



# NEWSLETTER

*Vonda Marshall, Recording Secretary/ Editor*

**November 2020**

## **President's Report - Isaac O. Tate**

The work we do on behalf of the people who need the services we provide as Union members is appreciated by those who depend on us as their life line. Your Union realizes it is a time of stress and high anxiety as you continue to perform your tasks in a professional manner. Issues and concerns brought to the leadership by you the members are addressed in as timely a manner as possible.

An example was displayed by Marguerite Marion one of your Executive Board Officers who noted that upon entering the 72<sup>nd</sup> St. Transit Center women's restroom, a male contractor had gained access to the restroom. Marguerite noting the potential danger of the situation promptly reported this to multiple Pierce Transit management staff which resulted in a Service Supervisor monitoring the site until the lock codes were changed. In this scenario the issue if not addressed as Marguerite had, could have resulted in an assault or possibly worse. Thank you Marguerite for your actions on behalf of your fellow members.

### **Contract Re-opener**

On Friday October 30, 2020, your Union leadership and negotiation team sent the contract re-opener letter to Pierce Transit. As is the practice of your Union, we will continue to work under the conditions of the 2017–2020 CBA until a new contract is ratified. There is not a set time table for completion of the negotiations and we have in the past taken up to eighteen (18) months. If you have/had been listening to the CEO since the start of her Zoom meetings, what you would have heard as a Union leader time and time again was the agency has reduced ridership (yes), reduced operating cost (yes), and maybe no money (?) and the future is a crap-shoot. Your Union expects that management's position will be the same in negotiations. Your negotiation team understands that many of us have and continue to work in a hazardous and (life threatening) environment, that unfortunately is not going away anytime soon.

### **Updated Attendance & Discipline Policies**

**Since February 27, 2020**, your Union leadership has been working with Pierce Transit management in regards to the recently distributed Attendance and Discipline rules/guidelines. The Maintenance work rules were the first with limited modifications to what was already in place. Our Maintenance members have been working under these rules and the agency in trying to standardize the work rules and policies in every department; used their rules as a template for every department with minor revisions per department. Your Union has expressed our and your concerns, and in some cases there have been modifications of the new/updated policies. Your Union "does not negotiate policies" however we can address/discuss the effects of any new policy. The main goal of Pierce Transit Management especially in Operations is to address the issue of attendance. In the Maintenance division especially on the Fleet side, there are many members with over 500 hours of sick leave and I know or have known some who's sick leave hours are/were in the 1,000 plus hours.

(Pres's report continues on next page.....)

But I would also be remiss in not mentioning the fact that there are members in the Operations department that have well over 500 hours also. In a verbal interaction or exchange with Pierce Transit's legal counsel, I brought up the fact that in the case of Operators, we are and have been subjected to every kind of illness and disease that is out there whether respiratory or otherwise. An Operator's job is unique, there is no other job like it. There is no other job in which you have no control over time, traffic, customers you board, the weather, driving for others because the mistake(s) they make could affect your job and family and now, we have to perform our jobs in a "deadly" pandemic. Sometimes we just need a mental break. But how does the agency handle absences of a hundred (100) a day? That is what they come back at the Union with.

The policies which will affect "every" represented work group will have a thirty (30) day grace period before implementation. One question specifically that has arisen is in regards to calling in sick. **You do not have to tell the Dispatcher the "specifics of your illness or injury". Only the type of leave you're taking.** You only contact your Assistant Manager when your sick leave accrual rate reaches zero, or you are out of sick leave, so the Assistant Manager can approve your absence.

