SPREAD THE WORD!

OPERATING ASSISTANCE NEEDED NOW!

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CAMPAGNES DE L’ATU POUR UNE AIDE FÉDÉRALE SUR LES COÛTS D’EXPLOITATION ET CONTRE LES ATTAQUES SUR LES EMPLOYÉS

Au cours de ces derniers mois, vous avez lu des articles sur la triste condition de l’industrie des transports en commun. Personne n’a besoin de nous dire que nous avons en ce moment le plus grand nombre de passagers. Vous vous rendez compte chaque jour dans les bus et dans les trains. Cependant, essayez d’expliquer à vos passagers - valides ou invalides – que, malgré l’augmentation des services que vous fournissez, il se peut qu’ils n’aient plus de moyen de transport dans un proche avenir.

Essayez de leur expliquer que dans beaucoup d’endroits les tarifs vont augmenter – encore – d’un montant substantiel et que les services vont être réduits car les revenus locaux et étatiques sont au plus bas et que les dollars donnés par les autorités fédérales ne peuvent pas être utilisés pour aider à payer les coûts d’exploitation (essence, salaires, administration, etc.).


Malgré quelques signaux récents et encourageants, nous anticipons sur le fait que la situation concernant les licenciements va empirer avant de s’améliorer. De plus, lorsque l’économie se relance je suis convaincu que la demande de carburant va encore une fois augmenter.

Attaque éclair tous azimuts

Au cours des prochains mois, l’ATU va faire une attaque tous azimuts pour convaincre le Congrès d’autoriser l’utilisation des fonds fédéraux pour aider à couvrir les coûts d’exploitation de façon à ce que les systèmes de transport en commun puissent garder la tête au-dessus de l’eau et maintenir les emplois pendant cette période économique difficile. Nous ne pouvons pas le faire sans votre aide !

En travaillant avec nos partenaires – environnementalistes, défenseurs des transports en commun, et autres personnes – nous avons l’intention de monter une campagne pour mettre la pression sur les législateurs. Notre but est de les aider à comprendre que bien que de nouveaux autobus, wagons, et autres équipements (que le Congrès est d’accord pour financer) sont certainement critiques, ils ne sont pas d’autre utilité s’il n’y a personne pour les faire marcher ou pour assurer leur entretien.

Donc, nous allons travailler pour que l’attention des médias se focalise sur ce problème. Et nous allons vous demander de travailler avec les gens qui importent le plus aux membres du Congrès – vos passagers et ceux de leurs circonscriptions – pour rabâcher ce message chez vous.

— Suite à la page 8

UN MENSAJE DEL PRESIDENTE INTERNACIONAL POR WARREN S. GEORGE

CAMPAÑAS DE ATU SOBRE AYUDA FINANCIERA A LAS OPERACIONES, CONTRA EL ASALTO

Durante los pasados meses, ustedes han leído sobre la actual y triste situación que afecta a la industria del tránsito. Nadie necesita decirnos que en la actualidad estamos experimentando un alto récord sin precedentes en el volumen del número de usuarios del transporte público. Usted puede notarlo todos los días en los autobuses y en los trenes. Pero trate usted de hacerles entender a su clientes – tanto a los sanos como los discapacitados – que, a pesar del gran aumento en la demanda de los servicios que ustedes prestan, es posible que en un futuro próximo esos clientes nuestros no tengan manera de poder movilizarse de un lugar a otro.

Trate de ayudarles a que ellos entiendan que las tarifas en muchas áreas van aumentar – de nuevo – de manera substancial y que habrán recortes en el servicio, porque los ingresos de las municipalidades y los estados han decrecido enormemente y que los dólares federales para el tránsito generalmente no pueden ser utilizados para cubrir los gastos de operación (combustible, salarios, administración, etc.).

Las autoridades del tránsito estuvieron rebosadas de alegría con motivo de los muchos nuevos y bienvenidos pasajeros quienes empezaron a utilizar el sistema de tránsito después que los precios de la gasolina fueron agudamente aumentados. Sin embargo, de pronto, la mayor parte de los sistemas de tránsito fueron abrumados, descubriendo que era imposible mantener el servicio porque ellos, tampoco podían cubrir el costo de los disparados precios del combustible diesel. Sin ninguna otra alternativa, los sistemas de tránsito comenzaron a recortar el servicio, aumentar las tarifas y a despedir a nuestros miembros.

A pesar de recientes alentadores indicios, nosotros anticipamos que la situación de los despidos empezará antes de que comiencen a mejorar las cosas. Y cuando la economía se recupere yo estimo que la demanda por el combustible comenzará a aumentar de nuevo.

Un Incesante Bombardeo

Durante los próximos meses, la ATU estará llevando a cabo un incesante bombardeo para convencer al Congreso Nacional que permita que los fondos federales del tránsito puedan ser usados para ayuda en las operaciones, a fin de que los sistemas de tránsito puedan permanecer a flote y que nuestros miembros puedan mantener sus empleos durante difíciles momentos económicos. ¡ Esto no puede suceder sin la ayuda de ustedes!

Trabajando con nuestros socios – el movimiento ecologista, defensores del tránsito, y otros – nosotros planeamos poner en marcha una campaña pública diseñada para aplicar presión sobre el poder legislativo. Nuestro objetivo es ayudarles a que ellos entiendan que mientras que nuevos autobuses, carros de ferrocarril y otro equipo (cuyos costos el Congreso está dispuesto a financiar) son ciertamente de crítica importancia, los mismos no sirven ningún propósito si no hay nadie disponible para operarlos y hacer el mantenimiento de los mismos.

Así, pues, estaremos trabajando arduamente para lograr que la atención de los medios de comunicación esté enfocada en esta cuestión. Y nosotros estaremos solicitando de ustedes que trabajen con la gente en la que los miembros del Congreso tienen el mayor interés – sus pasajeros y sus constituyentes – a fin de que nuestro constante martilléo atraiga su atención.

— Continúa en la página 8
**ATU CAMPAIGNS FOR OPERATING ASSISTANCE, AGAINST ASSAULT**

During the past few months, you have read about the sad state of affairs in the transit industry. Nobody needs to tell you that we are experiencing record high ridership. You see it everyday on buses and trains. But try explaining to your customers – able-bodied and disabled – that despite increased demand for the services you provide, there may be no way for them to get around in the near future.

Try helping them understand that fares in many areas are going to increase – again – by a substantial amount and that service will be cut, because state and local revenues are way down and federal transit dollars generally cannot be used to pay for operating assistance (fuel, wages, administration, etc.).

Transit authorities were overjoyed last summer over the many new and welcome passengers who started using mass transit after the spike in gas prices. Soon, however, most systems became overwhelmed, finding it impossible to maintain service because they too could not afford the skyrocketing price of diesel fuel. With nowhere to turn, transit systems have begun to cut service, increase fares, and layoff our members.

Despite some recent encouraging signs, we expect the layoff situation to get worse before it gets better. And when the economy does recover I believe that the demand for fuel will once again rise.

**ALL-OUT BLITZ**

During the next few months, the ATU is going to be conducting an all-out blitz to convince Congress to allow federal transit funds to be used for operating assistance so that systems can stay afloat and our members can keep their jobs during these tough economic times. This cannot happen without your help!

Working with our partners – environmentalists, transit advocates, and others – we plan to put together a public campaign designed to put pressure on lawmakers. Our goal is to help them understand that while new buses, rail cars, and other equipment (which Congress is willing to pay for) are certainly critical, they serve no purpose if no one is there to operate or maintain them.

So we will be working to get media attention focused on this issue. And we will be asking you to work with the people who members of Congress care about most – your passengers and their constituents – to hammer the message home.

Yes, we will be working the halls of Congress here in Washington, but without your enthusiastic support, our efforts will fall short. I firmly believe that this battle will be won or lost “outside the Washington Beltway.”

Brothers and Sisters, for the sake of your jobs and the future of our industry, please join us in this historic campaign – ATU’s pursuit of federal transit operating assistance.

**SAFETY AND SECURITY IN CANADA**

The Canadian Council is pushing for passage of two private members’ bills which would help protect transit workers, which were tabled (introduced) in the House of Commons.

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Know Your Rights

New Family and Medical Leave Regulations (Part 2 of 2)
A Time to Say Goodbye

We all face this decision one day. When is the right time to retire? After many grueling hours talking it over with my family, and a river of tears, I have decided that my time is now.

While the decision to retire has been difficult, the move was made slightly easier with the knowledge that ATU is now stronger than ever, and headed in the right direction. We have a wealth of bright, energetic people serving on the Executive Board and in local unions throughout the U.S. and Canada, and I have full faith that the new generation of leaders will continue to raise the standards of effective representation and work to bring more members into our family.

I have met thousands of wonderful people while serving as an elected official of this great Union, and together, over a span of six decades, we have accomplished so many fantastic things. Whether it was winning at the bargaining table, organizing new members, passing progressive legislation or blocking anti-labor bills – trying to list them all or even the highlights would be an impossible task.

Therefore, I would like to dedicate my last column to the people who have shaped my values and allowed me to dedicate the time necessary to do this job right. As you have heard me say before, for me, it has always been about the women in my life.

STARTED EARLY

I grew up poor. My mother toiled in a New Jersey sweatshop for 30 years and raised four kids – myself and three sisters. I had a phantom father, so my mother had to do it all. She set me straight early in life, telling me, “Michael, unions are good, and companies are bad.” I used to get an earful when I went with her to union meetings. (Of course the only reason I really wanted to attend was the free hot dogs). My mother also told me that Democrats are for working people, and Republicans are for the wealthy. To this day, I have never voted for a Republican my entire life.

