MESSAGE DU PRÉSIDENT INTERNATIONAL PAR WARREN S. GEORGE

SE PRÉPARER POUR L'HIVER

L'autome est arrivé à Washington. Les feuilles tombent. Il y a un peu de froid dans l'air. Le soleil couleur ambre, scintillant et bas dans le ciel cède la place à plus de plus d'obscurité chaque soir.

L'autome nous rappelle que l’hiver arrive. On ne peut pas l’eviter et il ya des choses que l’on doit faire. La chaudière doit être vérifiée, les contre-fenêtres fermées, la pelle à neige à la portée de la main, etc. On doit être prêt pour l’hiver même si on ne sait pas jusqu’à quel point le temps sera rude.

On dirait également que nos deux pays partagent en ce moment les mêmes préoccupations. Nos grandes préoccupations communes d’ordre financier s’estompent et on s’éloigne de la récession, mais on laisse derrière beaucoup de personnes sans emploi. Personne ne connaît l’étendue du mal que cela va causer aux travailleurs, mais nous devons être prêts à nous protéger contre le pire pendant que nous travaillons pour améliorer pour la situation.

Je n’ai pas à vous dire que le chômage est en hausse. Vous le voyez partout. Et vous savez qu’il vous affecte. Les revenus fiscaux de l’Etat, des provinces, et des localités sont en baisse. Un trop grand nombre de nos membres sont contraints d’accepter des réductions réelles de salaires et d’avantages sociaux et des milliers d’entre eux sont menacés de licenciement.

C’est la raison pour laquelle nous faisons et continuerons à faire, tout ce que nous pouvons pour apporter les changements qui protégeront nos membres et mèneront à une véritable reprise économique - une reprise qui prend en considération les travailleurs.

LUTTER POUR NOS MEMBRES

Aux Etats-Unis nous avons battu avec succès pour obtenir du Congrès qu’il permette aux transports en commun d’utiliser jusqu’à 10 pour cent de leurs investissements pour les coûts d’opération en tant que stimulus de la relance – ce sont les liquidités véritables d’argent qui détermineront si oui ou non un grand nombre de nos membres garderont leur emploi dans les mois à venir.

Nous luttons de toutes nos forces pour une réforme substantielle pour les soins médicaux qui, non seulement permettrait de ne plus avoir à discuter de l’assurance médicale autour de la table de négociation, mais mettrait fin au scandale des Américains qui vivent sans protection médicale tout simplement parce qu’ils ne peuvent pas la payer. À ce jour, nous avons fait de réels progrès à la Chambre.

Durant la nouvelle année, nous allons nous battre aussi fermement pour nous assurer que le Congrès adopte un projet de loi pour autoriser que de nouvelles surfaces soient desservies par les transports en commun enfin commencer à avoir aux Etats Unis une véritable mobilité avec les transports en commun.

Et nous nous batrons pour convaincre le Congrès d’adopter le Employee Free Choice Act - un projet de loi qui équilibrerait les chances entre salaires et leurs directions quand ils cherchent à s’organiser sur leurs lieux de travail.

---Suite à la page 14---

UN MENSAJE DEL PRESIDENTE INTERNACIONAL POR WARREN S. GEORGE

PREPARÁNDOUS PARA EL INVIERNO

El Otoño ha llegado a Washington. Las hojas de los árboles caen lentamente. Se siente un poco de frío en el ambiente. El sol, color ámbar, brillante, y de baja altura en los cielos, cede a una oscuridad más cerrada cada noche que pasa.

El otoño nos recuerda que el invierno ya se aproxima. Es algo que no puede evadirse, y hay muchos preparativos que tenemos que hacer. Hay que chequear el sistema de calefacción; hay que cerrar herméticamente las contraventanas; hay que localizar las herramientas de palear la nieve, etc. Usted tiene que prepararse para el invierno aunque usted no tenga idea cuán inclemente e inhospitable será el tiempo que nos espera.

Tal vez estas condiciones son similares para nuestros dos países en estos momentos. Nuestras grandes preocupaciones financieras parecen estar sobrepasando la reciente recesión económica, pero están dejando detrás a mucha gente desempleado. Nadie tiene idea de cuán grave las cosas serán para los trabajadores, pero nosotros tenemos que hacer preparativos para protegermos contra el peor de los casos, mientras que continuamos trabajando para lograr que las cosas mejoren.

No necesito decirles que el desempleo está creciendo. Usted puede verlo por dondequiera y usted sabe que eso afecta nuestro propio sustento de vida. Las gravables bases en las cuales se anclan los impuestos estatales, provinciales y municipales están achicándose cada día más. Demasiados de nuestros miembros están siendo presionados para que acepten verdaderas reducciones en sus salarios y beneficios, y miles de ellos están amenazados con despidos temporales y cesantías.

Por eso es que nosotros hemos hecho, y continuamos a hacer, todo lo que esté a nuestro alcance para lograr cambios que protejan a nuestros miembros que nos llevan a una verdadera recuperación económica – una recuperación que incluya a los trabajadores.

LUCHANDO POR NUESTROS MIEMBROS

En los Estados Unidos luchamos con éxito logrando que el Congreso le permita a los sistemas de tránsito utilizar para gastos de operación hasta un 10 por ciento de los fondos del estímulo económico – y eso es una verdadera fuente de efectivo que determinará si nuestros miembros pueden o no mantener sus propios empleos en los meses que se avecinan.

Estamos luchando por una coherente reforma del cuidado de la salud, lo cual no solamente eliminará de la mesa de negociaciones la cuestión del seguro médico, sino también pondría fin al escándalo actual que afecta a ciudadanos que viven sin cobertura alguna del cuidado de la salud ya que simplemente ellos no tienen los medios para comprar tal protección. En los momentos en que escribo esta columna puedo reportar que hemos logrado un verdadero progreso en nuestros esfuerzos en la Cámara de Representantes.

En el Nuevo Año también estaremos luchando con el mismo ahínco y determinación para asegurarnos de que el Congreso promulgue un nuevo proyecto de ley sobre nuevas autorizaciones para el transporte de superficie, lo cual finalmente comenzará a mover a los Estados Unidos hacia una verdadera movilidad del tránsito.

---Continúa en la página 14---
Preparing for Winter

Fall has arrived in Washington. The leaves are falling. There’s a bit of a chill in the air. The amber sun, shining bright and low in the sky, gives way to ever more darkness each evening.

Fall reminds us that winter is coming. It can’t be avoided, and there are things you have to do. The furnace has to be checked, the storm windows shut, the snow shovel located, etc. You have to be prepared for winter even though you don’t know how much harsh weather you’re going to get.

It seems like that’s the way it is for our two countries right now too. Our big financial concerns are pulling out of the recession, but they’re leaving a lot of jobless people behind. No one knows how bad it’s going to get for workers, but we have to be prepared to protect ourselves from the worst while we work to make things better.

I don’t have to tell you that unemployment is rising. You see it everywhere. And you know that it affects your livelihood. State, provincial, and local tax bases are shrinking. Too many of our members are being pressured into accepting real reductions in wages and benefits, and thousands are being threatened with layoffs.

That’s why we have done, and will continue to do, everything we can to bring about the changes that will protect our members and lead to a real economic recovery – a recovery that includes workers.

Fighting for Our Members

In the U.S. we fought successfully to get Congress to allow transit systems to use up to 10 percent of their stimulus money for operating assistance – that’s real cash that will determine whether or not many of our members keep their jobs in the coming months.

We’re fighting hard for meaningful health care reform which could not only take the whole issue of medical insurance off the negotiating table, but end the scandal of Americans living without health care because they simply can’t afford it. A good bill has been passed by the House, and we are waiting to see what happens in the Senate.

In the New Year we’ll be fighting just as hard to make sure that Congress passes a new surface transportation authorization bill which will finally begin to move the U.S. toward real transit mobility.

And we’ll be fighting to convince Congress to pass the Employee Free Choice Act – a bill which would level the playing field for employees with their managements when they seek to organize their workplaces.

In Canada we’re fighting to improve the wages and working conditions of newly-organized members, while we work to find effective ways to protect all transit employees from violence.

I believe that all of the above are essential for our members – and workers in general – to emerge from the winter of recession and thrive in the future.

During this holiday season many people will chase away the gloom and darkness with candles and brightly colored lights. Similarly, the International will be hard at work with you this winter to light the way toward a better life for all of us during this, and every season to come.

Happy Holidays!

My wife Janice and I wish you a joyful holiday season, and a wonderful New Year!