What has developed over time are these "new" sick leave laws state and federal that can be used in different "sick leave" scenarios. **Pierce Transit Personnel Policy Number 4.3 (Sick Leave)** gives the "definitions" of: Washington Paid Sick Leave (**WPSL**), Family Medical Leave Act (**FMLA**) and Paid Family Medical Leave (**PFML**). There is also Traditional Sick Leave (**TSL**), non-WPSL hours

**"It is the expectation"** of your Union that Pierce Transit management also include the definitions of the following: Washington Family Care Act (**WFCA**), Washington Family Leave Act (**WFLA**) Service Member Family Leave (**SMFL**), Family Medical Leave Act-Military Caregiver Leave (**FMLA- MCL**), Washington Military Family Leave (**WMFL**) and finally **Domestic Violence, Sexual Assault and Stalking Leave. These are all approved leaves.**

**The reality is, that there is very little change to the Attendance policy that is currently in effect.** What is added is two (2) days of **"Emergency Vacation Leave"** per year which has always been in the Maintenance Work Rules which now apply to all work groups.

In regards to the updated Discipline Policy; the only change is the agency's intent not to administer a Decision-Making Leave (DML) day, and not necessarily strictly follow the levels of discipline as has been the practice. The first step of discipline would be a "written reminder" which it already is. An example would be; you reach a one (1) day unpaid suspension, then you could go to a two (2) day unpaid suspension instead of a (DML) prior to termination. Pierce Transit management was adamantly opposed to the decision-making leave. They felt it was a paid day-off.

### **What Happened to Social Security**

Pierce Transit employees have never been enrolled in Social Security .....Your Union negotiation team recently asked you for input in the form of pre-negotiation contract survey(s). The members of your Union negotiation team have now reviewed and reconciled those surveys, and in doing so have discovered as in the past some issues were not issues for negotiations, but which were policies and practices by the Employer or an issue that affected the workplace as a whole.

One of the issues that always rear its head is Social Security. The Union did not get out of Social Security, however, Pierce Transit did when it was incorporated back in 1980 and joined the Public Employees Retirement System (PERS) as a P.T.B.A.A. Corporation. The full meaning is on the front cover of your copy of the contract. Prior to Pierce Transit becoming a Benefit Area, it was the City of Tacoma (Transit). Some Union members at that time belonged to the Tacoma Employees Retirement System (TERS) and Public Employees Retirement System (PERS 1), which they had joined prior to October 1977. PERS 2 and PERS 3 were created after October 1977. When Pierce Transit was formed, some members opted to receive a pay-out and drop social security and in enroll in PERS 2, and some members didn't take the pay-out and stayed in Social Security and PERS 2. Pretty much all of the Social Security and PERS 1 employees have left the agency. There are I believe a few including myself who remain in (PERS 1). That in a nutshell is what happened to Social Security.

Now, to enroll in Social Security several things have to happen. One, fifty (50%) percent plus one (1) of the total number of "all" employees Union and non-Union in the agency would have to sign a petition. Secondly, after the names are received an agency wide vote would have to be conducted to determine if the petition would move forward to the Transit Board of Commissioners. Somewhere in between a decision would have to be made as to whether the agency could fiscally be able to pull it off. But there are other processes that also have to occur, mainly education. One of the first is the fact that for lack of better way of saying it, you would see a six (6%) percent reduction in your wages. That alone in the past has turned some members/employees off.

But and however, I realized that we needed some type of safety net for the future so 100% Employer paid long-term disability was negotiated into the contract.

The long-term disability can be used in the case of a partial or permanent disability or disabling illness prohibiting you from performing the job duties of your occupation up to age 70. If you combine that with a 4.25% to 6.0% matching contribution to deferred compensation which you were willing to do anyway **(6%) for social security**, this may provide you the security you seek per social security. **(I did say may)**. Another issue that would arise is; no pay raises. Why? Because the agency would be paying out an additional 6% for every employee in social security contributions.

As your Union President, I do not advocate either way. In the news you hear of the intent of certain political factions defunding or reducing contributions to the Social Security program but who knows. However, in 2005 I knew the only way to address this as your Union was through negotiations and combining enrollment in deferred compensation with long-term disability. Any member wishing to pursue the enrollment in Social Security by the agency will be supported by your Union in any way we can.

