



On The Move

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Union Wins Double Jeopardy Case in Arbitration

After allegedly responding inappropriately to an assault by a SEPTA rider, a TWU operator, charged with assaulting the passenger, and the Union accepted a step in progressive discipline as the penalty. A few weeks later, however, SEPTA got its hands on a video of the incident and decided that a step in discipline was not punishment enough. Management filed a second notice of investigation and discharged the operator with assault. The union took the case to arbitration, arguing that the Authority could not impose a harsher penalty *over the same incident* after agreeing to a step of discipline as the appropriate penalty. The arbitrator agreed, awarding the operator full back pay and the restoration of all rights. Under the TWU contract, you can't be placed in double jeopardy, by being disciplined for the same incident twice.

SEPTA Managers Eat Steak, TWU Retirees Eat Potatoes

Income inequality and classism is a hot topic of conversation in the country. Top corporate executives receive millions in compensation, while their employees make barely enough to survive. Similarly at SEPTA, there is a gross disparity in pension benefits between managers and the members of Local 234. Just consider these facts: A TWU member earning \$30,000 a year and contributing \$1,050 into the pension receives a monthly pension benefit of \$1,500 upon retirement. Yet a manager making the same annual pension contribution receives a monthly benefit of \$4,725! A TWU member earning \$50,000 a year and contributing \$1,750 into the pension receives a monthly pension benefit of \$2,500. Yet a manager making the same \$1,750 contribution receives a monthly benefit of \$7,875! Such a huge inequality in pension benefits is totally unjustified among individuals working for the same public agency, operating under the same operating budget. Every member of Local 234 must be determined to do whatever it takes to fix this problem in the current round of negotiations.

SEPTA Refuses to Accommodate Sincerely Held Religious Beliefs

Despite being required to do so under state and federal law, SEPTA steadfastly refuses to make reasonable accommodations for the sincerely held religious beliefs of female operators of the Muslim faith who want to wear ankle length dresses in conformity with their religious customs and practices. Approximately ten female operators have been fighting SEPTA over this issue for a number of years. However, each time they are told that the dresses they want to wear are at odds with SEPTA's dress code and allegedly pose a hazard to the safety of the riding public. However, managers in System Safety report that no such safety determination has been made. As a result, the Local organized a meeting with a lawyer who specializes in the subject of religious accommodations, and was advised that the Muslim women had a claim against SEPTA for violating Title VII of the Civil Rights Act. As a result, legal action is now under consideration.

Police Win Wages Increases in Three Year Contract

City of Philadelphia Police recently won wage increases in their 2014-2017 contract as the result of a favorable interest arbitration award. The award provides a 3% wage increase retroactive to July 1, 2014; a 3.25% wage increase effective July 1, 2015; and, a 3.25% wage increase effective July 1, 2016. These wage increases are consistent with the historical pattern for FOP contracts. Interestingly, Local 234 recently learned that SEPTA is projecting average annual wage increases of 3.25% for Authority employees between 2014 and 2039. If we can solve the pension problem, annual wage increases 3.25% would be acceptable to the Union.

Regional Rail Operators Suffer Setback in Presidential Emergency Board

The Brotherhood of Locomotive Engineers and Trainman (“BLET”) suffered a setback when a Presidential Emergency Board determined that the SEPTA’s contract settlement proposal was the more reasonable one. As a result, the BLET is back at the bargaining table with SEPTA and all indications are that the contract dispute will soon be settled without a strike on the regional rail lines. While SEPTA may view this development with great relief, knowing that a general strike of SEPTA workers is likely off the table, Local 234 remains the most powerful SEPTA union and is determined to break the anti-worker fever and classism practiced by SEPTA management.

New Medical Identification Cards Required by the Affordable Care Act

Local 234 members recently received new medical identification cards from the Blues. The only difference between the new and old card is the employee identification number. This change was required by the Affordable Care Act. The purpose of the number change is to create a uniform system of identification to facilitate the portability of medical insurance coverage when an individual leaves their current employer and obtains insurance coverage from another carrier. There has been no change in medical benefits, or the network of medical providers.

Another One Bites the Dust

The turnover at SEPTA’s labor relations department is almost complete. In June, a long-time labor relations manager Wayne Giardinelli retired. In July, another manager with some time at SEPTA got removed from his position. There is now only one long-term manager left on the labor relations staff. While the Union doesn’t really care who is running the labor relations department, the high rate of turnover during such a short period of time is creating problems for the Local.

The Union has a distinct advantage when it comes to experience, knowledge of the contract, and the parties bargaining history. However, since the new labor managers don’t know anything about the intent or meaning of many contractual provisions, they want to impose their own interpretation of the agreement on the Union. As a result, problems that were once easily resolved are now the subject of endless debates, leading to a long list of discharges and contract cases that take too long to get to arbitration. One way we intend to attack the problem is by demanding that the Local decide, on its own, which cases go to arbitration. This way we can arbitrate contract disputes in a timely manner and put a stop to SEPTA’s wholesale violation of our members’ rights.