William J. Hunter
Contents

1. International Officers & General Executive Board
   International President’s Message
   in French & Spanish
2. International President’s Message
   Preparing for Winter
3. Ray Rivera Appointed International Vice President
4. Organizing Report
5. ATU’s Angel in Queens One of CNN’s Top 10 ‘Heroes of 2009’
6. ATU Drivers File Class Action
   Suits against First Group
   What the House Health Care
   Bill Would Do for You
7. Know Your Rights
   The Legal Framework of Collective
   Bargaining in Canada
8. Legislative Report
   JOBS NEEDED, NOW
9. Canadian Agenda
   Toronto Local Blasts Cartoon Blaming
   ATU Workers for Fare Hike
   OECD Says Traffic Congestion
   Strangles Toronto’s Productivity
10. 56th International Convention
    Announcement
11. Edmonton Local Fêtes
    50-Year Members, Retirees
12. Local News
13. Arbitration Decision
    ATU Local 1700 and Greyhound Lines, Inc.
14. Legal Notice
    For Fair Share Fee Payers
15. In Memoriam
16. US: Union Plus Union Safe Ad
    Canada: Drivers Wanted for Olympics
17. ATU Activist:
    Newark Member Fights for Working Families

A Message from the International President
Prepared for Winter

Ray Rivera Appointed International Vice President

Know Your Rights
The Legal Framework of Collective Bargaining in Canada

Legal Notice
For Fair Share Fee Payers


PUBLICATIONS MAIL AGREEMENT NO. 400331. RETURN UNDELIVERABLE CANADIAN ADDRESSES TO: B&M Mailing Service Limited, 35 Van Kirk Drive, Unit 15, Brampton, Ontario L7A 1A5, E-MAIL-BMCOMM@PATHCOM.COM

The objects of this International Union shall be to organize Local Unions; to place our occupation upon a higher plane of intelligence, efficiency and skill; to encourage the formation in Local Unions of sick and funeral benefit funds in order that we may properly care for our sick and bury our dead; to encourage the organization of cooperative credit unions in the Local Unions; to establish schools of instruction for imparting a practical knowledge of modern and improved methods and systems of transportation and trade matters generally; to encourage the settlement of all disputes between employees and employers by arbitration; to secure employment and adequate pay for our work, including vacations with pay and old age pensions, to reduce the hours of labor and by all legal and proper means to elevate our moral, intellectual and social condition. To engage in such legislative, political, educational, cultural, social, and welfare activities as will further the interests and welfare of the membership of the Organization. To seek the improvement of social and economic conditions in the United States and Canada and to promote the interests of labor everywhere.
PRIVATE EMPLOYER BARGAINING STRATEGIES

If there was a document that told you how much money your employer had – and how much they would have next year – wouldn’t you want to get it before you went into negotiations? While unions representing autoworkers, or hotel workers, or long-haul truckers would love to get their hands on such information, for the ATU it’s usually right out there in the public record.

For those locals negotiating public sector contracts, the budget process of your local transit authority is often an open book – it may even be published on your transit authority’s web site! And an enormous amount of information is available through freedom of information laws, which can assist locals in formulating and strengthening their bargaining positions. With certain exceptions, locals can request information on just about everything public employers do, possess or produce. Obtaining similar information from private employers is greatly restricted, and in most cases, not available.

THE SERVICES CONTRACT

There is one source of information, however, that is available to assist locals in negotiating collective bargaining agreements with private employers, and is very important not only to the success of those negotiations, but to the quality of those agreements. This valuable source of information is the services contract between the public body and the private contractor, and is typically available from the public employer through freedom of information laws. Usually, the local union can obtain the contract from the public employer by simply asking for it.

Prior to beginning negotiations, private sector locals should obtain a copy of the current services contract between the public employer and the private provider whose employees the local represents. In most cases the local should be able to receive a complete copy of the agreement, with the exception of certain proprietary information which may be restricted.

WHY IS THIS SERVICES CONTRACT IMPORTANT TO THE UNION AND ITS MEMBERS?

To begin with, that contract tells you how much your employer is being paid each year to service the city, county or transit authority. Since many of these service contracts have five, six and seven year terms, the contract will tell your union how much the company will be making next year, two years from now, and maybe three or four years down the road. Isn’t that something you want in your hands before you negotiate?

THEM SOMETIMES FALL SHORT

But that’s just the beginning! When a public entity enters into a contract with a private contractor to provide transportation services, for example, the contract often spells out minimum wages, benefits and working conditions that the contractor agrees to as a condition of being awarded the contract. And it will come as no surprise to you that sometimes contractors fall short of meeting or fulfilling all of these requirements outlined in their revenue contract, particularly those applying to employees.

A careful review by the local of the revenue contract between your employer and the public body it is contracted to serve may provide important dividends for union members. We encourage all local unions whose members are employees of a private company under contract with a public entity, to request a copy of the current agreement and review it for both economic information and employer compliance. If you have any difficulty obtaining a copy of the contract, contact this office for assistance.

SEASON’S GREETINGS

May all of you have a wonderful holiday season, and a happy and prosperous New Year.

A MESSAGE FROM THE INTERNATIONAL EXECUTIVE VICE PRESIDENT

‘A careful review by the local of the revenue contract between your employer and the public body it is contracted to serve may provide important dividends for union members.’
We’ve Come Too Far to Turn Back

Despite a tremendous amount of hard work and long hours put in by countless union members, working families in Virginia and New Jersey faced defeat on election night this year as both states elected anti-worker candidates to their governor’s office.

Some political pundits attribute these losses to voters seeking a change in a time of economic crisis, while others simply think the problems were solely with the candidates. Regardless, anti-worker forces are hailing the elections as victories and arguing that these wins give them the momentum they need for a comeback in next year’s midterm elections.

We can not let them make a comeback. The price is simply too high.

WE HAVE SEEN GREAT PROGRESS

With worker-friendly majorities in the White House, Senate and House of Representatives, we have seen great progress on our issues this year.

Within weeks of taking office, President Obama signed the State Children’s Health Insurance Program (SCHIP) reauthorization that provides health coverage for 11 million low-income children; he signed the Lilly Ledbetter Fair Pay Act which overturned a 2007 Supreme Court decision that made it virtually impossible for workers to challenge pay discrimination based on gender; and he issued several executive orders to reverse Bush-era, anti-worker orders.

We also saw passage earlier this year of a landmark economic recovery package that has helped to create and save jobs throughout the country by investing in transit, roads, bridges and more.

Right now, Congress is on the verge of passing comprehensive health care reform legislation and a cap-and-trade energy bill that will result in increased funding for mass transit. Consideration of the Employee Free Choice Act and the surface transportation reauthorization bill are not far off.

NEVER TOO SOON TO GET ACTIVE

While not all of our priorities have been addressed yet, we have come too far to turn back.

I am calling on all of our U.S. members and asking you to get active now. It’s never too soon to start educating yourself and your fellow union members about the candidates in next year’s election.

Talk to your local union officers to find out how you can get involved now in helping to support worker-friendly candidates.

SEASON’S GREETINGS

Here’s wishing you a joyful holiday season and a happy New Year!
Organizing Report: A New Beginning

After New York’s Local 1181 won a decisive organizing victory by a margin of two-to-one, Local President Michael Cordiello asserted “this is only the beginning for this executive board and the members of this great local. Let’s keep moving forward.”

Although Cordiello has been busy bargaining for several properties and bargaining units, organizing continues to be one of his priorities. The local president has recruited rank-and-file members, shop stewards, and a retiree to serve on a committee of Local 1181 member-organizers. Delegate Renee Jean-Louis serves as the coordinator of the committee, which also includes: Carmen Acevedo, Dominick Agate, Jim Cardiello, John DeLoatch, Tony Livia, and Patrick Lorquet.

DIVERSITY

Jean-Louis says that the diversity of the committee reflects the local’s membership as well as the workforces of many nearby, unorganized properties. “We are learning a lot working with the ATU International’s Organizing Department,” he explains. “First and foremost, we have to recruit worker-leaders and build a strong foundation of support from the inside. Then we are more prepared for attacks by the employer or even other unions.”

The local has worked with the department to train its members to organize more effectively. And that training proved invaluable in countering professional efforts to thwart the recent campaign. Although the company recruited an independent association to intervene in the representation election, the drivers and matrons voted overwhelmingly for ATU Local 1181.

The organizing committee was aided by ATU members in the school bus industry from the Atlantic, Pioneer, Consolidated, United and Logan companies. Shop stewards and members of Local 1181 attended organizing meetings, shared their experiences as members of ATU, and came out by the dozens in support of the GVC workers during the final weeks of the campaign.

This is truly a victory for the 270 drivers and matrons of GVC. But, it was also a sign of Local 1181’s strong commitment to organizing.

Ray Rivera Appointed 18th International Vice President

International President Warren S. George has appointed Ray Rivera 18th International Vice President to fill the vacancy left by the recently-retired IVP Tommy Mullins. The former International Representative has been a member of ATU for 46 years.