### Strike

Something else that always comes up on the surveys is the question of being able to strike. Pierce Transit being a public employer in Washington State operates just as the Union under the rules of RCW [41.56.122](#) Collective Bargaining Agreement (CBA) – Binding Arbitration, which by law is used to settle labor disputes regarding the application or interpretation of a CBA. Statutes presently do not impose penalties on public employees for engaging in a strike but could establish penalties that would apply to employees who engage in unlawful strikes or may establish penalties applicable to employees, Unions, and Union officials who incite unlawful strikes. Our present CBA has a work stoppage clause that states employees shall be subject to such disciplinary action as may be determined by the Employer. The reality is a strike would not be effective unless an overwhelming majority of the membership is involved and the actions of the employer far outweigh the fear of disciplinary action.

## Sound Familiar? Tri-Met Portland Oregon

### Investing in the future

The Division Transit project's total price tag is \$175 million, with half coming from the federal government and the remainder from local sources. The Federal Transit Administration awarded TriMet \$87.4 million for the project in January. It has created more than 1,400 jobs, including 650 construction jobs and more than 780 indirect and induced jobs. Construction of the project resulted in Oregon's largest-ever contract award for a certified Disadvantaged Business Enterprise.

**Meanwhile .....**

#### **ATU Local 757**

TriMet Brothers and Sisters,

We received TriMet's declaration of impasse this afternoon. In it TriMet stated that the parties were unable to make any meaningful progress. Unfortunately, as long as TriMet measures progress by how many of their takeaways we accept, they're right, there was a lack of progress in mediation.

We are disappointed that TriMet, who calls their front-line workers "heroes," did not take those front-line workers' interests into account at the bargaining table. Their proposal was full of takeaways and offered very little.

They want to demolish some of the best apprenticeships in the country; programs that are good for our members, our riders, and our community.

They are putting almost no wage increases on the table. They blame COVID, but their front-line workers didn't use COVID as an excuse when they showed up every day to keep TriMet running. We know that our members, who really are heroes, deserve more than what TriMet is offering, and so we are going to keep fighting for it.

In Solidarity,  
ATU 757 Leadership

## Apprenticeship Program

### Harry Morris/Lead Mechanic

Not everything in 2020 has been bad. This year Pierce Transit brought back its ATU 758 sponsored Coach Mechanic Apprenticeship program. The apprenticeship is a four-year program with 8000 hours of on the job training, plus 144 hours a year of related supplemental instruction (RSI) performed on the Apprentices own time. However, it is a competence-based program, so the Apprentice could finish the program early. The program is registered with the Washington State Department of Labor and the Transportation Learning Center (TLC). So, when the Apprentice graduates, they will be recognized as a Washington State Certified Journey Level Mechanic. Additionally, we are also registered with the Department of Veteran Affairs as a VA approved apprenticeship program.

It has been nine years since we have had an active program. The ATU 758 / Pierce Transit Joint Apprenticeship Program started in 1985 with Journey Level Mechanic Jim Moore being the first Apprentice. Since then Apprentices have been recruited from within the Maintenance Department, from outside the agency, and from Operations. *Million Miler Dana Brundige, Lead Mechanic David Kreienbrink, and Jim Bussard* all started at Pierce Transit as Coach Operators.

Our three new Apprentices are:

**Jameson Brown** - He worked for Pierce Transit as a Service Station Attendant, prior to that worked at a detailer and a Transit Operator in Hawaii.

**Gunnar Sund** - His first job was a Tech at Walmart Auto Center, then worked as a mechanic at Hydraulic Repair and Design Corp. He just finished his Associates Degree in Diesel Technology at the College of Centralia.