SACRIFICE

It would have been impossible for me to have carried out my duties throughout my career without the support, guidance, understanding, and love of my incredible wife, Judy. When I played college football at the Citadel but later dropped out, Judy was there. When I started in the transit industry as a bus operator for Public Service Coordinated Transit in Jersey City, NJ, in 1959, and joined ATU Local 821-Jersey City, NJ, she was there.

When our kids – Pat, Sue, Judy, and Michele – were born, Judy worked weekends and nights as a nurse so that we could raise a family. There would have been no way that I could have served as shop steward (1962) or president of the local ten years later had it not been for her selflessness. When I was recommended for international vice president in 1981 – thanks to Jim LaSala – my life suddenly became one long road trip after another, and Judy took care of things at home so that our kids could grow up to be the independent, strong-willed young ladies that they are today. Two are restaurateurs, one is in the airfreight business, and one served as Mayor of Keansburg, NJ. I am so proud of each of them.

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A MESSAGE FROM THE INTERNATIONAL SECRETARY-TREASURER

YOU ARE THE ‘CHECK’ ON YOUR LOCAL OFFICERS

The constitutions of Canada and the U.S. have both created systems of “checks and balances” in which three branches of government guard against any one of them violating the law or acquiring too much power. These constitutions also provide a way for citizens to elect their own representatives, and decide whether they will be returned to office.

The ATU Constitution and your local union bylaws create similar checks and balances. You elect your local officers and board members, and they report to you.

‘CHECK’ IS INEFFECTIVE WITHOUT YOUR PARTICIPATION

Our locals function better when members regularly attend monthly meetings. Unfortunately, the International has too frequently found it necessary to impose trusteeships on local unions (temporarily taking over their functions) due, in part, to members’ failure to oversee the actions of their officers.

Problems ranging from financial mismanagement to failure to provide adequate representation can arise when members don’t take an active interest in their local. So, while the majority of our officers are doing a great job, each of you is encouraged to “step up” your participation in your local’s affairs.

QUESTIONS TO KEEP IN MIND

Here are some questions to keep in mind when attending your local monthly meeting:

1. Do your local officers make financial reports to the members? Are they able to answer your questions about these reports when they are asked?
2. Is there a constant assessment on the members, or are members assessed just for the costs of arbitrations? Are the assessments justifiable?
3. Are grievances processed in a timely fashion?
4. Are your officers keeping minutes of the local union and executive board meetings?

TAKE A DEEPER LOOK

If you have concerns, I encourage you to take a deeper look.

First, talk to your local officers directly. If they can’t adequately answer your questions, raise your concerns with your local executive board, and if necessary, at local union meetings.

Finally, if your concerns are not addressed, write to the ATU International. If we are notified in a timely manner, we may be able to find an easy remedy for your problem. Remember, this is your union. We count on you to help keep us strong.

Oscar DeLeon
About two hundred years ago, a wise man named Otto von Bismarck was quoted as saying, “If you like laws and sausages, you should never watch either one being made.” How true. For evidence of this, let’s review the past five months of legislative activity on two issues that are critical to ATU members: transit operating assistance and the Employee Free Choice Act.

**ECONOMIC STIMULUS BILL – NEW BUSES, BUT NO ONE TO DRIVE THEM**

In January, Congress began consideration of the *American Recovery and Reinvestment Act* (ARRA), also known as the economic stimulus bill. Part of that package included $8.4 billion for public transportation. With the full support of the ATU, House Transportation Committee Chair James Oberstar, D-MN, proposed to also include $2 billion for transit operating assistance in an effort to put a halt to the fare increases, service cuts, and layoffs that have crippled the transit industry during the past year.

Just hours prior to the introduction of the bill, it appeared as if the operating assistance funds would be included. However, at the last minute, the $2 billion was removed from the bill. The final version of the bill therefore included only capital funding for transit. The layoffs continued.

**SETBACK ON THE EMPLOYEE FREE CHOICE ACT**

In March, Pennsylvania Senator Arlen Specter dealt a major setback to organized labor’s top legislative priority, announcing he opposes the bill that would make it easier for workers to organize. This move left the labor reform bill without a crucial Republican swing vote. Specter said the dismal economy makes it “a particularly bad time” to enact the legislation.

His decision was a reversal from 2007, when he was the lone Republican who voted to advance the measure, which would force companies to recognize unions if a majority of employees sign up to join. Specter said the dismal economy makes it “a particularly bad time” to enact the legislation.

In a letter to the Senator following his announcement, International President Warren S. George said that Specter’s decision to allow the bill to move forward two years ago put him on the right side of history. While Specter certainly has the right to change his mind, George said, his decision should have been based on fact rather than the propaganda put forward by big business.

“Then again,” George said, “perhaps the other side is right about the power of the secret ballot. Given your decades of public service and strong record in supporting organized labor, perhaps if you had the opportunity to cast your cloture vote on EFCA in private, safe from the glare of the business community and other anti-union forces, maybe you would once again vote with your heart and side with the 60 million U.S. workers who say that they would join a union right now if they could. How ironic, and ever so tragic!”

**TRANSIT OPERATING ASSISTANCE: SHORT-TERM FIX?**

In May, ATU proposed an amendment to be included in a war funding bill that would allow the transit funds included in the economic stimulus package to be used for operating purposes. Following a full two weeks of lobbying, language was included in the Senate version of the bill to allow up to 10 percent (a total of $840 million) of the ARRA funds to be used for transit operations. Senators who helped to include this language in the bill included Maryland’s Barbara Mikulski, D, and Ben Cardin, D, Frank Lautenberg, D-NJ, and Claire McCaskill, D-MO. But the first Senator to assist us in this effort, and one of the more vocal supporters, was none other than the above-mentioned Arlen Specter.

In order to become law, the House must also approve of this provision, and the president must sign the measure. However, as of press time, we are cautiously optimistic that we can at least get this short-term fix to bring some of our members back to work.

**NOT A PRETTY PROCESS**

So if you are keeping score at home, here is a brief summary:

Senator Specter was for the Employee Free Choice Act, but now he is against it.

Money for transit operating assistance was in the economic stimulus bill, but then it was taken out.

However, four months later, part of the stimulus money could be made available for operating assistance as a result of a provision in a war funding bill, legislation that has nothing at all to do with transit. That language is included in the Senate’s version of the bill, but not the House. And one of the biggest supporters of this provision was the same person who set us back on the Employee Free Choice Act.

And by the way, after nearly 30 years serving in the U.S. Senate as a Republican, Specter announced a few weeks ago that he was switching his party affiliation to Democrat.

Sausage? Legislation? Even Otto von Bismarck would be shaking his head. 😞
Bill C-314, tabled by MP Peter Julian, NDP-Burnaby-New Westminster, BC; and Bill C-333 tabled by MP Judy Wasylycia-Leis, NDP-Winnipeg North, SK; would amend the federal Criminal Code to protect public transportation workers by increasing the punishment for aggravated assault when the victim is a public transportation worker.

The issue has taken on increased urgency with the recent, alleged attack on a 53-year-old bus operator in Toronto who was struck several times in the head with a hard object, resulting in eye injuries and several stitches. There was also another alleged attack on a 55-year-old Edmonton bus driver, who was assaulted by a group of teen passengers, and hit in the back of the head with a skateboard.

**TIME TO TAKE ACTION**

We are very concerned about the escalation of violent assaults on our members. We receive very little protection under federal and provincial laws. In most cases these attacks are treated as simple misdemeanor assaults. That needs to change.

It’s time for members of Parliament to take action and adopt one of the private members’ bills or introduce a bill of their own and amend the Criminal Code to increase the punishment for assaulting a public transportation worker – treating it the same as assaulting a peace officer, firefighter, or emergency medical technician.

Transit workers deserve to work in a safe and secure environment. I know you will support passage of this important legislation.

**Message du Président de l’International, Suite de la page 3**

Oui, nous allons arpentier les couloirs du Congrès ici à Washington, mais sans un soutien enthousiaste chez vous, nos efforts n’aboutiront pas. Je crois fermement que cette bataille sera gagnée ou perdue « en dehors du périphérique de Washington ».

Frères et Sœurs, pour le bien de vos emplois et l’avenir de notre industrie, joignez-vous à nous dans cette campagne historique — la poursuite de l’objectif de l’ATU d’obtenir une aide fédérale pour couvrir les coûts d’exploitation des systèmes de transport en commun.

**Sécurité et sécurité au Canada**

Le Conseil Canadien pousse pour le passage de deux projets de loi soumis par des membres privés, qui permettraient d’aider à protéger les employés des transports en commun et qui furent mis à l’ordre du jour (introduits) dans la Chambre des Communes.

Le Projet de loi C-314, soumis par MP Peter Julian, NDP-Burnaby-New Westminster, BC et le Projet de loi C-333 soumis par MP Judy Wasylycia-Leis, NDP-Winnipeg North, SK modifieraient le code criminel fédéral en durcissant les sanctions pour les attaques aggravées lorsque la victime est un employé des transports en commun.

Ce problème est devenu plus urgent avec l’attaque récente sur un chauffeur de bus de 55 ans qui fut touché par un groupe de jeunes et battu durement derrière la tête avec une planche à roulettes.

**Il est temps d’agir**


Il est grand temps pour que les membres du Parlement agissent et adoptent les projets de loi soumis par les membres privés ou qu’ils proposent alors leur propre projet de loi et modifient le Code Criminel de façon à augmenter les peines pour les attaques aggravées contre les employés des transports en commun — en les traitant de la même façon que des attaques contre des agents de la sécurité, contre des pompiers, ou contre du personnel médical d’urgence.