Rivera joined Local 1202 in New York City in 1964, after he was employed as a Greyhound bus operator. He served the New York local as a shop steward. In 1972, he transferred to Local 1210 in Philadelphia, which was the local that represented his New York run. Rivera, subsequently, became a member of Local 1238, after moving his family to Jacksonville, FL.

The Greyhound driver became very active in Local 1238. He was elected shop steward in 1981, and local president in 1983. In 1985, he put together a merger of three over-the-road locals (1238, 1174, and 1326), into a new Local 1600. Rivera was elected president and moved to Atlanta to conform to the local’s bylaws which required that the president live in the city where Greyhound’s then-Southern Regional Headquarters was located.

Rivera served as local president until 1993, when International President Jim LaSala appointed him as an International Representative. As an International Rep. he worked mainly on organizing, but he also negotiated agreements, conducted trusteeship hearings, and argued numerous arbitrations for local unions.

Rivera views his new post as a great opportunity to support the Union as a member of the General Executive Board. Ray has been married to Lydia Rentas Rivera for 45 years and has three children and two grandchildren.
Nothing about Jorge Munoz, 1181-New York, NY, suggests that he thinks he’s doing anything extraordinary. Even though the New York Times anointed him an “Angel in Queens,” and CNN made him one of their “Heroes of 2009,” Jorge (pronounced “George”) seems unaffected by all of the attention he’s been getting lately – simply because he feeds hungry people.

Munoz has been a member of Local 1181 for nine years. He puts in a full day, five days a week, as a school bus operator in New York City. But after work he puts in another five-and-a-half hours preparing and handing out hot meals to the hungry in Queens. His typical day doesn’t end until 11:30 p.m., and he does this job seven days a week.

‘PEOPLE OUT THERE ARE SUFFERING’

If that schedule wears him out, he doesn’t show it. The short, sturdy driver, originally from Colombia, displays a gentle determination in every move he makes. In his own way, he is a man on a mission.

“People out there are suffering,” he explains, “So why not do just a little bit to change their lives at least one time a day – with a meal. It’s nothing; for us it’s nothing.”

He’s been doing this since 2004. He got the idea one day when he noticed a couple of food processing workers throwing out perfectly good food that the law said they couldn’t sell after a certain date. Munoz asked the company owners if they would donate the food to him to give to the hungry. They did, and he’s been doing this work ever since.

“The first week [we fed] eight guys,” Munoz remembers. “The second week, 24, and it increased, and increased until yesterday (November 13) there were more than 150.”

Munoz, his mother, sister, and two volunteers prepare all of the meals in a small kitchen of their Woodhaven home. Their first floor has been taken over by stacks of canned and boxed food, aluminum pans, Styrofoam containers, paper products, a huge freezer full of food, blankets, and clothes – all contributed or bought with the donations which support their work.

Munoz was chosen as one of the top 10 CNN Heroes of 2009, and was to be featured (after the In Transit went to press) in a special CNN Heroes broadcast on Thanksgiving Day.
ATU’s ‘Angel in Queens’ One of CNN’s Top Ten Heroes of the Year

‘THEY TRUST ME SO I HAVE TO BE THERE’

The Queens school bus operator watches little television, doesn’t take a vacation and hasn’t seen a movie in years. He says he simply can’t bring himself to let his hungry friends down – not even for a day.

“People are lining up and waiting for me,” he says. “They trust me so I have to be there. If, one day, I fall off, there will be a lot of people who are going to be hungry. So I just try to do it every day.”

If you ever accompany Munoz on his mission to Jackson Heights you will understand. On a recent Saturday night there were over 100 people waiting silent and still in the darkness as Jorge pulled his truckload of food up to the corner of Roosevelt and 73rd.

There were those there who have obviously lived on the street for some time. Others had the clothes and bearing of persons who were new to this life, having experienced a sudden change of circumstances. But the look in their eyes told you that they all shared one thing in common – they were hungry.

Passing motorists honked in approval as Munoz and his volunteers handed out food and drink. Trains rolled over the elevated tracks above them with a deafening clatter. But the noise seemed to fade away, replaced by a litany of almost reverent “gracias” uttered by each as they received their portion. After the group started to eat, the mood lightened, and people spoke happily with each other as if they were starting to feel human again. That may be Jorge Munoz’s greatest gift of all.

Find out more about Jorge Munoz’s work at: Angel in Queens website:  http://www.anangelinqueens.org/
Angel in Queens Facebook page:  http://www.tinyurl.com/atuangel

USDA: Hunger Growing in America

The United States Department of Agriculture’s Economic Research Services (ERS) released its annual report on Household Food Security in the U.S. on November 16, which revealed that in 2008, 17 million households, or 14.6 percent, were “food insecure” and families had difficulty putting enough food on the table at times during the year. This is an increase from 13 million households, or 11.1 percent, in 2007. The 2008 figures represent the highest level observed since nationally representative food security surveys were initiated in 1995.

While the federal agency refers to the issue as “food insecurity,” most analysts say that the report highlights the growing problem of “hunger” in America.

This year’s report also reveals that one-third of food-insecure households had very low food security (food intake of some household members was reduced and their eating patterns disrupted at times during the year). This is 5.7 percent of all U.S. households or about 6.7 million. This is up from 4.7 million households (4.1 percent) in 2007, and the highest level observed since nationally representative food security surveys were initiated.

Local 1181 President Michael Cordiello Praises Member Jorge Munoz

Jorge Munoz, school bus driver for Varsity Bus, has been a model member of Local 1181 transporting our most precious cargo, school-aged children. This quiet unassuming gentle man has now gone above and beyond what the normal everyday person may only think of doing... Jorge Munoz takes one-half of his weekly net salary as a school bus driver, purchases groceries, cooks and serves meals to the homeless in his neighborhood in Queens.

Although he probably would not agree, to this local Jorge is truly a hero to the less fortunate. As president of this local and on behalf of my fellow brother and sister members, I would like to express my pride in representing members like Jorge Munoz.
ATU Drivers File Class Action Suits against First Group

EMPLOYEES ASSERT RIGHTS UNDER FAIR CREDIT REPORTING ACT

On October 5, in two separate class actions, ATU members filed lawsuits against First Student and First Transit – North American subsidiaries of First Group plc of Great Britain – for violation of their legal rights under the Fair Credit Reporting Act. The suits were filed in federal district courts in Illinois.

In each case, workers were summarily dismissed from employment after First Group subsidiaries hired a vendor to perform a background check on their employees and the vendor reported that the employee had a purported past criminal record.

Under the Fair Credit Reporting Act, employers are obliged to notify employees of any adverse actions anticipated as a result of a background check, and to give the employees a reasonable opportunity to dispute the accuracy of the reported information.

‘TRAMPLING ON THE RIGHTS OF WORKERS’

“First Group has been trampling the rights of workers,” asserted ATU International President Warren S. George. “Now we see that they have been trampling U.S. law as well. That’s why the ATU has retained counsel to represent the legal rights of not just our members – but all employees and job applicants at First Group.”

The lawsuits will seek relief for all employees summarily dismissed – and all applicants similarly refused employment – on the basis of a background check.

The ATU, which represents over 12,000 employees of First Group subsidiaries in North America, is investigating whether Canadian laws may have also been violated by First Group.

What the House Health Care Bill Would Do For You

With successful passage of a historic health care reform bill by the House of Representatives, November 7, experts are weighing in on the benefits that the bill would bring to working families.

This legislation includes numerous benefits for working families, immediately and in the long term, whether you have insurance now or not:

• It will end the national scandal of medical bankruptcy – the number one cause of personal bankruptcy – by eliminating lifetime caps on insurer payments and limiting annual out-of-pocket costs. Medical bankruptcies affect up to 4,000 families every day in the United States – and 78 percent of them are fully insured.

• It ends abusive insurance company practices, including the denial of coverage based on pre-existing conditions and “rescissions” – the practice of canceling coverage when patients file claims.

• It provides subsidies to help middle-class and lower-income families afford coverage.

• Through an exchange, it offers people a wide range of choices of insurance, including a public health insurance option that competes with private insurers.

• It narrows the “donut hole” – the gap in Medicare coverage for prescription drugs.

• It creates incentives to increase the number of doctors and boosts funding for community health centers.

• It allows young people to be covered by their parents’ insurance up to age 27.

• It creates a new fund to help employers give health coverage to early retirees.

• It provides for efficient, computerized medical records and other tools to streamline medical care and increase quality.

• It cuts costs to the federal government as well as to families, reducing the deficit by more than $100 billion over the next 10 years – thanks, in part, to the existence of a public health insurance option, which lowers costs across the system.

• And it’s fairly funded – through employer responsibility and a surtax on the very highest earners, not a tax on middle-class health benefits.