**Giselle "Arrie" Arredondo** - She served 6 years in the Army as an All Wheel and Track Mechanic and spent another 6 1/2 years as a Commercial Diesel Mechanic in the Port of Tacoma. (President Tate states; it's been over 25 years since Cathy Parker former ATU Local 758 Financial-Secretary was the lone female in the Journey Level Mechanic ranks. It was about time for this to happen.).

Our program is also being recognized by other transit industry organizations. We received a grant of \$3,000 for each Apprentice from the TLC to help offset some of the cost of their training. There was an article about our program published in the Oct 2020 issue of [APTA's Passenger Transport](#). This article discusses what we had to do to update and rebuild this program. We have also been written about twice in the TLC's weekly newsletter (see links below).

[http://www.transportcenter.org/news\\_events/news\\_detail/transit-apprenticeship-at-pierce-transit-from-the-ground-up](http://www.transportcenter.org/news_events/news_detail/transit-apprenticeship-at-pierce-transit-from-the-ground-up)

[http://www.transportcenter.org/news\\_events/news\\_detail/pierce-transit-technicians-receive-virtual-mentor-training](http://www.transportcenter.org/news_events/news_detail/pierce-transit-technicians-receive-virtual-mentor-training)

(Pres's report continues on next page.....)

## Robots

It was only a couple of weeks ago that one of Pierce Transit's Executive staff informed me that they were appalled at the language I had used when describing the Employers attitude toward the Operators as being "Robots". I was admonished because "robots" was inappropriate. Now to be perfectly truthful, I've heard much worse language from Pierce Transit management staff directed towards members/employees which was and is much, much, worse. Their language would have been deemed profanity in the household I grew up in as well as my present household.

So, because the Employer doesn't think we're "robots" they decided to take the following action. The night before the implementation of the reduction of the spraying of the virus killing VIREX sanitizer, I was informed that Donald Trump Jr. was correct, that the pandemic was over. No more COVID -19. Evidently Transit Operators had developed an immunity to the virus, or we are all..... Robots. Perhaps not to this particular Manager, but obviously to others in Pierce Transit leadership positions.

Can the Executive staff explain to the Union and Operators why during the summer months when the confirmed COVID cases were at their lowest why there was an impetus for sanitizing? Can anyone explain why during the same time the Employer paid little or no attention to City, State, and Federal officials warning of an explosion of pandemic cases during the winter months that is now starting to happening? (There's even a daily PT situation report stating the same). The health officials warned of the increase because of more individuals with both the flu and COVID in more enclosed spaces. The CEO per her Zoom meeting "excitedly" spoke of buses moving to 50% capacity, and with warm air circulating more droplets caused by coughing and hacking and the likely increase of the same droplets settling on surfaces of the interior of the bus, now is the time to cut back on sanitizing. It's almost like there's a mindset that the Operators, their families and loved ones are immune, or they're .....Robots!

Wishing you and your Families a Happy Thanksgiving  
and happiest of Holidays!

Good health to you and Yours!



## **2020 Presidential Election and Member Safety amidst Possible Demonstrations and Civil Unrest**

Given the contentiousness of the voting process to date, the ATU and your Locals are demanding our transit agencies prepare for possible large demonstrations and civil unrest. As Americans, we fully support the right of people to freely assemble and speak. As transit workers we take pride in handling large events, ensuring that the riding public arrives safely and the role we play is supporting people's exercise of their First Amendment rights.

To ensure our members' safety, the ATU and your Locals are demanding our transit agencies adequately prepare for demonstrations—especially during this pandemic—and for civil unrest which would endanger our safety. We recognize that many members may be worried that their already dangerous jobs will be made even more dangerous.

**Member safety and health is critical during possible mass demonstrations and civil unrest.** The International and your Local unions are pushing transit agencies to address the following to ensure your safety:

Mass demonstrations bring the possibility of crowded buses, trains and stations. In order to reduce the aerosol transmission of COVID-19, transit agencies need to prepare to add service to address crowds.