Les membres de l’ATU méritent de travailler dans un environnement sûr et sécurisé. Je suis convaincu que vous apporterez votre soutien pour cette importante législation.

**El Mensaje del Presidente Internacional, Continuación de la página 3**

Sí, estamos trabajando en los corredores del Congreso aquí en Washington, D.C., pero sin el entusiástico apoyo de ustedes, nuestros esfuerzos no serán suficientes. Yo firmemente estimo que esta batalla no será ganada o perdida “en las afueras del Periférico que rodea la ciudad de Washington.”

Hermanos y Hermanas, por el propio bien de sus empleos y el futuro de nuestra industria, unámonos en esta histórica campaña – la lucha de ATU a favor de ayuda federal en lo que respecta a los costos de operación.

**Seguridad en el Trabajo y Medidas de Seguridad en el Canadá**

El Concilio Canadiense está trabajando activamente a favor de la adopción de dos proyectos de ley de miembros privados, que ayudarían a proteger a los trabajadores del tránsito, los cuales fueron diferidos (introducidos) en la Cámara de los Comunes.

Proyecto de Ley C-314, presentado por Peter Júlían, Miembro del Parlamento, NDP-Burnaby-New Westminster, BC; y Proyecto de Ley C-333, presentado por Judy Wasylycia-Leis, Miembro del Parlamento, NDP-Winnipeg North, SK; enmendaría el Código Criminal Federal para proteger a los trabajadores del servicio público de transportes aumentando las penalidades por asalto alevoso cuando la víctima es un trabajador del servicio público de transporte.

Esta cuestión se ha convertido en materia de extrema urgencia debido al reciente, presunto ataque contra un operador de autobuses en Toronto de 53 años de edad, quien fue golpeado varias veces y severamente en la cabeza con un objeto pesado, lo que resultó en heridas en un ojo y necesitó varios puntos para cerrar la herida. También hubo otro presunto ataque contra un chófer de autobuses en Edmonton de 55 años de edad, quien fue asaltado por un grupo de pasajeros adolescentes, y golpeado en la parte posterior de la cabeza con una patineta.

**Ha Llegado La Hora de Actuar**

Nosotros estamos muy preocupados sobre la intensificación de los violentos ataques dirigidos a nuestros miembros. Nosotros recibimos muy poca protección bajo las leyes federales y provinciales. En la mayoría de los casos estos ataques son tratados simplemente como asaltos de simples delitos de fechoría. Esto necesita ser cambiado.
Transport and Infrastructure Minister John Baird announced, April 6, a shot in the arm for municipal infrastructure including public transit. Ongoing federal gas tax transfers to the provinces and territories for municipal infrastructure doubled on April 1, to a total of $2 billion per year. The federal government is accelerating the first payment of the Gas Tax Fund, making up to $1 billion available to municipalities almost three months early.

“We are working together with all levels of government to stimulate regional economies, cut red tape, get shovels in the ground sooner, and get Canadians back to work,” declared Baird.

The gas tax provides funding for projects such as drinking water, wastewater, local roads and public transit. The Gas Tax Fund is part of the Harper government’s plan to stimulate the economy and create jobs through investments in public infrastructure.

LONG-TERM FUNDING, PLANNING

Last year, in response to ongoing requests for stable, long-term funding, Ottawa announced in Budget 2008 that the Gas Tax Fund will be extended at $2 billion per year beyond 2013-14 and become a permanent measure. This will allow all municipalities, both large and small, to better plan and finance their infrastructure needs. A permanent $2-billion-per-year Gas Tax Fund will also help deliver action on infrastructure which will help to create jobs in every region of the country.

Canada’s Economic Action Plan is launching one of the largest infrastructure building projects in the country’s history by accelerating and expanding the existing federal investment of $33 billion in infrastructure with almost $12 billion in new infrastructure stimulus funding over two years.

NEW MONEY FOR TRANSIT IN GTA

Ontario’s McGuinty government is moving forward on four major public transit projects in the Greater Toronto Area (GTA), including:

• More buses and stations and dedicated bus lanes for York VIVA Bus Rapid Transit.
• Upgrading and extending the Scarborough Rapid Transit Line.
• A new rapid transit line on Eglinton Avenue from Kennedy Station to Pearson Airport.
• A new rapid transit line for Finch West from the Yonge Subway Line to Highway #27 and Humber College, and east to Don Mills Station.

The province is also moving forward with a feasibility study for Hamilton Rapid Transit (RT).

The projects are subject to environmental and other approvals and will cost an estimated $9 billion. This is a major step toward Ontario’s goal of funding $11.5 billion in transit projects in the Greater Toronto and Hamilton Area.
TLC Submits National Training Standards to DOL

The Transportation Learning Center, including the ATU and its transit industry partners, has submitted a national framework for transit maintenance apprenticeship to the U.S. Department of Labor. International President Warren S. George serves as the Chair of the TLC Board.

Through a partnership-based approach, labor and management stakeholders in the transit industry have been developing training standards in the maintenance occupations of bus mechanic, rail vehicles technician, signals technician, traction power technician and elevator/escalator maintenance.

Developing training standards is a joint undertaking at every step beginning with developing a comprehensive task list of what a technician must know to perform the job, determining training subjects and learning objectives, and a recommended order of instruction.

Out of this process, the national training standards for transit technical occupations are emerging. The Center is working with the ATU, transit agencies, other labor unions and the American Public Transportation Association to roll out the proposed training standards.

Using resources provided by the Transit Cooperative Research Program, the Center has developed a system to facilitate the assessment of training courseware for consistency with the training standards. These methods will enable the sharing of courseware by agencies and the development of new courseware to provide training consistent with the national standards.

DOL Revises Apprenticeship Regulations

Last fall, the Department of Labor revised the federal regulations for the National Apprenticeship Act. These changes took effect on December 29, 2008, but state apprenticeship agencies have two additional years from that date to implement the changes. The following new regulations substantially change the process of moving from apprentice to journey worker. Specific revisions include:

- Adds two methods – a competency-based and a competency/time-based hybrid approach to the traditional, time-based method for an apprentice to obtain journey worker status
- Inclusion of technology-based learning and distance learning
- Provision for reciprocal approval across states
- Implementation of performance standards including completion rates, quality assurance

Most U.S. Transit Security Funding Unspent

A recently-published report by the Federal Emergency Management Agency (FEMA) and the Transportation Security Administration (TSA) has revealed that only three percent of the transit security grants awarded in the U.S. between 2006 and 2009 have been spent.

Only $23.1 million out of the $758.4 million awarded to improve security on the nation’s bus, rail, and ferry systems has been used. FEMA and TSA, both part of the Department of Homeland Security, have been meeting with transit agencies around the country to find out why 97 percent of the money has not been expended.

STATE, LOCAL REGS BLAMED

Transit security grants have been awarded to states to use for their federally-approved transit security projects. Speculation as to the reason for the delay centers on the many different state and local regulations which must be followed before the grant money is used.

TSA is revising its own grant-making procedures in an effort to expedite use of the money. The agency has also eliminated state governments from the process in 2009 in an effort to speed things up.

FEMA representatives insist that a lot is being done on transit security in every state even though most of the money has yet to be spent.
Recently, significant changes to the federal regulations administering the Family and Medical Leave Act of 1993 (FMLA) were made, becoming effective on January 16, 2009. This is the second in a two-part series designed to provide a general overview of the significant aspects of these changes.

**EMPLOYER NOTICE OBLIGATIONS**

The new regulations require that an employer provide general notice of FMLA rights to each employee. It is permissible for employers to satisfy this obligation by providing employees the notice electronically.

In addition, within five business days of receiving notice of an employee's need for leave, the employer must provide the employee with notice of his or her eligibility for leave. If the employee is not eligible, the employer is required to provide written specification detailing at least one reason why not. At the same time the eligibility notice is issued to the employee, the employer must also provide him or her with an explanation of the expectations and obligations of FMLA use (e.g., medical certification requirements, potential liability for repayment of health insurance benefits, job restoration rights).

Similarly, the employer must provide notice to an employee advising him or her of the FMLA designation no later than five business days after the employer has sufficient information to determine if the leave is FMLA-qualifying. That notice must also detail the amount of leave that will be counted against an employee’s annual allotment, any paid leave benefits that will be provided to the employee, and whether the employer will require a fitness-for-duty certification upon the employee’s return to work. If the employer requires a fitness-for-duty certification that is to include information about the employee’s ability to undertake essential job functions, it must include a list of those essential functions with the designation notice.

**EMPLOYEE NOTICE OBLIGATIONS**

The revised regulations have retained the general requirement that employees provide at least 30 days advance notice for foreseeable FMLA leave and notice “as soon as practicable” for that which is unforeseeable. The rules have nevertheless clarified that if an employee fails to provide the employer with 30 days advance notice of foreseeable leave, the employer has the right to require an explanation from the employee as to why notice was not provided within the requisite time frame. If no reasonable explanation is provided, the employer may deny FMLA coverage until 30 days after the date the employee provided notice.

The revised rules also permit an employer to require that employees comply with its usual and customary notice requirements for leave. If an employee fails to comply with the employer’s customary notice procedures, and no unusual circumstances justify the failure, the regulations now permit the employer to delay or deny leave.

**MEDICAL CERTIFICATION**

The new regulations have made significant changes to the use and content of medical certification forms. The changes include an increase to the timeframe in which employers may request medical certification from two to five business days after the employee gives notice of the need for leave.