At press time some Congressional observers were speculating that the Senate might pass its own health care legislation by Thanksgiving. No matter when that happens, however, the two bills will need to be reconciled by a conference committee of House and Senate members who will produce a common bill. Both houses will have to pass that bill before health care reform becomes a reality in the United States.
In the coming weeks the U.S. Congress hopefully will conclude its work on health care issues and turn to the need for labor law reform to overcome management manipulations and restore a level playing field in labor relations. Legislators could learn much by considering the sometimes subtle but nevertheless significant differences in Canada’s basic approach to labour matters. They extend well beyond the spelling of the word “labor” (or labour) and the reference to a labor contract as a “collective agreement” rather than a “collective bargaining agreement.”

THE COLLECTIVE AGREEMENT

As in the United States, following a union’s certification as the lawful representative of a group of workers, Canadian employers and the labour organizations have an obligation to bargain in good faith with a view to concluding a collective agreement. Unlike in the U.S., however, if a Canadian employer’s conduct significantly frustrates the bargaining process, the initial labour contract may be imposed.

Collective bargaining statutes in Canada, moreover, actually require minimum provisions in collective agreements such as a defined term of operation, an arbitration procedure, and, on request, a clause establishing checkoff or payroll deduction of union dues by the employer.

Because arbitration is the mandatory method of resolving disputes concerning the interpretation and administration of the collective agreement, in Canada there is no continuing obligation to bargain during the term of the contract.

THE STRIKE AS A TOOL OF BARGAINING

In the United States, labor contracts typically include a no-strike clause precluding any work stoppage during the term of the negotiated agreement. In Canada, once a collective agreement has been negotiated, any strike or lockout is statutorily barred, even where private sector employees are involved. Neither an employee work stoppage nor an employer lockout is legally permitted until the collective agreement has expired and any prescribed conciliation procedures to resolve negotiation impasses have been exhausted. Unlike in the U.S., then, a mid-term strike in response to an unfair labour practice is unlawful in Canada.

When a strike is lawfully permitted in Canada, the nature of the job action can be quite different from in the U.S. The permanent replacement of strikers is prohibited in Canada. The collective bargaining statutes of British Columbia and Quebec, moreover, restrict the use of even temporary strike replacement workers during a lawful strike.

Labour Board remedies for bad faith bargaining, whether in a first agreement situation or in renewal bargaining, also tend to be more expansive in Canada. As in the United States, a finding of bad faith may result in a direction to bargain seriously. In Canada, however, such a direction may be accompanied by an award of damages for losses sustained by the union and the employees that are attributable to the employers’ misconduct where, for example, a strike has been prolonged unnecessarily because of unlawful management tactics.

LESSONS FOR THE UNITED STATES

Our Canadian locals still struggle for workplace justice, of course. But the legal framework within which we operate in Canada is a more enlightened and balanced one. As with health care, then, when it comes to labor law, the United States could learn a thing or two from our Canadian brothers and sisters.
The Congress, paralyzed by the debate over the future of the U.S. health care system, was unable to pass a new six-year surface transportation reauthorization bill prior to the September 30 expiration of the Safe, Accountable, Flexible, and Efficient Transportation Equity Act - A Legacy for Users (SAFETEA-LU). The act has been extended until December 18.

With the full support of the ATU and other transportation unions, House Transportation and Infrastructure Committee Chair James Oberstar, D-MN, has forcefully argued for immediate consideration of his bill, the Surface Transportation Authorization Act of 2009 (STAA), which would increase public transportation funding by more than 90 percent over the next six years.

The United States economy shed 190,000 jobs in October, and the unemployment rate reached a 26-year high of 10.2 percent, up from 9.8 percent in September. Oberstar points out that the transportation bill will create thousands of new jobs and help America out of its economic downturn.

TWO-YEAR ‘MINI BILL’?

The Senate’s second-ranking Democrat, Majority Whip Richard Durbin of Illinois, has ambitions for transportation investments early next year. Durbin says that once Congress completes its work on health care legislation, the top priority will become the economy and unemployment. The best way to create jobs, he insists, is to invest in transportation. Durbin is floating the idea of “frontloading” the next surface transportation bill to get more money flowing sooner than usual. While few believe that a full six-year authorization bill will be considered in 2010, a two-year bill, which could include important policy changes, is becoming a real possibility. “I honestly believe [that on] the first of the year we’ll be talking about this,” Durbin declared.

KEEP THE PRESSURE ON

The delay in the bill’s consideration has given ATU more time to educate Members of Congress on the need for federal operating assistance for transit. As the In Transit went to press, Representative Russ Carnahan’s (D-MO) operating assistance bill – H.R. 2746 – had 75 cosponsors in the House. More cosponsors are needed. Local 1577-West Palm Beach, FL, successfully lobbied its County Council to pass a resolution urging South Florida Members of Congress to cosponsor the bill. Please urge your local legislative bodies to do the same so that we can reach 100 cosponsors, and beyond.

TRANSIT WORKER PROTECTION BILLS PASSED IN TWO STATES

Congratulations to the ATU Connecticut Legislative Conference Board and Locals 689-Washington, DC, and 1300-Baltimore, MD, for their successful spring campaigns to pass state legislation protecting transit workers from assault. The new Connecticut law provides for a Class “C” felony for the act of assaulting a transit employee. In Maryland, a person may now be jailed for up to 90 days and fined $1,000 for interfering with the operator of a transit vehicle, or a person engaged in official duties as a station agent, conductor, or station attendant. Twenty-seven states now have laws in place that enhance assault penalties when the victim is a transit employee performing his or her duties.

The transportation bill will create thousands of new jobs and help America out of its economic downturn.
A
n editorial cartoon on the front page of the November 18 Toronto
edition of Metro, a daily commuter news digest, has drawn the ire
of the Local President Bob Kinnear, 113-Toronto, ON.

The cartoon depicts a streetcar operator leaning out of his window
with his hand in the pocket of a startled pedestrian reading a newspaper
with the headline “Rate increase.”

“Fare increases are always accompanied by a large spike in verbal
and physical assaults on vehicle operators and collectors,” says Kinnear,
“Passengers angered by having to pay more to ride the TTC take out
their frustration on the front line workers, not on TTC management or
the commissioners.

“This insulting cartoon makes it seem that the workers are to blame
for the fare increase. It will provoke active animosity in some unbalanced
passengers and lead to more assaults. We’ve been down this road too
many times before to let this pass.”

Kinnear says it is grossly unfair to attribute the magnitude of fare
increases over the past decade to TTC workers.

**FARES HAVE RISEN 64 PERCENT FASTER
THAN OPERATOR, COLLECTOR WAGES**

“With this latest increase, TTC cash fares since 1999 will have risen
64 percent faster than the wages paid to operators and collectors. Angry
passengers should be incensed at the failure of governments to support
Toronto public transit at the level enjoyed by other cities. They shouldn’t
be taking it out on our members, who provide a great service under
often very stressful and demanding conditions,” he asserted.

TTC management’s recent presentation to the commissioners on the
need for a fare increase revealed that the TTC is the least subsidized
transit system in North America.

“If the TTC received proportionately as much public funding per
rider as Montreal, Vancouver or Edmonton, our fares would be much,
much lower. If we received as high a per-rider subsidy as they do in Los
Angeles, the TTC would be free to riders,” he declared.

“The cartoon would have been more truthful if it had shown Ontario
Premier Dalton McGuinty and Prime Minister Stephen Harper picking
the pockets of our passengers.

“We believe in freedom of the press,” added the local president,
“but we have the right to strenuously object to a ‘McPaper’ like Metro
distorting the truth at the expense of our members’ safety.”

**OECD SAYS TRAFFIC CONGESTION
STRANGLES TORONTO’S PRODUCTIVITY**

In a study released November 6, the Organization for Economic
Co-operation and Development (OECD), which counts 30 nations
among its members, reports that productivity in the Greater Toronto
Area (GTA) is depressed by sprawl and traffic congestion. In fact, the
OECD estimates that $3.3 billion worth of productivity is lost to the
GTA because an underfunded and disjointed transit system.

According to the OECD, Toronto’s transit system has not kept pace
with the burgeoning population of the area. As much as 71 percent of
the urban area’s commuters are dependent on the automobile – one of
the highest city rates of the organization’s 30 countries.
Au Canada, nous nous battons pour améliorer les salaires et les conditions de travail des membres nouvellement organisés, tout en travaillant à trouver des moyens efficaces de protéger de la violence tous les employés des transports en commun.

Je crois que tout ce que j’ai énuméré ci-dessus est essentiel pour nos membres - et pour les travailleurs en général – pour sortir d’un hiver de récession et pour prospérer à l’avenir.

Durant cette période des fêtes, de nombreuses personnes chasseront la morosité et l’obscurité avec des bougies et des lumières de couleurs vives. Pendant ce temps, l’Internationale travaillera d’arrache pieds avec vous cet hiver pour éclairer le chemin vers une vie meilleure pour nous tous pour cette saison et pour toutes les saisons à venir.