Safety of our members comes first. As with COVID, the ATU and your Locals will not let our transit agencies put our members in harm's way to transport detainees and law enforcement officers. In the civil unrest over the summer, buses were burned and targeted in a number of cities. As with the summer civil unrest, you as a member have a right to refuse unsafe work.

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**To know your rights go to: [https://atu.bytrilogy.com/atu-pdfs/covid-19/Legal-Bulletin-4.13.20201.pdf?link\\_id=0&can\\_id=ec3cd58330fafccdeb4eccc65ffcd01&source=email-special-atu-dispatch-join-the-joe-biden-atu-virtual-town-hall-430pm-et-today-october-3&email\\_referrer=email\\_980504&email\\_subject=special-atu-dispatch-2020-presidential-election-and-member-safety-amidst-possible-demonstrations-and-civil-unrest](https://atu.bytrilogy.com/atu-pdfs/covid-19/Legal-Bulletin-4.13.20201.pdf?link_id=0&can_id=ec3cd58330fafccdeb4eccc65ffcd01&source=email-special-atu-dispatch-join-the-joe-biden-atu-virtual-town-hall-430pm-et-today-october-3&email_referrer=email_980504&email_subject=special-atu-dispatch-2020-presidential-election-and-member-safety-amidst-possible-demonstrations-and-civil-unrest)**



## **Amalgamated Transit Union Memorial Scholarship 2021**

In Memory of Former International Secretary-Treasurer Oscar “Double O” Owens

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This year’s scholarship is in remembrance of former International Secretary-Treasurer

Oscar “Double O” Owens who passed away on October 25, 2019.

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A US Army veteran, Owens joined ATU Local 192 (Oakland, CA), in 1966, as a bus operator for AC Transit. In 1973, he became a shop steward and rose to become its President/Business Agent. He then served the International for more than 37 years alongside six International Presidents, as a Special Organizer, and International Representative, and International Vice President, and International Secretary-Treasurer for 18 years.

A founding member of the ATU Black Caucus, he was a strong voice in support of civil rights and the rightful place of African Americans within the leadership of the ATU and the entire labor movement.

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We hope the recipients of this year’s scholarship named in his honor, will use them in part to study Union and community organizing, and grow to fight injustices everywhere.

*The competition is open to ATU members, their children, and grandchildren. All applicants must meet the eligibility requirements and satisfy our rules & procedures. For each scholarship winner, the ATU will deposit up to \$8,000 with an accredited college or a technical or vocational post-secondary school, where the award winner will be attending.*

**RETURN COMPLETED APPLICATION POSTMARKED**

**NO LATER THAN JANUARY 31, 20**

The Official 2021 Scholarship Application Forms

**are at your Union Office, stop by to pick up a copy!**

253.474.3123

*The 2020 Retirees  
Christmas Luncheon  
Has been cancelled  
due to the pandemic.*

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*It is our wish that all our  
Retirees and families have a  
safe & peaceful Holiday Season.*

*~ the Retiree Group*





**Amalgamated Transit Union, Local 758**

**6923 Lakewood DR W B1 Tacoma, WA 98467-3221**

**(253)474-3123 atu758.org**

*In our glorious fight for civil rights, we must guard against being fooled by false slogans, such as 'right-to-work.' It provides no 'rights' and no 'works.' Its purpose is to destroy labor unions and the freedom of collective bargaining.... We demand this fraud be stopped. Martin Luther King, Jr.*

### **UNION MEMBERSHIP MEETING NOTICE**

**Due to the Coronavirus all September Union meetings have been cancelled until further notice or direction from the International.**

**Thursday, Union Office 6923 Lakewood Dr W Suite B-1**

**Friday, Union Office 6923 Lakewood Dr W Suite B-1**

**Longview, Wednesday, 254 Oregon Way Longview, WA 98632**

**Executive Board—(Executive Board Only)**

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### **EMAIL ADDRESSES AND CONTACT NUMBERS**

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