminate the Trusteeship of Local 1771 (Pensacola, FL) and merge it into LU 1395 (Pensacola, FL).

11. AUTHORIZATION TO WAIVE DUES AND PER CAPITA TAX OBLIGATIONS  
FOR THE MONTHS OF OCTOBER, NOVEMBER, AND DECEMBER 2020

Upon a polling of its membership, conducted pursuant to Section 35 of the ATU Constitution and General Laws, on September 18, 2020, a majority of the General Executive Board authorized International President Costa to waive the dues and per capita tax obligations

of members and who met a certain criteria, for the months of October, November, and December 2020.

12. AUTHORIZATION TO TERMINATE THE TRUSTEESHIP OF LOCAL 1028 (DES PLAINES, IL)

Upon a polling of its membership, conducted pursuant to Section 12.6 of the ATU Constitution and General Laws, on September 22, 2020, a majority of the General Executive Board authorized International President Costa to terminate the Trusteeship of Local 1028 (Des Plaines, IL).

13. AUTHORIZATION TO TERMINATE THE TRUSTEESHIP OF LOCAL 1745 (KANKAKEE, IL)

Upon a polling of its membership, conducted pursuant to Section 12.6 of the ATU Constitution and General Laws, on September 22, 2020, a majority of the General Executive Board authorized International President Costa to terminate the Trusteeship of Local 1745 (Kankakee, IL).

14. AUTHORIZATION TO TERMINATE THE TRUSTEESHIP OF LOCAL 1587 (TORONTO, ON)

Upon a polling of its membership, conducted pursuant to Section 12.6 of the ATU Constitution and General Laws, on September 25, 2020, a majority of the General Executive Board authorized International President Costa to terminate the Trusteeship of Local 1587 (Toronto, ON).

15. AUTHORIZATION TO ADOPT THE BYLAWS OF LOCAL 268 (CLEVELAND, OH)

Upon a polling of its membership, conducted pursuant to Section 13.2 of the ATU Constitution and General Laws, on October 15, 2020, a majority of the General Executive Board voted to approve the recommendation of International President Costa, to approve the Bylaws of Local 268 (Cleveland, OH), as the Decision and Order of the General Executive Board.

16. AUTHORIZATION FOR LOCAL 1064 (TERRE HAUTE, IN) TO RETAIN A LOWER DUES STRUCTURE

Under authority vested in International President Costa, by action of the General Executive Board and pursuant to Section 18.3 of the ATU Constitution and General Laws, on October 6, 2020, Local 1064 (Terre Haute, IN) was granted permission to retain a Lower Dues Structure.

17. AUTHORIZATION TO ADOPT THE REPORT OF THE HEARING OFFICER IN THE MATTER OF THE TRUSTEESHIP OF LOCAL 1546 (BATON ROUGE, LA)

Upon a polling of its membership, conducted pursuant to Section 12.6 of the ATU Constitution and General Laws, on October 19, 2020, a majority of the General Executive Board voted to approve the recommendation of International President Costa, to adopt the Findings and Determination of the Hearing Officer, as the Decision and Order of the General Executive Board, in the matter of Trusteeship of Local 1546 (Baton Rouge, LA).

18. AUTHORIZATION TO ADOPT THE BYLAWS OF LOCAL 1756 (ARCADIA, CA)

Upon a polling of its membership, conducted pursuant to Section 13.2 of the ATU Constitution and General Laws, on November 12, 2020, a majority of the General Executive Board voted to approve the recommendation of International President Costa, to approve the Bylaws of Local 1756 (Arcadia, CA), as the Decision and Order of the General Executive Board.

19. AUTHORIZATION TO ADOPT THE BYLAWS OF LOCAL 1772 (ENGLEWOOD, CO)

Upon a polling of its membership, conducted pursuant to Section 13.2 of the ATU Constitution and General Laws, on November 25, 2020, a majority of the General Executive Board voted to approve the recommendation of International President Costa, to approve the Bylaws of Local 1772 (Englewood, CO), as the Decision and Order of the General Executive Board.

20. AUTHORIZATION FOR LOCAL 770 (MOBILE, AL)  
TO ENTER INTO INTEREST ARBITRATION

Under authority vested in International President Costa, by action of the General Executive Board and pursuant to Section 19.2 of the ATU Constitution and General Laws, on December 8, 2020, Local 770 (Mobile, AL), was authorized to enter into Interest Arbitration with the Wave Transit System.

21. AUTHORIZATION TO WAIVE DUES AND PER CAPITA TAX OBLIGATIONS  
FOR THE MONTHS OF JANUARY, FEBRUARY AND MARCH 2021

Upon a polling of its membership, conducted pursuant to Section 35 of the ATU Constitution and General Laws, on December 3, 2020, the General Executive Board authorized International President Costa to waive the dues and per capita tax obligations of members and who met certain criteria for the months of January, February and March 2021.