**JOYEUSES FÊTES !**

Mon épouse, Janice, et moi vous souhaitons de Joyeuses Fêtes et un merveilleux Nouvel An!

---

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

El Mensaje del Presidente Internacional, Continuación de la página 3

---

Y estaremos luchando para convencer al Congreso a que promulgue la Ley de la Libre Selección del Empleado -- un proyecto legislativo que vendría a igualar el campo de acción de los trabajadores en relación con sus empleadores cuando los trabajadores tratan de organizar sindicalmente sus lugares de empleo.

En el Canadá estamos luchando para mejorar los salarios y condiciones de los miembros recientemente organizados, mientras que también trabajamos para encontrar métodos efectivos de proteger a todos los trabajadores del tránsito contra la violencia en el sitio de trabajo.

Yo estimo que todos los aspectos mencionados más arriba son de naturaleza esencial para nuestros miembros – y para todos los trabajadores en general – a fin de emerger ariazosamente del invierno de recesión económica y prosperar en el futuro.

Durante esta temporada de fiestas mucho gente tratará de poner de lado la penumbra y oscuridad con velas y luces de brillantes y relucientes colores. De igual manera, la Unión Internacional estará trabajando arduamente a vuestro lado durante este invierno para darle luz al sendero que nos conduzca a una vida mejor para todos nosotros durante esta, y en cada futura temporada de fiestas.

**¡FELICES FIESTAS!**

Mi esposa Janice, y un servidor les deseamos a todos ustedes ¡una alegre temporada de fiestas y un maravilloso Año Nuevo!
Financial Secretary Claude Ducette, Local 569-Edmonton, AB, sent us these pictures (below) from the local’s annual retirement party celebrating its recent retirees and 50-year members.

Seated, from left, at the Local 569 retirement party, are ATU 50-year members Alexander Bidniak, Gordon Jarvis, Kenneth Krause, and Matthew Sullivan. Standing, from left, is Financial Secretary Claude Ducette, Local President Stu Litwinowich, Edmonton City Councillor Dave Thiele, International Vice President Bob Hykaway, and Local Vice President for Maintenance Daniel Revega.

Seated, in the front row, from left, at the Local 569 retirement party are, ATU retirees Alan Bowman, Donald Yakimovitch, Lorna Durand, Walter Greschuk, Gaile Kiernan, Randall Koren, Richard Harbottle, Dale Cone, Sardool Basra, and Richard Antoniuk. Seated, in the center row, from left, are ATU retirees Wilbert Smoker, Roy Martin, Hans Kristel, Svend Sorensen, Boris Rogutski, Arleen Serna, Donald Serna, Ajit Parmar, and William McVey. Standing, in the back row, from left, is Financial Secretary Claude Doucette, Local President Stu Litwinowich, Edmonton City Councillor Dave Thiele, International Vice President Bob Hykaway, and Local Vice President for Maintenance Daniel Revega.
Local 282 - Rochester, NY
First Transit (Canandaigua, NY)
Local Financial Secretary/Business Agent Frank Falzone and International Vice President Gary Rauen report settlement.

TERM: 3 years 1/1/07 - 12/31/09

WAGES:
Top Operator
1/1/07 - 22¢ - 2% - $10.99
5/27/08 - 33¢ - 3% - $11.32
1/1/08 - 22¢ - 2% - $11.54
7/1/08 - 35¢ - 3% - $11.89
1/1/09 - 35¢ - 3% - $12.24
7/1/09 - 37¢ - 3% - $12.61

Top Mechanic
1/1/07 - 35¢ - 2% - $17.82
5/27/09 - 53¢ - 3% - $18.35
1/1/08 - 38¢ - 2% - $18.72
7/1/08 - 56¢ - 3% - $19.28
1/1/09 - 58¢ - 3% - $19.86
7/1/09 - 60¢ - 3% - $20.46

LOCAL 618 - Providence, RI
Durham School Services
Local President Steve Farrell and International Vice President Richard Murphy report settlement.

TERM: 2.5 years 1/13/09 - 6/30/11

WAGES:
Top Operator
7/1/09 - 45¢ - 2.7% - $17.10
7/1/10 - 52¢ - 3.0% - $17.62

LOCAL 717 - Manchester, NH
Manchester Transit Authority
Local President Lisbeth Valentin and International Vice President Richard Murphy report settlement.

TERM: 1 year 7/1/09 - 6/30/10

WAGES:
Top Operator
NO CHANGES

LIFE INSUR.: Increase to $30K (was $20K)

PENSION:
Employer pay 85¢/hour
Employee pay 60¢/hour

LAY-OFFS: Provide 14 days notice, FT operators laid off given opportunity to do spare work.

LOCAL 757 - Portland, OR
Lane Transit District
Local President Jon Hunt and International Vice President Ron Heintzman report settlement.

TERM: 3 years 7/1/09 - 6/30/10

WAGES:
Top Operator
7/1/07 - 35¢ - 1.75% - $19.95
12/30/07 - 35¢ - 1.75% - $20.30
6/29/08 - 36¢ - 1.75% - $20.66
12/28/08 - 31¢ - 1.50% - $20.97
6/28/09 - 37¢ - 1.75% - $21.34
12/27/09 - 38¢ - 1.75% - $21.72
Top Mechanic
7/1/07       -   87¢   -   3.8%     -   $23.68
12/30/07   -   42¢   -   1.75%   -   $24.10
6/29/08     -   92¢   -   3.8%     -   $25.02
12/28/08   -   38¢   -   1.5%     -   $25.40
6/28/09     -   93¢   -   3.8%     -   $26.37
12/27/09   -   47¢   -   1.75%   -   $26.84

H & W: Retiree Health Insurance
Employer contributes $250/month for non-medicare eligible retirees
Health Insurance contributions from employer:
Age 59 - $240
Age 58 - $230
Age 57 - $200
Age 56 - $180
Age 55 - $160

PENSION: Minimum benefit rate: 12/9/07 - $60/year of service
7/1/08 - $63

HOLIDAYS: Add employees’ birthday
Add floating holiday (3 total) (was 2)

LONGEVITY: Effective 2/1/05 - 35 years, 35¢/hour
Effective 7/1/07 - 40 years, 40¢/hour

UNIF. ALLOW.: $150/year

SHOE ALLOW.: $75/year (was $35)

NOTE: Training pay $2.25 (was $2.00)

LOCAL 758 - Tacoma, WA
Pierce Transit
Local President Isaac Tate and International Vice President Don Hansen report settlement.

TERM: 3 years 7/1/08 - 6/30/11

WAGES: Top Operator
7/1/08 - 3.5% increase
7/1/09 - 3.8% increase
7/1/10 - 5.9% increase

SPREAD TIME: Minimum 70% straight run (weekdays)
80% straight run (Saturday)
100% straight run (Sunday)

TOOL ALLOW.: $350 (was $230)

NOTE: Training pay $2.25 (was $2.00)

LOCAL 996 - South Bend, IN
South Bend Public Transportation (Fixed)
Local President Freda Braylock and International Vice President Javier Perez report settlement.

TERM: 2 years 11/1/08 - 10/31/10

WAGES: Top Operator
11/1/08 - 2.5% increase
11/1/09 - 2.75% increase
11/1/10 - 2.75% increase

Top Mechanic
11/1/08 - 2.5% increase
11/1/09 - 2.75% increase
11/1/10 - 2.75% increase

BONUS: $300 ratification bonus (FT)
$150 ratification bonus (PT)

SICK LEAVE: Add one sick day
Receive 50% payout on sick leave accumulation at retirement

UNIF. ALLOW.: Polo shirts offered during summer

LOCAL 996 - South Bend, IN
South Bend Public Transportation (Para)
Local President Freda Braylock and International Vice President Javier Perez report settlement.

TERM: 2 years 11/1/08 - 10/31/10

WAGES: Top Operator
11/1/08 - 3% increase
11/1/09 - 3% increase
11/1/10 - 3% increase

Top Mechanic
11/1/08 - 3% increase
11/1/09 - 3% increase
11/1/10 - 3% increase

**SICK LEAVE:**
Add one day (7 total)
50% accumulated payout at retirement

---

**LOCAL 1342 - Buffalo, NY**
Coach USA Erie

Local President Vince Crehan and International Vice President Bob Baker report settlement.

**TERM:**
4 years 1/12/09 - 1/12/12

**WAGES:**
- Top Operator
  1/12/09 - 37¢ - 3% - $12.63
  1/12/10 - 38¢ - 3% - $13.01
  1/12/11 - 39¢ - 3% - $13.40
  1/12/12 - 40¢ - 3% - $13.80

- Top Mechanic
  1/12/09 - 41¢ - 3% - $14.24
  1/12/10 - 43¢ - 3% - $14.67
  1/12/11 - 44¢ - 3% - $15.11
  1/12/12 - 45¢ - 3% - $15.56

**H & W:**
Employer contributes $260/month to premium

---

**LOCAL 1345 - Reading, PA**
BARTA

Local President William Frees and International Vice President Larry Hanley report settlement.