The new FMLA rules also enable an employer to authenticate and clarify information contained in FMLA certification forms which an employee provides to the employer. Employers are thus able to verify that a physician or other individual completing a certification form did, in fact, complete the submitted document at issue. (This situation might arise should a certification form appear to be altered.) An employer may also seek clarification in situations where the handwriting is unclear or the meaning of a statement in the certification (such as “must rest periodically throughout the day”) is overly ambiguous. A direct supervisor of an employee making a claim is, however, prohibited from making these inquiries. Requests for authentication and/or clarification may only be made by a health care provider, a human resources professional, a leave administrator, or other appropriate management official.

**FITNESS-FOR-DUTY**

The prior rules allowed employers to enforce uniformly-applied policies or practices that require all similarly-situated employees who take leave to provide a certification that they are able to resume work. The revised regulations make two changes to this fitness-for-duty certification process. First, an employer may require that the certification specifically address the employee’s ability to perform the essential functions of the employee’s job. Second, where reasonable job safety concerns exist, an employer may require a fitness-for-duty certification before an employee may return to work when the employee takes intermittent leave (but a certification cannot be required more frequently than once every 30 days). If an employer requires an employee to provide a fitness-for-duty certification to return to work following FMLA leave, the employer must provide a list of essential job functions to the employee with the designation notice and notify the employee of the need to provide the certification.

Additional details about the recent rule changes pertaining to FMLA can be found on the U.S. Department of Labor's website at: http://www.dol.gov/esa/whd/fmla/.
THANKS

Thanks to Warren George for recommending me for the position of international executive vice president in 2003. It has been a pleasure and honor to serve with Warren and International Secretary Treasurer Oscar Owens. I only wish we had more time.

Most of all, I want to thank you, the members of the ATU, for twice electing me to serve on your behalf. I have been truly humbled by the faith you have shown in me. I will be forever grateful.

GOODBYE

Finally, for every member of the ATU that I have had the privilege of meeting and working with over the years, I hope that I have made a difference in your life. That was the purpose of my career.

And for my (hopefully) few detractors out there – those of you who never fail to write me nasty letters criticizing my so-called left-wing columns – as Rhett Butler said to Scarlett O’Hara in Gone With the Wind, “Frankly, my dear, I don’t give a damn.”

My mother would have been proud of that. My wife is not so sure.

Michael J. Álvarez

AMALGAMATED TRANSIT UNION

20TH ANNUAL LATINO CAUCUS

SEPTEMBER 10 - 14, 2009

“A Todos Unidos, Venceremos”

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NOTES FROM THE MEETING OF THE

GENERAL EXECUTIVE BOARD

SEATTLE, WA — APRIL 27 - MAY 1, 2009

The meeting convened at 9:40 a.m. on Monday, April 27, 2009. General Executive Board members present were Joseph Welch, Rodney Richmond, Donald Hansen, Robert Baker, Larry Kinnear, Randy Graham, Javier Perez, Jr., Richard Murphy, Bob Hykaway, Charles Cook, William McLean, Ronald Heintzman, Paul Bowen, Lawrence Hanley, Kenneth Kirk, Gary Rauen, and Marcellus Barnes. International President Warren George presided. Also present were International Executive Vice President Michael Siano, International Secretary-Treasurer Oscar Owens, Chief of Staff Benetta Mansfield, General Counsel Leo Wetzel, and Executive Assistant to the International President Beth Petrusic.

GENERAL DISCUSSIONS

International President George engaged members of the Board relative to various pertinent matters. He initially advised them of developments relative to the proposed Employee Free Choice Act and indications that in response to constituent inquiries, U.S. Senator Arlen Specter (R-PA) may be reconsidering his announced opposition to the bill as currently crafted.

International President George also discussed several recent personnel changes at the International Union headquarters, including the hiring of Tyler Home, a certified public accountant slated in part to assist in redressing any potential concerns relative to local union financial practices, and a new event planner, Ynez Wells. An extended discussion about the training needs of vehicle maintenance workers followed.

POLICY IN FAVOR OF ABOLISHING FTA CHARTER RESTRICTIONS ADOPTED

The General Executive Board resumed previously-postponed consideration of a motion in response to new regulations of the U.S. Federal Transit Administration, as revised effective April 30, 2008, which prohibit public transit agencies from providing charter bus or van service in competition with private bus operators except in certain limited circumstances. Following extensive discussion, members of the Board unanimously enacted that it be the position of the Amalgamated Transit Union that the FTA restrictions on charter service should be abolished.

The meeting adjourned sine die at 10:35 a.m.
REPORT OF THE INTERNATIONAL SECRETARY-TREASURER ON ATU-COPE

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 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 ended December 31, 2008, were reported as follows:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
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<tbody>
<tr>
<td>Federal</td>
<td></td>
</tr>
<tr>
<td>Senatorial Campaigns</td>
<td>$36,000.00</td>
</tr>
<tr>
<td>Congressional Campaigns</td>
<td>$127,550.00</td>
</tr>
<tr>
<td>Other</td>
<td>$31,000.00</td>
</tr>
<tr>
<td>State</td>
<td></td>
</tr>
<tr>
<td>Senatorial Campaigns</td>
<td>$64,174.00</td>
</tr>
<tr>
<td>Representative Campaigns</td>
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</tr>
<tr>
<td>Other</td>
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</tr>
<tr>
<td>Local</td>
<td></td>
</tr>
<tr>
<td>Mayoral Campaigns</td>
<td>$4,350.00</td>
</tr>
<tr>
<td>Councilperson Campaigns</td>
<td>$6,150.00</td>
</tr>
<tr>
<td>Other</td>
<td>$16,750.00</td>
</tr>
</tbody>
</table>

Between July 1, 2008, and December 31, 2008, ATU-COPE took in contributions totaling $498,482.05. As of December 31, 2008, the funds had a combined available balance of $371,098.76.

MINUTES OF SPECIAL MEETING APPROVED

The minutes of the special meeting of the General Executive Board conducted on Sunday, April 26, 2009, were approved.

REPORT OF THE INTERNATIONAL SECRETARY-TREASURER ON MS RESEARCH FUNDS

It was reported that the 23rd annual golf tournament, jointly sponsored by the ATU MS Research Funds of the United States and Canada, was held Monday, September 22, 2008, at the Norbeck Country Club in Rockville, Maryland. The results of this period’s efforts were further summarized as follows:

The U.S. fund had available cash of $718,33 as of July 1, 2008. The collections during the six-month period ended December 31, 2008, amounted to $90,647.35. These receipts were as follows: General contributions in the amount of $6,968.35, local union contributions of $19,163.00, golf tournament receipts of $62,611.00, and booster contributions of $1,495.00 and other receipts of $410.00. The fund paid golf tournament expenses of $29,074.35. These transactions thus created an available cash balance for charitable purposes and for future operations of $62,291.33. Of that amount, $58,000.00 was contributed to the National Multiple Sclerosis Society.

The Canadian fund had available cash of $9,332.89 as of July 1, 2008. The collections for the six-month period ended December 31, 2008, totaled $41,875.70 and included general contributions of $1,801.75, local union contributions of $19,163.00, golf tournament receipts of $5,400.00 and booster contributions of $650.00. The fund incurred miscellaneous administrative expenses of $586.08 and thus had $50,622.51 available for contribution and future operations. Of this amount, $30,000.00 was forwarded to Local Union 113 for presentation to Dr. John Roder of the Mount Sinai Hospital in Toronto, Ontario, to further assist his ongoing MS research efforts. An additional $18,000 was forwarded to the MS Society of Canada Research Fund.

Complete financial statements covering the period of July 1, 2008, through December 31, 2008, for both the U.S. and Canadian MS Research Funds were provided to the General Executive Board.

Members of the Board were informed that special recognition was again appropriate for the officers and members of Local Union 113 (Toronto, ON) who generously donated $30,000.00, and that special mention was also due to Local Union 1572 (Mississauga, ON), Local Union 1181 (New York, NY), and Local Union 589 (Boston, MA) for the sizeable contributions of their members.

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

The General Executive Board was advised that the 2008 Scholarship Program named in memory of Jackie B. Breckenridge, former International Vice President, was concluded with the issuance of checks in the amount of $5,000.00 to the following: University of Virginia for the scholarship of Jason Ally; Acadia University for the scholarship of Cathryn Parsons; University of Denver for the scholarship of Ashley Dennis; University of Massachusetts-Amherst for the scholarship of Christina Kollisch; and the University of Wisconsin-Madison for the scholarship of Terrance Lukoskie. A check in the amount of $2,000 was also issued to Southern Alberta Institute of Technology for the vocational scholarship of Evan Stetch.

The 2009 Scholarship Program named in memory of Oliver Green, former International Secretary-Treasurer, who passed away on May 18, 2008, commenced with the publication of the official application and guidelines in the 2008 September/October issue of In Transit. A subsequent mailing of application blanks, accompanied by the official guidelines, was made to each local union.

As of December 31, 2008, 75 applications had been received from U.S. residents and 19 had been received from Canadian applicants. Each was forwarded a scholarship questionnaire and a bibliography of suggested references for the required essay on the subject of “Organized Labor’s Contribution to the Welfare of the People.”

Prospective applicants were afforded until January 31, 2009, to file their application for this year’s scholarship, with all subsequent materials to be postmarked by March 15, 2009.

