



On The Move

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Update on Union Busting Court Decision

As reported in a recent article in the Philadelphia Inquirer, a management side attorney at Ballard Spahr, the law firm that represents SEPTA in contract negotiations with Local 234, explained that as a result of the Supreme Court's union-busting *Janus* decision, public employers like SEPTA are counting on public employee unions, like the TWU, to have "*less power at the bargaining table.*" As a result, SEPTA is expected to fight tooth and nail, and "*not agree to customary union demands,*" like higher wages, benefit improvements, and union rights.

According to SEPTA's law firm, public employee unions are likely to face demands for wage and benefit *concessions* at the bargaining table instead when their current contracts expire. That's the whole idea behind the decision of the five anti-union justices, all of whom were placed on the Supreme Court by Republican presidents. As you might already know, the *Janus* decision is the culmination of a well-financed corporate campaign to strip public unions of the resources they need to negotiate contracts and defend the interests of their members. Without financial resources, some locals will have to close down or provide only minimal representation.

Contrary to Ballard Spahr's prediction, the members of Local 234 remain strong. Our members are all in the Union, including those hired since the *Janus* decision took effect. We have *no scabs or free-loaders* trying to benefit from the financial contributions made by their co-workers. We have to keep it that way, because there are plenty of anti-union corporate and political powers out to get us. They are looking for the chance to break a strong public sector union.

Unfortunately, some Local 234 members don't see the seriousness of the situation. Whether aware or not, they are doing SEPTA's dirty work when they launch unsubstantiated attacks against the union. Good thing our members are too smart to fall for *anti-union* rhetoric, even when it comes from within our own ranks. If you read or hear such nonsense, challenge it. If you do, the culprits will flee the scene, because they can't defend what they're saying. If any of our members actually break ranks, their identities will be made known for all to see.

Union Wins Back Job of Cashier Fired in Violation of FMLA

SEPTA fired a cashier for taking family leave in excess of the estimated number of FMLA days in the Medical Certification form. However, under the law, if a Medical Certification states, for example, that an employee will need 1 or 2 days of leave when he suffers a migraine and the employee's absences for the last two migraines lasted 4 days each, the increased duration might constitute grounds for SEPTA to request recertification, but, *it is not grounds to deny the FMLA leave*, which is what happened in this case. In other words, "estimates" that appear in a Medical Certification are not *limitations on the frequency and duration of episodes* for which an employee may be entitled leave under the FMLA. If a question arises about the frequency or duration of an employee's leave, SEPTA can ask for a new certification, but nothing more.

Local 234 Crab Feast a Big Success

Local 234's annual **Crab Fest** keeps growing in numbers and success. On August 25, 2018, close to 500 union members, their family members and friends participated in a day full of activities, including a visit to the renowned Boordy and DeJon wineries, a walk through the now famous Baltimore Harbor, and a ballroom style festival with all kinds of food, music and comedians.

In addition to all you can eat crabs, the menu consisted of a wide variety of appetizers, entrees, desserts, and an open bar. The entertainment included three very funny comedic skits and dance music. According to those in attendance, Local 234's **Crab Fest** was a great day of fun, food, drink and union solidarity. As the word gets out, more members will hopefully join us next year.

If you talk to an IG detective, you could easily lose your job

SEPTA is getting into the bad habit of telling our members that they have to do interviews with detectives from the IG's office, and, if they don't, they'll get disciplined. This is not true. The *contract dictates the rules* for disciplinary *investigations*. It does not require you to be interrogated and tricked into making statements that will be used to discharge you. If you are called down to the IG's office contact the Union Hall immediately. If you can't make contact right-a-way, *ask for union representation* before you engage in any conversation with an IG detective. Take our word, your job will depend on it.

Union Continues Fight for Cashier Job Security

October 1, 2018 is the target date for the cashiers to come out of their booths to assist passengers in the use of the new fare collection system. As a result, discussions are underway between the Union and the Authority to make sure that SEPTA respects the job security of all cashiers effected by the new fare collection system.

Here's what's being discussed. First, the outside consultants that have been working on the KEY program will be sent packing and the cashiers will take over the job of assisting passengers in the use of the Kiosks. Second, the cashier job description is being reviewed to make sure that no cashier is left without a job, because of a medical condition. While the Union is also pushing for the return of the relief runs, job security is the main issue.

Upcoming Wage Increases

During the two year period from 12/18 to 12/20, hourly wage rates for Local 234 members will increase by 8.5%. Annual earnings will climb as well. For example, beginning in December, 2020, annual earnings for operators will be \$65,811, not counting overtime, while the annual earnings for 1st class mechanics will be \$71,885, without overtime.

We Must and We Will