**TERM:**
3 years 7/1/07 - 6/30/10

**WAGES:**
- Top Operator
  7/1/07 - 57¢ - 3% - $19.49
  7/1/08 - 58¢ - 3% - $20.07
  7/1/09 - 60¢ - 3% - $20.67

- Top Mechanic
  7/1/07 - 31¢ - 2% - $15.82
  7/1/08 - 31¢ - 2% - $16.13

**BONUS:**
$300 (FT) $150 (PT) after completing probationary period

---

**LOCAL 1433 - Phoenix, AZ**
First Transit

Local President Bob Bean and International Vice President's Don Hansen and Bill McLean report settlement.

**TERM:**
3 years 7/1/08 - 6/30/11

**WAGES:**
- Top Operator
  7/1/08 - $1.00 - 5.7% - $18.50
  7/1/09 - $1.50 - 8.1% - $20.00
  7/1/10 - $1.25 - 6.25% - $21.25

---

**LOCAL 1499 - Muncie, IN**
Muncie Indiana Transit System

Local President Erbie Bertram and International Vice President Javier Perez report settlement.

**TERM:**
3 years 1/1/07 - 12/31/09

**WAGES:**
- Top Operator
  1/1/07 - 2% increase
  1/1/08 - 2% increase
  1/1/09 - 3% increase

- Top Mechanic
  1/1/07 - 1% increase
  1/1/08 - 1.5% increase
  1/1/09 - 2.5% increase

**H & W:**
$500 deductible (up to 3 people)
$10 co-pay for generic drugs, $30 brand name

**BEREAVEMENT:**
Paid as 6 hours per day off, 3 days off total

**SHOE ALLOW.:**
$100 (was $75)

**NOTE:**
Training premium to $1.00/hour (was 50¢, 75¢ Para)

---

**LOCAL 1742 - Charleston, WV**
Mid-Ohio Valley Transit Authority

Local President David Sayre and International Vice President Richard Murphy report settlement.

**TERM:**
1 year 7/1/09 - 6/30/10

**WAGES:**
- Top Operator
  7/1/09 - 45¢ - 6.5% - $15.41

- Top Mechanic
  7/1/09 - 56¢ - 3.0% - $19.65

---

18 IN TRANSIT
ISSUE: Was the grievant’s discharge for violating the Driver Rules of Conduct based in just cause; and if not, what should the remedy be?

SUMMARY: At the time of his termination, Grievant had 33 years of seniority at the company, including time with Trailways Lines, Inc., prior to Trailways merging with Greyhound.

On March 17, 2008, Grievant was involved in a minor verbal dispute at the Cove Fort Chevron in Cove Fort, UT, an operation that owned an agency agreement with Greyhound Lines to provide fuel and services to Greyhound buses and passengers. The dispute arose after the wife of the Cove Fort Chevron's owner placed a call to Roy Tanner, Greyhound's agency sales manager in Salt Lake City, to report that Grievant had departed the stop without two female passengers with limited English proficiency. In the midst of the call, Tanner was notified that Grievant had just returned to pick up the two passengers, apparently resolving the matter. Moments later, however, Tanner received another call from the Cove Fort agency, where he heard loud yelling in the background. He recognized the voice as that of Grievant, though he could not make out any words clearly. Later in the day, Tanner received a written complaint from the wife of the agency owner.

As a result of the March 17 incident, Grievant was issued a one-day suspension for violating the Driver Rules of Conduct.

On June 6, 2008, Grievant was involved in another incident at the Cove Fort stop. A dispute arose between employees of the agency and a young female bus passenger over an advertised “free cup of ice.” During the dispute, the female passenger refused to pay for the cup of ice, and left it and other items at the cash register. She proceeded to call 911 for assistance.

When Grievant learned of the situation, he immediately felt that the agency owner and his son were deliberately harassing and intimidating his passenger. An officer from the Utah Highway Patrol soon arrived, and witnessed an angry phone exchange between Grievant and Tanner, as Grievant had called Tanner to discuss the incident. Grievant and Tanner agreed to meet in Cedar City – the next scheduled stop – and discuss the incident.

Grievant told Tanner he was only trying to defend his passenger from aggressive, intimidating and unfair treatment. Tanner then went to speak with the State Trooper, and later received a second written complaint from the Cove Fort agency as well as a 10-second video clip shot from the cell phone of the agency owner’s son, showing an animated Grievant yelling at agency staff.

During the formal investigation resulting from the incident, Grievant acknowledged losing his temper in dealing with agency staff, but reiterated his stance that he was only protecting his passenger and alleging that he was set up by the agency owner and his son. At the conclusion of the investigation, Grievant’s employment was terminated on June 24, 2008 for violating rules G-3 and G-4 of the Drivers’ Rule Book regarding hostility and personal conduct.

The Union grieved the discharge, and during the third step of the grievance procedure, the company requested that the agency manager appear in order to provide testimony. The agency owner declined the request and the issue was taken to arbitration.

HOLDING: Arbitrator Robert W. Landau noted that a provision in the Collective Bargaining Agreement between company and Union stated that if a complaining customer or other complaining party fails to appear at the third-step arbitration proceeding, that complainant is prohibited from testifying at arbitration. As a result, the written statements and cell phone video provided by the company – supplied by the agency owner – could not be considered in arbitration, as they could not be subject to cross examination by the Union.

Without direct testimony from the agency owner, Highway Patrol officer or anyone else actually present at the scene, the company’s case was built solely on hearsay. Roy Tanner testified to hearing Grievant yelling in the background while he was speaking to the agency owner’s wife, but his testimony was deemed to hold minimal evidentiary value.

Arbitrator Landau held that the company had not presented persuasive, compelling or competent evidence that the actions of Grievant warranted discharge, particularly in light of his record of 33 years of service. Grievant was ordered reinstated with applicable back pay, benefits and seniority.
To: Employees Represented by ATU Locals in U.S. Bargaining Units Who Are Subject to Union Security Provisions

The following ATU Statement of Law and Procedures concerning union security objections applies only to the International per capita tax charged to objects as part of local union fees (unless this Notice and Statement has been adopted by the local union for application to the local union total fees).