PUBLIC TRANSIT WORKFORCE DEVELOPMENT NEEDS DISCUSSED

International President George informed the Board of a recent communication of William W. Millar, president of the American Public Transportation Association, to U.S. Representative Jerrold Nadler (D-NY) which outlined APTA’s recommendations in connection with the upcoming surface transportation program re-authorization relative to the issue of workforce development. Brother George noted that the transit industry association not only voiced support for legislation introduced by the Congressman in 2008 (H.R. 7053), but also expressly stated concurrence in many of the ATU’s proposals for the pressing training needs of the public transportation workforce.

STATUS OF NO-RAID DISCUSSIONS WITH TEAMSTERS REVIEWED

International President George reported that initial discussions with staff
proposals. Second, Terrell maintained the ultimate contract ratification tendered to the employer when the two parties exchanged initial contract to the May 2008 membership meeting the language proposals which had been Brother Terrell asserted that the Local 713 executive board declined to present the ATU Constitution, which calls for executive board members “to report claims. First, he alleged the local union leadership violated Section 13.15 of The underlying appeal submitted by Brother Terrell presented two distinct International President George regarding certain circumstances surrounding There came before the General Executive Board a submission of Local 713 Member Mack Terrell which contested an August 27, 2008, decision of the EFCA contributions to date, as well as any additional ones that might be received from local unions in the future.

GENERAL DISCUSSION
The remainder of the session was devoted to general discussion among the members of the Board and the executive officers regarding a number of sundry matters of interest to the Union.

The meeting adjourned at 3:00 p.m. to reconvene at 9:45 a.m. on Tuesday, April 28, 2009.

SECOND SESSION
The meeting convened at 9:45 a.m. on Tuesday, April 28, 2009. General Executive Board members present were Joseph Welch, Rodney Richmond, Donald Hansen, Robert Baker, Larry Kinnear, Randy Graham, Javier Perez, Jr., Richard Murphy, Bob Hykaway, Charles Cook, William McLean, Ronald Heintzman, Janis Borchardt, Paul Bowen, Lawrence Hanley, Kenneth Kirk, Gary Rauen, and Marcellus Barnes. International President Warren George presided. Also present were International Executive Vice President Michael Siano, International Secretary-Treasurer Oscar Owens, Chief of Staff Benetta Mansfield, General Counsel Leo Wetzel, and Executive Assistant to the International President Beth Petrusic.

INTRODUCTORY REMARKS
International President George reported that his sources had advised that U.S. Senator Arlen Specter (PA) was likely to announce his decision to run for re-election in Pennsylvania as a Democrat, with potentially significant implications to Labor’s campaign for reform of U.S. labor laws as well as for the legislative agenda of the Obama Administration more generally.

APPEAL TO THE GENERAL EXECUTIVE BOARD
MACK TERRELL
LOCAL UNION 713 (MEMPHIS, TN)
There came before the General Executive Board a submission of Local 713 Member Mack Terrell which contested an August 27, 2008, decision of International President George regarding certain circumstances surrounding Local 713’s settlement of a labor contract.

The underlying appeal submitted by Brother Terrell presented two distinct claims. First, he alleged the local union leadership violated Section 13.15 of the ATU Constitution, which calls for executive board members “to report all of their acts and doings to the meetings of the L.U.” More specifically, Brother Terrell asserted that the Local 713 executive board declined to present to the May 2008 membership meeting the language proposals which had been tendered to the employer when the two parties exchanged initial contract proposals. Second, Terrell maintained the ultimate contract ratification vote was wrongly conducted by means of jobsite balloting rather than at a membership meeting. The supplied basis for this claim was a citation to Section 13.3 of the ATU Constitution, which articulates that where important questions calling for a vote of the entire membership arise, “there can be arranged for such occasions, either an early, late or general meeting at some hour when the entire membership can best attend.”

In response, International President George ruled that Section 13.3 cannot properly be read as dictating that any and all contract proposals tendered by a local union must be read at a monthly meeting and that all language offers from the employer must similarly be summarized to the membership. To the contrary, he clarified that the Constitutional provision was never intended to require the specific particulars of every act by each officer and executive board member be the subject of such a detailed recitation and accounting. He also found the contract proposals and issues Local 713 expected to address at the bargaining table were in fact discussed at the union’s May 2008 regular meeting and that ultimately the membership was kept duly and adequately informed.

International President George further concluded Local 713 had not acted inappropriately in conducting a jobsite polling. He rejected the contention that contract ratification votes must be accomplished in the course of a general membership meeting and noted that Section 13.3 of the ATU Constitution instead emphasizes that if a ratification vote is to be conducted at a membership meeting, the session should be scheduled so as to promote participation—an aim equally, and in many cases much more likely to be, satisfied through the utilization of a secret ballot vote at the workplace or via mail. He also explained that Section 20.3 of the Constitution supports the process of acquainting members with contract proposals through written summary materials such as those distributed by Local 713 and then conducting a vote at appropriate polling places. International President George accordingly denied Brother Terrell’s appeal in full.

There were no appearances on behalf of the appellant before the Board.

After a thorough study of the facts in this case, the General Executive Board enacted to deny the appeal before it and to affirm the decision of the International President.

MINUTES APPROVED
The minutes of the fall 2008 General Executive Board meeting were approved.

BOARD APPROVES RETIREMENT TRIBUTE TO INTERNATIONAL EXECUTIVE VICE PRESIDENT SIANO
Upon the announcement of his planned retirement effective July 31, 2009, the General Executive Board unanimously adopted a resolution acknowledging the dedicated years of service provided by International Executive Vice President Siano.

RONALD HEINTZMAN NAMED AS NEW INTERNATIONAL EXECUTIVE VICE PRESIDENT
International Vice President Ronald J. Heintzman was appointed to serve as International Executive Vice President commencing August 1, 2009.

THIRD SESSION
The meeting convened at 9:30 a.m. on Wednesday, April 29, 2009. General Executive Board members present were Joseph Welch, Rodney Richmond, Donald Hansen, Robert Baker, Larry Kinnear, Randy Graham, Javier Perez, Jr., Richard Murphy, Bob Hykaway, Charles Cook, William McLean, Ronald Heintzman, Janis Borchardt, Paul Bowen, Lawrence Hanley, Kenneth Kirk, Gary Rauen, and Marcellus Barnes. International President Warren George presided. Also present were International Executive Vice
the stewardship’s chronological course and detailing its accomplishments,Executive Board first instituted in late November of 2006. After reviewing
concluded trusteeship of Local 1181 (New York, NY), which the General
International Vice President Baker offered an accounting of the recently-
REPORT ON LOCAL 1181 TRUSTEESHIP
labor contract in the fall of 2009.

The trusteeship of Local 770 could be lifted prior to the finalization of a new
charges may yet be pursued. The Board was further informed it was unlikely
debts to the local union of three former officers against whom criminal
and that remaining tax liability concerns were being successfully addressed.

International Vice President Barnes discussed various issues resolved
over the course of the trusteeship of Local 639 (Lexington, KY) which was
first instituted in July of 2007 and concluded effective March 15, 2009. He
advised that the newly-elected union officers were performing their
duties with distinction, that the local was limiting its expenditures and has
built a notable yet fully appropriate treasury, that the labor-management
relationship between the Lexington parties continued to be productive, and
that remaining tax liability concerns were being successfully addressed.

International Vice President Kirk reported on the status of the still on-
going trusteeship of Local 770 (Mobile, AL) that was initially imposed on
June 11, 2009. He indicated that considerable progress had been made in
determining the financial losses suffered by the membership prior to the
stewardship and that efforts were being made to satisfy the acknowledged
debts to the local union of three former officers against whom criminal
charges may yet be pursued. The Board was further informed it was unlikely
the trusteeship of Local 770 could be lifted prior to the finalization of a new
labor contract in the fall of 2009.

International Vice President Baker offered an accounting of the recently-
concluded trusteeship of Local 1181 (New York, NY), which the General
Executive Board first instituted in late November of 2006. After reviewing
the stewardship’s chronological course and detailing its accomplishments,
REPORT OF THE GENERAL COUNSEL

The Board was initially informed of the most recent development relative to Federal Public Transportation Act funding and the Section 13(c) processing of grant applications. The American Recovery and Reinvestment Act, signed into law on February 17, 2009, provides an $8.4 billion boost to transit capital improvement projects. Activities eligible for the assistance include preventive maintenance costs, bus and equipment acquisitions, the installation of intelligent transport systems, pedestrian and bicycle access improvements, and the construction or renovation of facilities. In the coming months, the Legal Department will be processing these applications, which the Federal Transit Administration is predicting will number between 800 and 1,000, in addition to the hundreds of funding requests more traditionally reviewed to ensure Section 13(c) satisfaction. It was noted that because the Act requires a grantee to obligate at least fifty percent of the available monies by September 1, 2009, the vast majority of these applications will likely have to be processed on the eve of the government’s fiscal year closing, in what are otherwise usually the peak months of our Section 13(c) administration.

Given the Obama Administration’s emphasis on the need to move the stimulus funding quickly, the International Union has sought to coordinate its efforts with the U.S. Department of Labor. Although there was briefly some discussion of engaging all the interested parties (including transit unions and APTA), the only formal real action from DOL came as in the form of a “Dear Colleague” letter asking employee representatives to act “as early as possible” when administering employee protections for ARRA grant applications—a course which the Legal Department had in any event and at the express direction of the International President been taking since it first began receiving stimulus funding applications in mid-March.

