



On The Move

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UNION WINS CHANGES IN CRIMINAL RECORDS POLICY

At the end of 2010, SEPTA implemented a revised version of its Criminal Records Policy without first negotiating the modifications with the Union. As a result, the Local filed an Unfair Labor Practice charge against SEPTA with the Pennsylvania Labor Relations Board. On July 20, 2015, the parties reached a Settlement Agreement limiting the impact of the Policy on members of the Union. The Agreement obligated the Authority to distribute the revised E-20 Policy to all TWU employees as soon as practical. That's why you're finally seeing the Policy being distributed around the property right now.

Settlement Agreement protects TWU members, here's how:

(1) SEPTA agreed that the Policy does not modify or alter the nexus that must be shown between a criminal conviction and an employee's job duties in order for SEPTA to impose discipline, preserving **past practices and prior arbitration awards** relating to discipline in criminal conviction cases. As a result, the Authority cannot discharge employees for criminal convictions in cases where past practices and/or arbitration awards have determined that such offenses do not satisfy the just cause standard for termination.

(2) SEPTA agreed not to require or use a current criminal record check for an employee transferring from one operator position to another or promoting to a higher class within the skilled craft/mechanic positions (i.e. 2nd class promoting to 1st class), or transferring from one skilled craft/mechanic position to another.

(3) SEPTA agreed that it will not use the Policy as a basis to randomly check the criminal records of employees in any of Local 234's bargaining units.

The Union acknowledged that employees are required to consent to a criminal record check in the following situations:

- 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 in to a revenue-service position;
- An employee moving from a position with no direct, personal contact with the public in to a position with such contact.

The parties agreed that employees have five (5) calendar days of an arrest, instead of three, to report an arrest to the Office of the Inspector General.

(4) Finally, wherever inconsistent, the Settlement Agreement **supersedes the Policy** (but only for employees represented by Local 234).

It is important to know that the Criminal Records Policy is not new, it has been in effect for decades. For example, employees found to have falsified their employment applications by not reporting criminal convictions have always been subject to discharge.

It is also important to realize that refusing to sign for the new Policy does not shield you from having to comply with its terms. If anyone tells you otherwise, you are getting **bad advice**. Don't be fooled. If you follow the advice given to you by those who don't know what they're talking about, you'll be the one facing the consequences, not the person who gave you their uninformed opinion!

PUBLIC EMPLOYEE UNIONS DODGE A BULLET

On Wednesday, March 29, 2016, the U.S. Supreme split 4-4 in favor of labor in a case filed on behalf of some school teachers in California that would have destroyed public employee unions across the country. While the plaintiffs in the lawsuit were teachers, the big business and political players behind the lawsuit are among the most rapidly anti-union power brokers in the country. In fact, the suit was inspired by and received the financial backing of the National Right to Work Legal Defense Foundation (NRTWLDF). The more you know about this group, the better you can understand the strategies and tactics of the anti-union movement in the United States.

The NRTWLDF is an arm of the National Right to Work Committee (NRTWC). Founded nearly 60 years ago, the Committee has been a national leader in the effort to **destroy public and private sector unions**. In 2012, these anti-union groups reported over \$25 million in revenue, making them an extremely powerful instrument in the hands of corporate and anti-union interests in the country. **These fat cats want to keep wages low and silence the voice of organized labor in the political arena**. The Committee's success and the steady demise of unions in the United States has directly contributed to the erosion of high-paying middle class jobs and to growing inequality.

The anti-union group has strong ties to the national right-wing network led by **the notorious Koch Brothers**, the oil tycoons who backed Scott Walker in Wisconsin in his efforts to destroy the labor movement in that state. Walker not only rolled back the rights of labor, he also eliminated the "just cause" standard for disciplining civil servants in Wisconsin.

Reed Larson, who led the Right to Work Committee for over three decades, comes from the hometown of Charles and David Koch. Larson was also an early leader of the racist right-wing John Birch Society, which Fred Koch (the father of Charles and David) helped found. In 2012, the Koch Brothers' Freedom Partners group gave \$1 million to the National Right to Work Committee, while the Charles G. Koch Charitable Foundation gave a \$15,000 grant to the NRTWLDF, which has also received significant amounts of money from other Koch-connected donors. Moreover, several former Koch associates work as attorneys for the NRTWLDF, the group that brought the anti-union lawsuit to the Supreme Court.

Fortunately for labor, the death of arch-conservative Justice Anton Scalia, led to the 4-4 split on the Supreme Court. Had Scalia remained on the bench, labor would have suffered a major setback. The 4-4 split means that the decision of the lower court, which was favorable to labor, remains the law of the land. If Scalia's replacement ends up being picked by a Republican president, the issue will come before the Court again and we'll all be in big trouble. We have to make sure that labor and other progressive forces unite to prevent a Republican from taking the White House in November.

TWU LOCAL 234, WE MUST AND WE WILL