1. Any ATU employee, whether publicly or privately employed, who is subject to a union security clause conditioning continued employment on the payment of dues or fees has the right to become an objector to expenditures not related to collective bargaining, representation, grievance adjustment, or other chargeable expenditures. A current ATU member who chooses not to tender the union security fee as of January in any given year must forward an objection to the International Secretary-Treasurer to continue payment of ATU union security clause as of January in any given year must forward an objection to the International Secretary-Treasurer to continue payment of ATU union security clause as of January in any given year must forward an objection to the International Secretary-Treasurer to continue payment of ATU union security clause as of January in any given year must forward an objection to the International Secretary-Treasurer to continue payment of ATU union security clause as of January in any given year must forward an objection to the International Secretary-Treasurer to continue payment of ATU union security clause as of January in any given year must forward an objection to the International Secretary-Treasurer to continue payment of ATU union security clause as of January in any given year must forward an objection to the International Secretary-Treasurer to continue payment of ATU union security clause as of January in any given year must forward an objection to the International Secretary-Treasurer to continue payment of ATU union security clause as of January in any given year must forward an objection to the International Secretary-Treasurer to continue payment of ATU union security clause as of January in any given year must forward an objection to the International Secretary-Treasurer to continue payment of ATU union security clause as of January in any given year must forward an objection to the International Secretary-Treasurer to continue payment of ATU union security clause as of January in any given year must forward an objection to the International Secretary-Treasurer to continue payment of ATU union security clause as of January in any given year must forward an objection to the International Secretary-Treasurer to continue payment of ATU union security clause as of January in any given year must forward an objection to the International Secretary-Treasurer to continue payment of ATU union security clause as of January in any given year must forward an objection to the International Secretary-Treasurer to continue payment of ATU union security clause as of January in any given year must forward an objection to the International Secretary-Treasurer to continue payment of ATU union security clause as of January in any given year must forward an objection to the International Secretary-Treasurer to continue payment of ATU union security clause as of January in any given year must forward an objection to the International Secretary-Treasurer to continue payment of ATU union security clause as of January in any given year must forward an objection to the International Secretary-Treasurer to continue payment of ATU union security clause as of January in any given year must forward an objection to the International Secretary-Treasurer to continue payment of ATU union security clause as of January in any given year must forward an objection to the International Secretary-Treasurer to continue payment of ATU union security clause as of January in any given year must forward an objection to the International Secretary-Treasurer to continue payment of ATU union security clause as of January in any given year must forward an objection to the International Secretary-Treasurer to continue payment of ATU union security clause as of January in any given year must forward an objection to the International Secretary-Treasurer to continue payment of ATU union security clause as of January in any given year must forward an objection to the International Secretary-Treasurer to continue payment of ATU union security clause as of January in any given year must forward an objection to the International Secretary-Treasurer to continue payment of ATU union security clause as of January in any given year must forward an objection to the International Secretary-Treasurer to continue payment of ATU union security clause as of January in any given year must forward an objection to the International Secretary-Treasurer to continue payment of ATU union security clause as of January in any given year must forward an objection to the International Secretary-Treasurer to continue payment of ATU union security clause as of January in any given year must forward an objection to the International Secretary-Treasurer to continue payment of ATU union security clause as of January in any given year must forward an objection to the International Secretary-Treasurer to continue payment of ATU union security clause as of January in any given year must forward an objection to the International Secretary-Treasurer to continue payment of ATU union security clause as of January in any given year must forward an objection to the International Secretary-Treasurer to continue payment of ATU union security clause as of January in any given year must forward an objection to the International Secretary-Treasurer to continue payment of ATU union security clause as of January in any given year must forward an objection to the International Secretary-Treasurer to continue payment of ATU union security clause as of January in any given year must forward an objection to the International Secretary-Treasurer to continue payment of ATU union security clause as of January in any given year must forward an objection to the International Secretary-Treasurer to continue payment of ATU union security clause as of January in any given year must forward an objection to the International Secretary-Treasurer to continue payment of ATU union security clause as of January in any given year must forward an objection to the International Secretary-Treasurer to continue payment of ATU union security clause as of January in any given year must forward an objection to the International Secretary-Treasurer to continue payment of ATU union security clause as of January in any given year must forward an objection to the International Secretary-Treasurer to continue payment of ATU union security clause as of January in any given year must forward an objection to the International Secretary-Treasurer to continue payment of ATU union security clause as of January in any given year must forward an objection to the International Secretary-Treasurer to continue payment of ATU union security clause as of January in any given year must forward an objection to the International Secretary-Treasurer to continue payment of ATU union security clause as of January in any given year must forward an objection to the International Secretary-Treasurer to continue payment of ATU union security clause as of January in any given year must forward an objection to the International Secretary-Treasurer to continue payment of ATU union security clause as of January in any given year must forward an objection to the International Secretary-Treasurer to continue payment of ATU union security clause as of January in any given year must forward an objection to the International Secretary-Treasurer to continue payment of ATU union security clause as of January in any given year must forward an objection to the International Secretary-Treasurer to continue payment of ATU union security clause as of January in any given year must forward an objection to the International Secretary-Treasurer to continue payment of ATU union security clause as of January in any given year must forward an objection to the International Secretary-Treasurer to continue payment of ATU union security clause as of January in any given year must forward an objection to the International Secretary-Treasurer to continue payment of ATU union security clause as of January in any given year must forward an objection to the International Secretary-Treasurer to continue payment of ATU union security clause as of January in any given year must forward an objection to the International Secretary-Treasurer to continue payment of ATU union security clause as of January in any given year must forward an objection to the International Secretary-Treasurer to continue payment of ATU union security clause as of January in any given year must forward an objection to the International Secretary-Treasurer to continue payment of ATU union security clause as of January in any given year must forward an objection to the International Secretary-Treasurer to continue payment of ATU union security clause as of January in any given year must forward an objection to the International Secretary-Treasurer to continue payment of ATU union security clause as of January in any given year must forward an objection to the International Secretary-Treasurer to continue payment of ATU union security clause as of January in any given year must forward an objection to the International Secretary-Treasurer to continue payment of ATU union security clause as of January in any given year must forward an objection to the International Secretary-Treasurer to continue payment of ATU union security clause as of January in any given year must forward an objection to the International Secretary-Treasurer to continue payment of ATU union security clause as of January in any given year must forward an objection to the International Secretary-Treasurer to continue payment of ATU union security clause as of January in any given year must forward an objection to the International Secretary-Treasurer to continue payment of ATU union security clause as of January in any given year must forward an objection to the International Secretary-Treasurer to continue payment of ATU union security clause as of January in any given year must forward an objection to the International Secretary-Treasurer to continue payment of ATU union security clause as of January in any given year must forward an objection to the International Secretary-Treasurer to continue payment of ATU union security clause as of January in any given year must forward an objection to the International Secretary-Treasurer to continue payment of ATU union security clause as of January in any given year must forward an objection to the International Secretary-Treasurer to continue payment of ATU union security clause as of January in any given year must forward an objection to the International Secretary-Treasurer to continue payment of ATU union security clause as of January in any given year must forward an objection to the International Secretary-Treasurer to continue payment of ATU union security clause as of January in any given year must forward an objection to the International Secretary-Treasurer to continue payment of ATU union security clause as of January in any given year must forward an objection to the International Secretary-Treasurer to continue payment of ATU union security clause as of January in any given year must forward an objection to the International Secretary-Treasurer to continue payment of ATU union security clause as of January in any given year must forward an objection to the International Secretary-Treasurer to continue payment of ATU union security clause as of January in any given year must forward an objection to the International Secretary-Treasurer to continue payment of ATU union security clause as of January in any given year must forward an objection to the International Secretary-Treasurer to continue payment of ATU union security clause as of January in any given year must forward an objection to the International Secretary-Treasurer to continue payment of ATU union security clause as of January in any given year must forward an objection to the International Secretary-Treasurer to continue payment of ATU union security clause as of January in any given year must forward an objection to the International Secretary-Treasurer to continue payment of ATU union security clause as of January in any given year must forward an objection to the International Secretary-Treasurer to continue payment of ATU union security clause as of January in any given year must forward an objection to the Interna...
independent auditor’s report to nonmember employees represented by the local union), objection, challe nge or appeal procedures will be necessary. If, however, the local union adopts an independent system covering local union expenditures other than per capita tax, such arrangements must, by law, be included in the local’s procedures. The local’s procedures must, further, at a minimum: (1) establish record-keeping methods sufficient to permit an accurate calculation of the percentage of the local’s total expenditures that are chargeable to objects; (2) provide for an independent audit which will enable the local union to verify annually the chargeable portion of the local’s total expenditures, the amount of the reduced fees payable by the objects, and the appropriate escrow amount; and (3) provide objects a single, expeditive review of the calculation of the chargeable expenditures before a neutral person not selected by the local. Under either an integrated or independent local system governing local union fees, the Union is responsible for collecting only those fees as may be certified as properly due as to the local union.

10. The provisions of this procedure shall be considered legally separable. Should any provision or portion hereof be held contrary to law by a court, administrative agency or arbitrator, the remaining provisions or portions thereof shall continue to be legally effective and binding. If, after consultation with each other, the International President or the local union business agent determines that modifications in this procedure are necessary to maintain compliance with applicable law, such modifications may be made in accordance with the Constitution and General Laws of the International Union or the bylaws of the local union, as applicable.

NOTES

1. ATU-represented public employees in Illinois, Minnesota, Montana, or Oregon who are not members of the union are automatically considered objects and are not required to make a filing under the provisions of Sections 2 and 4 of this Statement of Law and Procedures. The collective bargaining statute applicable to New Jersey public employees (with the significant exceptions of New Jersey Transit and NJT-Mercer) has the same impact. Similarly, except where a more stringent union security arrangement was in place on January 1, 1970, and has been continued in accordance with the “grandfathering” provisions of state law, the Pennsylvania public employee bargaining statute only permits a fair share union security clause under which every nonmember is obligated to pay only a reduced fee based upon prior chargeable expenditures. Such objects may continue to be identified by their current employer and their local union.

2. In accordance with applicable state laws, the reduced per capita tax paid on behalf of nonmember employees as determined by New Jersey Transit or NJT-Mercer) has the same impact. Similar arrangements are in place in Pennsylvania. In New Jersey, an objector can file a petition with N.J., The costs associated with this benefit for other members and the applicable escrow amount; and (3) provide objectors a single, expeditive review of the calculation of the chargeable expenditures before a neutral person not selected by the local. Under either an integrated or independent local system governing local union fees, the Union is responsible for collecting only those fees as may be certified as properly due as to the local union.

3. State statutes covering public employees in Minnesota and New Jersey (again, other than those workers employed by New Jersey Transit or NJT-Mercer) require that any person wishing to challenge the fees file an action with the state public employment board (Minnesota) or with a three-member board appointed by the governor specifically to hear fair share challenges (New Jersey). Where these statutes are applicable, any local union procedure must provide that the binding expedient review be through the applicable state process.

To the Chair and Members of the General Executive Board of the Amalgamated Transit Union

We have audited the accompanying Analysis of Objectors’ Expenses of the Amalgamated Transit Union (the Analysis) for the year ended June 30, 2009. The Analysis is the responsibility of the Union’s management. Our responsibility is to express an opinion on the Analysis based on our audit.