Turning to pending litigation matters, it was reported that the suit brought by the City of Knoxville and its management contractor in opposition to the interest arbitration provision in the Section 13(c) Agreement of Local 1164 (Knoxville, TN) has been essentially stalled since the prior meeting of the General Executive Board. This state court action urges that any arbitration of labor contract terms with the private sector company which actually employs the unionized workforce would somehow amount to an unconstitutional delegation of the City’s legislative authority over matters of public finance. A late 2008 trial date was postponed when the parties agreed to explore the possibility of a negotiated settlement. Mediation proved unsuccessful, however, as the City appeared intent upon obtaining a court ruling in anticipation of contract negotiations later this year. Accordingly, the court has been notified that we now expect the plaintiffs to respond to our previously-filed pre-trial discovery requests for information and documents.

Several noteworthy developments were reported relative to the Union’s suit seeking damages from the City of Colorado Springs in connection with its acknowledged failure to bind its prior service contractor, Professional Transit Management, to the Section 13(c) Agreement protecting those represented by Local 19 (Colorado Springs, CO). A trial judge previously dismissed our case after concluding it was overly speculative to presume that adverse actions of the management company would have been barred if the contractor had properly been obligated to honor the Section 13(c) Agreement’s interest arbitration clause. The Colorado Court of Appeals reversed that decision, however, and this matter is now back before the lower court, where the City has recently filed counterclaims. More specifically, the City has first sought a declaratory judgment that any interest arbitration between the union and the private sector contractor would amount to an unconstitutional delegation of the public body’s authorities, again and as in Knoxville on the theory that the public body would ultimately bear the costs of any increased economic terms and conditions of employment. The City also has petitioned for a ruling that the whole of the DOL-certified Section 13(c) Agreement is void because it lacks an express term of duration. We have filed a motion to dismiss those counterclaims.

In what might one day be viewed as a landmark case about the current Section 13(c) certification procedures, a federal district court ruled against the City of Colorado Springs’ related litigation against the U.S. Department of Labor, in which we had intervened as a formal party. The focus of this case was a DOL ruling which found the City’s stated objections to certain elements of its Section 13(c) Agreement were not “sufficient” to require any potential renegotiation of, or other departure from, the provisions the public body sought to re-open. After considering briefs submitted by all parties, the trial judge carefully refuted each and every element of the plaintiff’s suit. His final opinion was grounded in a declaration that as long as the six enumerated protections listed in the statute are included in a Section 13(c) agreement, then the Labor Secretary’s certification of the protections as being fair and equitable is, as the court put it, “generally unreviewable.” On that foundation, the judge freely acknowledged that several provisions of the employee protective arrangements to which the City had objected went beyond minimum standards under the statute. But he went on to dismiss any suggestion that the Labor Department was somehow compelled “to invalidate overly-protective terms in a Section 13(c) agreement . . . .” Similarly, while recognizing that the Labor Department’s two-sentence explanation of its certification ruling was “indeed terse,” the district court still found applicable principles of administrative law had been fully satisfied because the reasoning of DOL was nevertheless apparent. As a perhaps predictable postscript to that favorable decision, the City of Colorado Springs has asked that the ruling be reversed by the U.S. Court of Appeals for the Tenth Circuit.

The previously-reported lawsuit brought on behalf of several hundred individuals once represented by the since-disbanded Local 1635 who asserted that the International Union failed to pursue their perceived Section 13(c) rights was brought to a successful conclusion. The impetus of this case was the 2003 decision of the Dallas transit authority to terminate a service contract it had with First Transit and bring the work in-house to Local 1338 (Dallas, TX). Not long after it was first filed, this litigation was severely undercut when the U.S. Department of Labor denied a formal claim the individuals had filed with that agency, essentially vindicating our original assessment that it was highly unlikely any arbitrator would find the move from First Transit was a result of federal funding. On the heals of that ruling, the plaintiffs’ attorney began efforts to remove himself from the case. Since the Union would be left facing scores of individual pro se plaintiffs, we resisted his withdrawal as counsel. Our stance prompted some desperation on the part of the plaintiffs’ attorney when the court proved receptive to our positions in that regard. In fairly short order, the plaintiffs agreed to a voluntary dismissal of their complaint and the case was formally closed by the federal district court in early March of 2009.

Members of the General Executive Board were advised that through outside counsel working in consultation with attorneys in our Legal Department, the International is assisting Local 1338 (Dallas, TX) in seeking U.S. Supreme Court review of a potentially disturbing adverse decision of the highest court in Texas. In a lawsuit initiated in the summer of 2004, Local 1338 had contested the Dallas regional transit authority’s failure to honor the product of its meet and confer process with the local union—a mutually accepted response to a so-called “general grievance” over terms and conditions of employment. DART’s attempt to avoid the merits of the case by claiming governmental immunity from suit failed at the district court level in a ruling that was thereafter upheld by a state court of appeals, which ruled that since the general grievance process was protected by Section 13(c), the Texas law on immunity was preempted by the Federal Public Transportation Act. But more than a year after hearing oral arguments on the case, in late 2008 the Texas Supreme Court reached the opposite
conclusion and for all practical purposes determined that the employee protections applied to Dallas transit grants are not subject to enforcement in Texas courts. In late March of 2009, Local 1338 petitioned the U.S. Supreme Court to consider the case in a filing whose costs were undertaken by the International Union. It was reported that a separate brief on behalf of the International Union was being prepared in support of that petition, although our solicitation of the U.S. Department of Labor to do likewise was rather summarily declined. DART initially responded to Local 1338’s filing with the Supreme Court by waiving its right to file any rejoinder to the petition for review, boldly brushing such aside as being “wholly without merit.” That apparently did not suit the justices, however, and the Clerk of the Court was directed to instruct that DART provide a formal response by May 8, 2009.

We continue to pursue our litigation on behalf of Local 398 (Boise, ID) seeking satisfaction of an arbitration award finding the Boise transit system in violation of subcontracting language in the parties labor contract. This case arises out of a route restructuring that effectively transferred work from our Boise bargaining unit to an unorganized subcontractor of Valley Regional Transit which operates its distinct service in the Nampa, Idaho, area. Determining that a segment of the new Nampa service replicated a contemporaneously-discontinued Boise route and therefore amounted to an improper subcontracting, in the summer of 2007 an arbitrator awarded damages to each impacted employee pending a return of the work to the Local 398 unit. But after providing an initial set of lump sum payments, the transit authority displayed an essential contempt for the union by announcing plans to eliminate the offending Nampa route in its entirety. In the weeks before the prior General Executive Board meeting the ATU won an order granting our initial motion for a partial summary judgment confirming the arbitrator’s award. With that resolved, we more recently filed a motion seeking an additional judgment for the specific amounts the union believes are still due under the arbitrator’s remedial formula. Both parties were filing briefs with the court in anticipation of a hearing slated for early May.

A handful of administrative proceedings that representatives of the Legal Department had worked on were also brought to the attention of the General Executive Board. The first involved a set of rather straightforward unfair labor practice charges that Local 1208 (Jackson, MS) filed against the transit system management company in Jackson, Mississippi. An acting regional director of the National Labor Relations Board dismissed those charges based upon a rather disturbing, and in our judgment clearly erroneous, conclusion that the agency did not have jurisdiction over actions of the private sector employer. Noting that the City exercises supervisory control over operation of its transit system, the regional office concluded McDonald Transit was effectively a “political subdivision” of the public body and that the represented workers could not invoke the protections afforded by the National Labor Relations Act. Given the potentially broad-reaching implications of such a conclusion to the many “Memphis Formula” arrangements employed across the U.S. as a means of preserving full private-sector collective bargaining rights and thereby satisfying Section 13(c) requirements, we stepped in and filed an appeal to the Board’s general counsel in Washington, DC. His recent response, which sent the matter back to the regional office for additional evaluation will hopefully lead to a confirmation that the employer is in fact subject to NLRB jurisdiction.

The U.S. Secretary of Labor was the source of a second preliminary decision on jurisdiction we found to be a bit perplexing. In response to an election challenge which implicates the provision of meeting attendance credits at Local 268 (Cleveland, OH), DOL agents apparently gave preliminary indications that they believed the local union might be subject to LMRDA coverage even though it represents only public sector employees because Local 268 allows its office staff to become members and the union’s records therefore include some individuals employed by a private sector employer (i.e., the local union). We assisted local counsel in refuting that conjecture and subsequently received confirmation that the Labor Department has determined it lacks jurisdiction over the election of Local 268 officers.

Unfortunately, it appears we have not been similarly successful in overcoming another, equally distressing, DOL assessment which directly implicates the most recent election of officers at Local 1005 (Minneapolis, MN). The local union is among those that at one time or another adopted a bylaw essentially replicating or repeating the once-unqualified meeting attendance requirement of the ATU Constitution and General Laws. During the last three-year term of offices, however, the local organized a group of private sector workers and thus became subject to the Labor-Management Reporting and Disclosure Act of 1959, which of course effectively prohibits any meeting attendance requirement as a condition of eligibility to run for office. Recognizing this, and that our Constitution now calls for application of the meeting attendance requirement only where the LMRDA does not apply, in preparing the requisite nominations notice, the Local 1005 leadership specified only the remaining eligibility requirement, that of two continuous years’ membership. It is our information that the Labor Department is of the view that there was insufficient notice to potential candidates that the meeting attendance requirement was properly deemed inapplicable, giving rise to the potential implication that every local union might be called upon to specifically address the meeting attendance question in its nomination notice or run the risk of a subsequent DOL suit to require a re-run election.

REPORT OF THE INTERNATIONAL EXECUTIVE VICE PRESIDENT

ORGANIZING CAMPAIGNS

It was reported that over the course of the six months ended on December 31, 2008, we were involved in 42 campaigns and out of those we won six (accounting for approximately 600 new members) and lost seven. Five were withdrawn for various reasons and 24 were pending at the close of the reporting period.

