



On The Move

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Congratulations---Local 234 Section Officers

On December 22, 2017, Union President Willie Brown will head the swearing-in ceremony for Local 234 Section Officers representing every location and every job on the property. Some section officers won in hard fought elections, others were elected by acclamation, and some are appointees of the President, as mandated by the Local Union By-Laws.

Over the next three years all Local 234 Section Officers will bear responsibility for enforcing the contract, representing the members, and working to unify the entire Local so we can take on the many serious challenges we face from SEPTA and anti-union politicians in Washington and Harrisburg.

Section officers swear an oath “to perform the duties of their office” and “to bear true and faithful allegiance to the International and *the Local Union and the cause of all organized labor.*” This includes educating and organizing the members, attending section and Joint Executive Board meetings. It means putting internal differences aside so we can unify the entire membership in the face of efforts underway in the U.S. Supreme Court and the Pennsylvania state legislature to destroy public sector unions and repeal state funding for mass transit services.

New Opioids Drug Testing Policy

The Department of Transportation has issued a *final rule*, effective January 1, 2018, mandating drug testing for four semi-synthetic opioids. The opioids added to the testing list include Hydrocodone, Oxycodone, Hydromorphone and Oxymorphone. These drugs are sold under brand names such as OxyContin, Percodan, Percocet, Vicodin, Lortab, Norco, Dilaudid and Exalgo. These potentially sedating medications are not supposed to be taken by safety-sensitive employees while working or subject to working. Under SEPTA Rule ASR-4, employees on prescription medications are expected to notify the Authority of the medications they are taking, including opioid medications.

The DOT’s new testing policy is the result of a national crisis caused by opioid abuse and addiction. The abuse of opioids extends to transportation workers and can affect the safety of the public. Nonetheless, the new federal regulations state that employees can rely on their physician’s prescriptions as a legitimate medical explanation for the authorized use of opioid pain medication. In turn, the prescriber can be consulted or challenged by the Medical Review Officer who can file a complaint charging the prescribing physician with malfeasance if he/she is abusing the issuance of opioid prescriptions. The bottom line is that if you are using a prescribed opioid, make sure you follow rule ASR-4 and get clearance to work while on opioid pain medications.

Paycheck Protection Equals Paycheck Reduction

Without labor unions, working people who earn a decent living with good benefits will not survive in the United States much longer. Yet the leaders of the movement to crush unions, including public unions like Local 234, are good at inventing slogans to fool the public and help win support for their anti-union agenda. Take for example, the union busting “right to work” campaigns that have been going on for years and have led to legislation all over the country prohibiting unions from signing contracts for a union shop. The result has been a big drop in the number of unionized workers and a sharp decline in wages and living standards.

In Harrisburg, the slogan of the day is “Paycheck Protection Act” (Senate Bill 166). The Act is designed to weaken public sector unions by banning public employers from taking payroll dues deductions. The “Paycheck Protection” slogan is directed at *weak-minded union workers* who may fall for the idea that they don’t need a union and that the union is improperly taking money from their paychecks. In fact, the legislation is a sinister scheme to *cut the paychecks and benefits* of public employees---once the Act causes the union to lose its leverage at the bargaining table. Governor Wolf has vowed to veto the bill, however, you should contact your state representative to kill the bill before it reaches the Governor’s desk.

Union Wins Arbitration over EAH/SAH Days

March 4, 2017 was a snowy day in Philadelphia, 4.8 inches to be exact. For a variety of reasons, some Local 234 members called out that day using *one of their four contractual days* requiring *no validation* for a Sickness at Home or an Emergency at Home. However, SEPTA management decided to ignore the contract, because of the potential impact of the storm on attendance. So SEPTA demanded validation for the SAH/EAH days taken on March 4. Those who failed to provide validation were marked AWOL. As a result, the Union grieved and arbitrated SEPTA’s contract violation.

The Authority argued that it had the “inherent managerial right” to require documentation for an EAH/SAH day taken during a snowstorm. The arbitrator heard the arguments, reviewed the contract language and held that:

...the unambiguous language of Appendix I, paragraph III which provides that employees are entitled to four EAH/SAH “*requiring no validation*” within any 12-month period, *governs this case*.

Therefore, the arbitrator found that “**the Authority breached the Collective Bargaining Agreement**” when it demanded authentication for the use of one of the four SAH/EAH days our members are entitled to under the contract, without validation. As a result, the unlawful AWOLs were expunged from the affected employees’ records. So remember, if you use *one of your four EAH/SAH days during a snowstorm*, the Authority cannot demand validation.

We Must and We Will