



On The Move

August 6, 2015

Official Publication of TWU Local 234

www.twulocal234.net

Protecting Our Members' Democratic Rights

Local 234 recently settled a grievance over a long-standing problem with the Authority over the collection of dues. Under a federal law known as the Labor Management Reporting and Disclosure Act union members must be up to date in the payment of their union dues in order to remain *members in good standing*. If a member is not in good standing they risk losing their right to run for office, to vote, and to participate in the affairs of the Union. The amount of dues owed and the rules for their payment are in the TWU Constitution--available on Union's web-site. Local 234 members must be in compliance with the Union Constitution in order to be in good standing.

In the past, SEPTA failed to collect dues from Local 234 members who were out of work as a result of being sick, injured on the job, or for any number of other reasons. SEPTA's failure to collect back dues left many members in arrears and subject to the loss of membership status.

As a result of the Union's grievance, the Authority agreed to fix the problem. Starting in September, any member who is out sick or otherwise not paying their dues, will have their dues arrearages collected in weekly increments by SEPTA *upon their return to work*; ensuring that the member's rights are protected, while providing the Local with the resources it needs to continue to fight battles provoked by an unyielding team of SEPTA managers, hell bent on undermining our Union and the standard of living of the members. Members without any monthly income can still be exonerated, if they follow the procedures set forth in the TWU Constitution.

Unfair Labor Practice over Criminal Records Settled

The Local has reached a settlement with SEPTA over the Authority's unilateral implementation of a criminal records policy, also known as E-20. Under the terms of the settlement, SEPTA agreed that the Policy does not modify or alter past practices and prior arbitration awards relating to disciplinary actions taken in connection with criminal convictions.

SEPTA also agreed that it will *not require or use criminal record checks* for employees transferring from one transportation position to another, or maintenance employees promoting to a higher classification or transferring from one maintenance position to another.

A criminal background check will be required only under the following circumstances:

- An employee moving from a position where driving was not a requirement into a position where driving is a requirement;
- An employee moving from a non-revenue service position into a revenue-service position;

- An employee moving from a position with no direct, personal contact with the public into a position dealing with the public.

While a criminal background check will be required for these moves, the consequences of a prior conviction will not necessarily result in one’s disqualification. That will depend on the nature of the offense, when it was committed, and the just cause standard of the labor agreement. Of course, if you don’t apply for a transfer, there is no criminal background check in connection with making any of these moves.

Under SEPTA’s revised Policy, you must report an arrest to the Office of the Inspector General within five (5) calendar days, rather than three. This will give the member more time to consult with an attorney and their union representative. A mere arrest cannot justify the loss of one’s job. If SEPTA tries to impose discipline for an arrest, the Union will fight the charges under the just cause provision of the labor agreement.

Updating Participants in Group Health Insurance Plans

SEPTA recently sent out a letter asking members to provide accurate information about the employees and dependents covered under SEPTA’s health insurance plans. As explained in the letter, the Affordable Care Act requires SEPTA to provide up to date information on all plan participants to the IRS, including children up to the age of twenty-six, one of the many improvements made under the Affordable Care Act.

While updating the list of covered plan participants is required under the law, there is a benefit to the Local as well if this information is provided to SEPTA. As we all know, the cost of health care continues to rise at a rapid pace and since we have some of the best coverage in the country, SEPTA may have to pay the so-called Cadillac Tax starting in 2018. Here are some of the relevant numbers, showing the magnitude of the problem:

For Fiscal year 2014-15

Medical	Prescription	Dental	Vision	Total
\$136,025,715	\$63,395,905	\$7,621,087	\$484,340	\$208,780, 632

Total Projected Costs

2015/2016	\$225,311,533
2016/2017	\$242,949,470
2017/2018	\$275,076,159
2018/2019	\$297,507,387

That’s over a **billion dollars** over a 5 year period, plus the Cadillac tax, just for health care.

Right now there are some people, we don’t know how many, getting medical coverage who are not eligible to receive it. This is driving up the cost of our health care. The higher the costs, the bigger the problem we’ll have in contract negotiations with SEPTA. Accurate enrollment lists can help reduce these costs. That’s why we should all respond to SEPTA’s questionnaire.