We conducted our audit in accordance with auditing standards generally accepted in the United States of America. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the Analysis is free of material misstatement. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the Analysis. An audit also includes assessing the accounting principles used and significant estimates made by the Union’s management, as well as evaluating the overall presentation of the Analysis. We believe that our audit provides a reasonable basis for our opinion.

As described in Note 1, the Analysis was prepared on a modified cash basis of accounting, which is a comprehensive basis of accounting other than generally accepted accounting principles.

The total net (U.S.) includable expenses presented in the Analysis agree to the expenses in the audited financial statements of the Amalgamated Transit Union for the year ended June 30, 2009, as modified as discussed in Note 3. The allocations of expenses between chargeable and non-chargeable are based on the descriptions and the significant factors and assumptions described in Note 2. The accompanying analysis was prepared for the purpose of determining the amount of the Union’s expenses that are chargeable or non-chargeable to fee objects. The accompanying Analysis is not intended to be a complete presentation of the Union’s financial statements.

In our opinion, the Analysis referred to above presents fairly, in all material respects, the includable expenses of the Amalgamated Transit Union for the year ended June 30, 2009, and the allocation between chargeable and non-chargeable expenses, on the basis of accounting described in Note 1 and significant factors and assumptions described in Note 2.

This report is intended solely for the information and use of the Amalgamated Transit Union and its fee objects and is not intended to be and should not be used by anyone other than these specified parties.

Amalgamated Transit Union - Analysis of Objectors’ Expenses - Year Ended June 30, 2009

NOTE 1. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

Method of Accounting - The Analysis is presented using a modified cash basis of accounting. Generally, expenses are recognized when paid rather than when the obligation is incurred. However, accruals of expenses are recorded for certain transactions with local unions, funeral benefits and other items.

Depreciation - Depreciation of property and equipment is charged to operations over the estimated useful lives of the assets using the straight-line method.

Benefit Payments - The Union’s Constitution and General Laws provide for certain expenses of $1,000 or greater that are represented to be benefits for all members and fee payers in good standing with one or more years of continuous membership or fee payment at the time of their death or dismemberment. An expense is recognized for the benefit for life members at the time they become life members. The costs associated with this benefit for other members and fee payers are accounted for upon disbursement of the benefit.

Estimates - The preparation of this Analysis requires management to make estimates and assumptions that affect the reported amounts of expenses during the reporting period. Actual results may differ from those estimates.

NOTE 2. PURPOSE OF ANALYSIS OF OBJECTORS’ EXPENSES AND SIGNIFICANT FACTORS AND ASSUMPTIONS USED IN DETERMINING CHARGEABLE AND NON-CHARGEABLE EXPENSES

The purpose of this Analysis is for the determination of the percentage of fee objects due (or their equivalent) expended by the Union for chargeable activities. Expenses for chargeable activities are those deemed “necessary” or “materially indicative” of the Union’s responsibilities in relation to the activities. The percentage of Union expenses deemed chargeable is used for determining advance dues (or their equivalent) reduction for fee objects for the subsequent calendar year.

The procedures followed in the preparation of this Analysis include categorization of each classification of expenses by chargeable and non-chargeable activities. This is accomplished by analyzing each classification of expenses and identifying amounts which are either chargeable or non-chargeable. Significant factors and assumptions used in this Analysis in determining these expenses are as follows:

A. All expenses identified by fund and reconciliation to the Union’s annual financial statements.
B. Canadian expenses within each fund are eliminated.
C. If any interfund transfers are recorded to more accurately reflect the Union activity for which certain expenditures were made.
D. Expenses are analyzed to identify chargeable and non-chargeable amounts using the following criteria:

1. Chargeable expenses include:
   - All expenses concerning the negotiation of agreements, practices and working conditions;
   - All expenses concerning the administration of agreements, practices and working conditions, including grievance handling, all activities related to arbitration and discussion with employees in the bargaining unit or employer representatives regarding working conditions, benefits and contract rights;
   - Convention expenses and other normal Union internal governance and management expenses;
   - Social activities and Union business meetings;
   - Publication expenses to the extent coverage is related to chargeable activities;
   - Expenses of litigation before the courts and administrative agencies related to contract administration, collective bargaining rights and internal governance;
   - Expenses for legislative, executive branch and administrative agency representation on legislative and regulatory matters closely related to contract ratification or the implementation of contracts;
   - All strike fund expenditures and other costs of group cohesion and economic action, e.g., demonstrations, general strike, informational picketing, etc.;
   - All expenses for the education and training of members, officers and staff intended to prepare the participants to better perform chargeable activities;
   - All funeral and dismemberment expenses.

2. Non-chargeable expenses include all other expenses.

E. For those expenses which have both chargeable or non-chargeable aspects, allocations are made using certain ratios. Significant ratios used for these allocations include ratios based on salary costs supported by time records and other ratios such as printed line ratios for allocation of certain publication costs.

NOTE 3. RECONCILIATION OF ANALYSIS TO AUDITED FINANCIAL STATEMENTS

The expenses included in this analysis are based upon the total expenses of $27,050,928 reported in the audited financial statements of the Amalgamated Transit Union modified for the following:

$3,100,000 in Canadian expenses has been excluded from this analysis.

$94,800 relating to various expenses which have been offset by corresponding revenue items have been excluded from this analysis.

www.atu.org NOVEMBER/DECEMBER 2008 21
In Memoriam
Death Benefits Awarded September 1, 2009 - October 31, 2009
Hitting hard times?

NEW UnionSAFE grants provide a SAFETY NET for union families struggling in today’s tough economy.

Many union families have been hit hard in today’s tough economy. Help is now at hand. Our new UnionSAFE programs offer special grants and assistance to members facing financial hardship.

Grants do not need to be repaid. They are emergency funds to help see you through economic crises.

1 Become more financially secure.
   - Job Loss Grant of $250 available if you’re laid off
   - Disability Grant up to $2000 help when you can’t work
   - Disaster Grant of $500 to help families impacted by a FEMA declared emergency
   - Layoff Helpline
   - Skip payment option available on your Union Plus Credit Card

2 Make your mortgage payments.
   - Mortgage Assistance Grant up to $1000
   - Save-My-Home Hotline for workers worried about falling behind on their mortgage—a HUD certified counselor will help you avoid foreclosure.
   - Union Plus Mortgage has built-in protection that covers your payments up to 6 months when you’re laid off, disabled or on strike.

3 Deal with health care expenses.
   - Hospital Care Grant of $1000 cover large out-of-pocket unpaid hospital bills.
   - Health Savings Programs cut your out-of-pocket costs at participating pharmacies, vision providers, dentists, doctors and hospitals.
   - Free Medical Bill Negotiator can help you lower your medical bills.

4 Afford higher education.
   - College Savings Grants of $500 to seed your college fund for the future.
   - Union Plus has contributed more than $2.8 million in scholarship for union leaders, workers and their families.

NOTE: Some of this assistance is only available to members who have a Union Plus Credit Card, Mortgage or Insurance policy.

For details about hardship assistance, visit: UnionPlus.org/UnionSAFE
Ray Greaves, a member of ATU Local 819 in Newark, NJ, has a very personal reason for being involved in the labor movement. “I lost my father when I was 15 years old, but he instilled the union movement in my heart and soul and, in a way, my involvement with the union keeps me close to him,” said Greaves, who recalled walking the picket lines with his father at a young age.

In his 24 years as a union member, Greaves has volunteered for a variety of activities, including organizing drives, labor walks, phone banks, political activities, community outreach and legislative initiatives. His most memorable activity was helping to organize the employees of the Union County Para Transit Authority. “To see the pride in the faces of the members who stuck it out through the process after we won was something I will never forget,” recounted Greaves.

**KEEPING THE WHEELS MOVING IN THE RIGHT DIRECTION**

Greaves thinks it’s especially important for union members to be involved in politics and to work to elect labor-friendly candidates who share our concerns. “Collectively, we can fight for matters that are important to working families, such as health care reform, the freedom to join a union, and funding,” he said.

“It is also important to elect our own members to political offices at all levels of government,” said Greaves. In the recent state-level elections in New Jersey, Greaves worked along with the AFL-CIO to help elect 39 union members to public offices ranging from the municipal level right up to the State Assembly.

Greaves says he owes a lot to his fellow union activists. “I am very fortunate to be associated with so many good union people in the ATU and in New Jersey. I can’t name them all, but when they read this, they will know who they are. I thank them for keeping the wheels moving in the right direction.”

**Newark Member Fights for Working Families**

ATU Activist Ray Greaves, 819-Newark, NY, seen here with then-Senator Hillary Clinton, believes it’s especially important for union members to be involved in politics and to work to elect labor-friendly candidates who share our concerns.