



# On The Move

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## Midvale Mechanic Targeted for Discipline Wins Case in Arbitration

# BOSS MADE UP THE WHOLE STORY?

Justice prevailed in the end, but things took an ugly turn at the outset. In December 2014, Midvale mechanic Dan Paul got fired after being falsely accused of failing to change two air filters during a routine B inspection and lying on his inspection sheet when he stated that the filters had been changed. The Union won Paul's reinstatement in arbitration, with full back pay. Now the Dan Paul story must be told, because it demonstrates the extremes to which managers will go---telling lies and planting evidence---in order to kick an employee to the curb, even one with twenty-one years of service as an Authority employee.

Midvale Maintenance Director Brian Vetter, SEPTA Senior Director Eric Thornhill and SEPTA's labor relations manager Chad Cuneo all had a hand in Paul discharge, based on so-called "smoking gun" evidence that Paul failed to change the scrubber filters in the course of doing a B inspection. The Authority's evidence consisted of two filthy air filters placed in a plastic bag. According to SEPTA's star witness, John Polsky, the dirty filters came from the bus Paul had inspected the day before. However, after hearing Polsky's answers to questions on cross-examination, the arbitrator concluded that **Polsky may have made up the whole story** to justify the discipline of Dan Paul. Thus, while at one point Polsky may have considered himself a hero for "getting Paul," in the end he proved to be nothing more than a goat, doing the dirty work for his superiors. Here's what actually went down at Midvale shop.

## The Set-Up, Blows Up in SEPTA's Face in Arbitration

On December 10, 2014, Dan Paul completed a B inspection on bus 5366. Polsky, Paul's supervisor, *claimed* that he performed a Supervisor's Quality Assurance ("SQA") inspection on bus 5366 the very next day. According to Polsky, he saw that the air drier bolts were covered with dirt and concluded that the filters had not been changed. Without Paul being present, even though he was in the shop at the time, Polsky had another employee remove the filter cover and supposedly discovered the dirty filters in Paul's bus. Throughout the grievance process, Paul insisted that he had changed the filters on bus #5366. Yet, SEPTA fired him based *solely* on Polsky's story, even though none of what Polsky said could be *corroborated* by anyone at the location and during its "investigation" management *failed to scrutinize* Polsky's story. However, the arbitrator found big problems with Polsky's version of events.

Sometimes it's hard to stick to a bogus story when you're under oath. As a result, SEPTA's witnesses admitted, on cross-examination, that:

(1) Dirty filters are typically deposited in trash cans all around the shop and anyone, including Polsky, could have taken one from the trash and said that it came from Paul's bus;

(2) Midvale management had motive to find some way to discipline Paul, since they considered him a "bad employee," due to attendance, not performance, issues; and,

(3) Polsky, who was doing the SQA inspection, never bothered to check any other item on Paul's vehicle, and admitted that he only needed to find "one item not completed." In other words, Polsky was looking for something to use against Paul and when he found it, he didn't need to look any further. In short, Polsky "got his man---mission accomplished."

### **SEPTA had No Proof Dirty Filters Came from Paul's Bus**

Significantly, the arbitrator found no evidence of poor work performance and no proof that the dirty filters were taken from bus #5366, suggesting that Polsky made up the entire story.

Given SEPTA's record of firing those who "falsify reports," or give "false statements," one would think that Paul's discharge would have led to Polsky's termination. Think again. SEPTA continues to apply its double standard; when it comes to the workers "crush them," when it comes to management "defend them." In fact, when the parties discussed a draft of the decision, SEPTA *pleaded* with the arbitrator to tone down her findings regarding *Polsky's misconduct*.

The firing of Dan Paul is both a disgrace and a scandal, an unjust discharge that SEPTA almost got away with---and would have---had the Union not been able to expose the weak underbelly of the Authority's case in arbitration.

### **HVAC DISPUTE AT WYOMING SHOP FINALLY SETTLED**

With the case scheduled for arbitration in July, SEPTA finally came to its senses and agreed to settle a long-standing dispute over the creation of HVAC Specialist positions at Wyoming Shop. Under the terms of the agreement, SEPTA has posted a notice for three HVAC positions at Wyoming to be filled first in accordance with Section 309 of the contract (Promotions). In addition, the Authority agreed to pay eight mechanics who have been performing the HVAC work partial back pay, based on the difference between their rate and the specialist rate of pay.

### **COMLY CAMERAS DEACTIVATED**

On Friday, May 22, 2015, the Authority settled an unfair labor practice charge filed by the Union in the course of a pre-hearing mediation session. As a result, at 10:00 a.m. on Tuesday, May 26, 2015, the cameras in Comly's Train Room were turned off, and hopefully, they will stay turned off. The cameras were turned on as a result of operator complaints to management. As long as things remain on the up-and-up at Comly, the cameras will stay off.