Won
Coach Canada/Trentway Wagat (Port Hope, ON)
First Student, Inc. (DeKalb, IL)
First Transit, Inc./Transit Management of Denton County (Denton, TX)
MV Transportation, Inc. (Fairfield, CA)
MV Transportation, Inc./HandiDart (Vancouver, BC)
Veolia Transportation, Inc. (Mesa, AZ)

STRIKES

Local 113 (Toronto, ON)
Members of Local 113 employed by Veolia Transportation, Inc. – York Region went on strike at 12:01 a.m. on Thursday, September 25, 2008, after rejecting a tentative agreement and authorizing a strike by a vote of 85 to 54.

On Friday, October 10, 2008, the parties reached a settlement, thus ending the 16-day strike.

Local 279 (Ottawa, ON)
Members of Local 279 employed by the City of Ottawa (OC Transpo) went on strike at 12:01 a.m., on Wednesday, December 10, 2008, after failure to reach a settlement with the assistance of a federal conciliation officer. The International extended strike sanction after the members voted in favor of a work stoppage by a vote of 1,335 to 21. This strike was still ongoing at the close of this period.

Local 685 (Brantford, ON)
The membership of Local 685, employed by Operation Lift, Inc., went
on strike at 12:01 a.m., on Monday, September 29, 2008, after rejecting a tentative agreement by a vote of 85 to 54. This was a first contract for the newly organized group. This strike was still ongoing at the close of this period.

**Local 1091 (Austin, TX)**

The membership of Local 1091, employed by Star’Tran, Inc. went on strike on Wednesday, November 5, 2008, after rejecting the company’s final offer. On Monday, November 10, 2008, the members returned to work after a tentative agreement was reached thus ending the 5-day strike. A ratification vote subsequently took place on Wednesday, November 12, 2008, with the members voting 298 to 44 in favor of approving the ultimate labor contract.

**Local 1547 (Brockton, MA)**

Members of Local 1547 employed by the Northeast Transit Services, Inc., initiated a one-day job action on Friday, August 8, 2008, after rejecting the company’s final offer and voting in favor of strike by a vote of 31 to 1. This work stoppage was a direct result of Northeast Transit’s refusal to enter into arbitration for resolution of the remaining contract issues. The members returned to their jobs on Monday, August 11, 2008.

**EXPENSES**

Approximately $231,059.00 was spent during this report period on organizing, including costs such as materials, mailing lists, and full-time international representatives’ salaries and expenses for those who assisted in these organizing campaigns. Local union officers and members assigned to assist with these drives were reimbursed by the International for their wages and expenses incurred.

**REPORT ON RECENT LOCAL 279 STRIKE**

International Vice President Graham offered a summation of the 57-day work stoppage undertaken by the members of Local 279 (Ottawa, ON) employed by the Ottawa-Carleton Regional Transit Commission (OC Transpo). He indicated that the strike was precipitated by unacceptable management proposals to limit the bidding rights of represented operators and was ultimately settled, under the threat of intervention of back to work legislation by the federal government, with an agreement to arbitrate all unresolved bargaining issues.

**REPORT ON JOB ACTION OF LOCAL 685**

International Vice President Kinnear provided a brief recounting of the 121-day strike against Operation Lift, Inc., conducted by Local 685 (Brantford, ON) beginning in late September of 2008. The Board was advised that the concerted employee action produced a first-time collective agreement for the newly organized unit of approximately 150 paratransit workers in January 2009.

**REPORT ON ISSUES IMPACTING UPON LOCAL 732 MEMBERSHIP**

International Vice President Kirk and International Representative Rivera reported that internal governance difficulties continue to confront Local 732 (Atlanta, GA) and that complaints from rank-and-file members suggest that such may be adversely impacting upon the representational functions of the local union. The Board was further advised that discontent has prompted threats of potential decertification and indications of possible dual unionism in violation of the Constitution and General Laws.

**LEGISLATIVE DIRECTOR PRESENTATION RELATIVE TO IMPLEMENTATION OF ATU’S TRANSIT FUNDING AGENDA**

Legislative Director Jeff Rosenberg reviewed plans for a multifaceted campaign in favor of federal transit operating assistance, which he identified as the chief priority in the Union’s ten-point legislative plan for the upcoming reauthorization of the U.S. Public Transportation Act and the funding program of the Federal Transit Administration. Following his detailed presentation, members of the Board engaged each other and the executive officers in an extensive discussion of the issues presented.

**REPORT ON LOCAL 282 FINANCES**

International Vice President Rauen and International Representative Johnson advised the Board that they had recently provided a full report on the financial condition of Local 282 (Rochester, NY) to its membership which was well received. Members of the Board were informed of an anticipated bylaw amendment to provide for only one full-time local union officer, as well as a membership action calling for an overture to improve labor-management relations with assistance from the International Union.

The meeting adjourned at 4:00 p.m. to reconvene at 9:00 a.m. on Friday, May 1, 2009.

**FIFTH SESSION**

The meeting convened at 9:00 a.m. on Friday, May 1, 2009. General Executive Board members present were Joseph Welch, Rodney Richmond, Donald Hansen, Robert Baker, Larry Kinnear, Randy Graham, Javier Perez, Jr., Richard Murphy, Bob Hykaway, Charles Cook, William McLean, Ronald Heintzman, Janis Borchardt, Paul Bowen, Lawrence Hanley, Kenneth Kirk, Gary Rauen, and Marcellus Barnes. International President Warren George presided. Also present were International Executive Vice President Michael Siano, International Secretary-Treasurer Oscar Owens, Chief of Staff Benetta Mansfield, General Counsel Leo Wetzel, and Executive Assistant to the International President Beth Petrusic.

International Representatives in attendance were Rafael Rivera, Yvette Salazar, Anthony Withington, and Gary Johnson, Sr. Canadian Council Director Robin West was also present.

**STRATEGIC PLANNING POTENTIALS EXAMINED**

International President George led an extended discussion exploring preliminary conceptual plans for developing strategic research and planning capacities tailored to assist corporate-based organizing campaigns, coordinated bargaining strategies, and innovative transit advocacy efforts. Members of the Board exchanged views relative to the feasibility and potential merits of committing appropriate resources to the establishment of a strategic campaigns infrastructure at the International. A number of issues surrounding the contemplated undertaking, which would aim to counter and neutralize sophisticated anti-worker management schemes potentially thwarting ATU interests in the likes of possible priority organizing, first contract, and key contract provision endeavors, were explored in depth.

**GENERAL DISCUSSION**

The remainder of the session was devoted to general discussion among the members of the Board, the executive officers, the International Representatives present, and the Canadian Director regarding several issues pending before the Union.

The meeting adjourned sine die at 11:30 a.m.
1. **AUTHORIZATION FOR LOCAL 1345 (READING, PA) TO ENTER INTO INTEREST ARBITRATION**
   On July 11, 2008, Local 1345 was authorized to enter into interest arbitration proceedings with the Berks Area Reading Transportation Authority (BARTA).

2. **STRIKE SANCTION GRANTED TO MEMBERS OF LOCAL 1433 (PHOENIX, AZ) EMPLOYED BY FIRST TRANSIT, INC.**
   On July 16, 2008, strike sanction was granted at the request of International Vice President Hansen to the members of Local 1433 employed by First Transit, Inc.

3. **AUTHORIZATION FOR LOCAL 1005 (MINNEAPOLIS, MN) TO RETAIN A LOWER DUES STRUCTURE**
   On July 17, 2008, Local 1005 was granted permission to retain a lower dues structure.

4. **STRIKE SANCTION GRANTED TO MEMBERS OF LOCAL 1547 (BROCKTON, MA) EMPLOYED BY NORTHEAST TRANSIT SERVICES, INC.**
   On July 17, 2008, strike sanction was granted at the request of International Vice President Murphy to the members of Local 1547 employed by Northeast Transit Services, Inc.

5. **STRIKE SANCTION GRANTED TO MEMBERS OF LOCAL 588 (REGINA, SK) EMPLOYED BY FIRST TRANSIT, INC.**
   On July 23, 2008, strike sanction was granted at the request of International Vice President Graham to the members of Local 588 employed by First Transit, Inc.

6. **AUTHORIZATION FOR LOCAL 1225 (SAN FRANCISCO, CA) TO ENTER FOUR-YEAR AGREEMENT**
   On July 31, 2008, Local 1225 was authorized, upon the request of International Vice President Cook, to enter a four-year agreement with Coach USA.

7. **AUTHORIZATION FOR LOCAL 1761 (CHARLOTTE, MI) TO ENTER INTO FACT-FINDING**
   On August 8, 2008, Local 1761 was authorized to enter into fact-finding proceedings with the Eaton County Transportation Authority.

8. **AUTHORIZATION FOR LOCAL 1547 (BROCKTON, MA) TO ENTER FOUR-AND-A-HALF YEAR AGREEMENT**
   On August 20, 2008, Local 1547 was authorized, upon the request of International Vice President Murphy, to enter a four-and-a-half year agreement with Northeast Transit Services, Inc. (paratransit).

9. **STRIKE SANCTION GRANTED TO MEMBERS OF LOCAL 1091 (AUSTIN, TX) EMPLOYED BY STAR TRAN, INC.**
   On August 21, 2008, strike sanction was granted at the request of International Vice President Heintzman to the members of Local 1091 employed by Star Tran, Inc.

10. **ADOPTION OF HEARING OFFICER’S REPORT REGARDING THE TRUSTEESHIP OF LOCAL 770 (MOBILE, AL)**
    Upon a polling of its membership conducted pursuant to Section 12.6 of the ATU Constitution and General Laws, on August 22, 2008, the General Executive Board adopted the Hearing Officer’s Report as its Findings and Determinations in the matter of the trusteeship hearing of Local 770.

11. **AUTHORIZATION FOR LOCAL 1342 (BUFFALO, NY) TO ENTER FOUR-YEAR AGREEMENT**
    On September 2, 2008, Local 1342 was authorized to enter a four-year agreement with Coach USA.

12. **STRIKE SANCTION GRANTED TO MEMBERS OF LOCAL 1710 (ERIE, PA) EMPLOYED BY THE ERIE METROPOLITAN TRANSIT AUTHORITY**
    On September 3, 2008, strike sanction was granted at the request of International Vice President Murphy to the members of Local 1710 employed by the Erie Metropolitan Transit Authority (paratransit).

13. **STRIKE SANCTION GRANTED TO MEMBERS OF LOCAL 381 (BUTTE, MT) EMPLOYED BY FIRST STUDENT, INC. (BOZEMAN)**
    On September 3, 2008, strike sanction was granted at the request of International Vice President Heintzman to the members of Local 381 employed by First Student, Inc., in Bozeman, Montana.

14. **AUTHORIZATION FOR LOCAL 1729 (PITTSBURGH, PA) TO ENTER THIRTY-EIGHT MONTH AGREEMENT**
    On September 9, 2008, Local 1729 was authorized, upon the request of International Vice President Murphy, to enter a thirty-eight month agreement with First Student, Inc., in Wall, Pennsylvania.

15. **AUTHORIZATION FOR LOCAL 1181 (NEW YORK, NY) TO ENTER FOUR-YEAR AGREEMENT**
    On September 9, 2008, Local 1181 was authorized, upon the request of International Vice President Mullins, to enter a four-year agreement with WE Transportation Services, Inc.

16. **STRIKE SANCTION GRANTED TO MEMBERS OF LOCAL 1415 (TORONTO, ON) EMPLOYED BY GREYHOUND CANADA TRANSPORTATION CORPORATION**
    On September 9, 2008, strike sanction was granted at the request of International Vice President Graham to the members of Local 1415 employed by the Greyhound Canada Transportation Corporation.

17. **AUTHORIZATION FOR LOCAL 1324 (SAVANNAH, GA) TO ENTER FIVE-YEAR AGREEMENT**
    On September 15, 2008, Local 1324 was authorized, upon the request of International Representative Rivera, to enter a five-year agreement with First Transit, Inc.

18. **AUTHORIZATION FOR LOCAL 1710 (ERIE, PA) TO ENTER FOUR-YEAR AGREEMENT**
    On September 15, 2008, Local 1710 was authorized, upon the request of International Vice President Murphy, to enter a four-year agreement with the Erie Metropolitan Transit Authority.

19. **STRIKE SANCTION GRANTED TO MEMBERS OF LOCAL 1229 (MONCTON, NB) EMPLOYED BY ACADIAN BUS LINES**
    On September 19, 2008, strike sanction was granted at the request of International Vice President Graham to the members of Local 1229 employed by Acadian Bus Lines.

20. **AUTHORIZATION FOR LOCAL 1336 (BRIDGEPORT, CT) TO ENTER FOUR-YEAR AGREEMENT**
    On September 25, 2008, Local 1336 was authorized, upon the request of International Vice President Murphy, to enter a four-year agreement with the Greater Bridgeport Transit Authority.
21. AUTHORIZATION FOR LOCAL 1356 (SIOUX FALLS, SD) TO RETAIN A LOWER DUES STRUCTURE
   On October 1, 2008, Local 1356 was granted permission to retain a lower dues structure.

22. STRIKE SANCTION GRANTED TO MEMBERS OF LOCAL 113 (TORONTO, ON) EMPLOYED BY VEOLIA TRANSPORTATION-YORK REGION
   On October 3, 2008, strike sanction was granted at the request of International Vice President Kinnear to the members of Local 113 employed by Veolia Transportation-York Region.

23. AUTHORIZATION FOR LOCAL 757 (PORTLAND, OR) TO ENTER FOUR-YEAR AGREEMENT
   On October 15, 2008, Local 757 was authorized, upon the request of International Vice President Heintzman, to enter a four-year agreement with Clark County Public Transportation (special service dispatchers).

24. AUTHORIZATION FOR LOCAL 1745 (KANKAKEE, IL) TO ENTER FOUR-YEAR AGREEMENT
   On October 20, 2008, Local 1745 was authorized, upon the request of International Vice President Bowen, to enter a four-year agreement with First Transit, Inc.

25. STRIKE SANCTION GRANTED TO MEMBERS OF LOCAL 1028 (DES PLAINES, IL) EMPLOYED BY PACE-SOUTH
   On November 7, 2008, strike sanction was granted at the request of International Vice President Borchardt to the members of Local 1028 employed by PACE-South.

26. AUTHORIZATION FOR LOCAL 1763 (ROCKY HILL, CT) TO ENTER FORTY-MONTH AGREEMENT
   On November 13, 2008, Local 1763 was authorized, upon the request of International Vice President Murphy, to enter a forty-month agreement with First Student, Inc.

27. AUTHORIZATION FOR LOCAL 1091 (AUSTIN, TX) TO ENTER FOUR-YEAR AGREEMENT
   On November 13, 2008, Local 1091 was authorized, upon the request of International Vice President Heintzman, to enter a four-year agreement with Star Tran, Inc.

28. AUTHORIZATION FOR LOCAL 1464 (TAMPA, FL) TO ENTER INTO FACT-FINDING
   On November 14, 2008, Local 1464 was authorized to enter into fact-finding proceedings with the City of Tampa.

29. AUTHORIZATION FOR LOCAL 1277 (LOS ANGELES, CA) TO ENTER FOUR-YEAR AGREEMENT
   On December 5, 2008, Local 1277 was authorized, upon the request of International Vice President McClean, to enter a four-year agreement with First Student, Inc., in Corona, California.

30. STRIKE SANCTION GRANTED TO MEMBERS OF LOCAL 279 (OTTAWA, ON) EMPLOYED BY OC TRANSPo
   On December 8, 2008, strike sanction was granted at the request of International Vice President Graham to the members of Local 279 employed by OC Transpo.

31. AUTHORIZATION FOR LOCAL 1309 (SAN DIEGO, CA) TO ENTER FOUR-YEAR AGREEMENT
   On December 23, 2008, Local 1309 was authorized, upon the request of International Vice President Cook, to enter a four-year agreement with Veolia Transportation, Inc.

32. AUTHORIZATION FOR LOCAL 1070 (INDIANAPOLIS, IN) TO ENTER INTO INTEREST ARBITRATION
   On December 23, 2008, Local 1070 was authorized to enter into interest arbitration proceedings with the Indianapolis Public Transportation Corporation (d/b/a IndyGo).
Death Benefits Awarded March 1, 2009 - April 30, 2009

In Memoriam
The Amalgamated Transit Union will hold the 24th Annual Golf Tournament for the benefit of the ATU’s U.S. and Canadian Multiple Sclerosis Research Funds from Sunday, September 20 – Monday, September 21, at the Worthington Manor Golf Club in Urbana, MD. Sunday will be reserved for a practice round, and the actual tournament will be held on Monday.
At 3:01:50, Local 113-Toronto, ON member and subway mechanic Rick Ball posted the fastest time ever in world marathon history for a single-leg amputee. Finishing in the top six percent of all runners in the 113th Boston Marathon, April 20, Ball beat the previous 3:04:00 record for a single-leg amputee set by Australian Amy Palmiero-Winters at the 2007 Chicago Marathon.

“We are thrilled that Rick has achieved his dream of setting a world record in the world’s most famous marathon,” exclaimed Local President Bob Kinnear, whose local represents 9,000 workers at the Toronto Transit Commission.

“But we are even more impressed,” added Kinnear, “with how generous he is with the time he devotes to inspiring children to believe in themselves and counseling those who have lost limbs, like him. He is an amazing role model and an outstanding example of the community spirit that many other members of our union exemplify.”

‘PROUD ATU MEMBER’

A Local 113 member for the past 20 years, Ball, 43, lost his left leg below the knee in a 1986 motorcycle accident when a six-metre lumber plank came loose from an oncoming truck and hit him in the leg.

After his accident he took up cycling. “I found cycling never bothered my leg and that’s how I got my fitness level up. So, when I started running, I was in pretty good shape,” relates Ball.

He began running in local races less than two years ago, after he was fitted with a new, carbon-fibre prosthesis.

He finished well up in the pack in October’s Toronto Marathon while wearing an ATU ball cap and a decal of the 113 logo on his prosthetic leg. “I’m a proud ATU member,” Rick declares.

By running in Toronto-area marathons, Ball qualified for Boston in the able-bodied division – a remarkable feat for a novice amputee runner.

FAMILY

Running nearly 80km a week, Ball doesn’t let his passion interfere with spending time with his wife Stacey and their two young sons. “I usually train in the morning when the kids are in school,” he says.

In addition to the local, the Orilla (ON) native says that he couldn’t have run the race without the support of his family, his coach, the TTC, and the crew who fit him for his prosthetics.

Ball still hopes to break the three-hour mark and plans to run at an upcoming marathon in Mississauga or Ottawa as soon as he is able. He has said that his “long term goal is to run in the Paralympics in 2012.” You can see several short news clips about Rick on YouTube.com. Search: “Rick Ball” marathon.