



# On The Move

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## Union Meets with Pennsylvania Attorney General's Top Ranking Civil Rights Staff

On Friday, January 4, 2019, President Willie Brown met with two high-ranking civil rights officials in the office of Pennsylvania's Attorney General, the Honorable Josh Shapiro. The AG requested the meeting to discuss the Union's assessment of the claims being made by Minister Rodney Muhammad, the head of the Philadelphia Chapter of the NAACP, regarding racial and gender discrimination on the part of SEPTA management. Thus far, the NAACP's allegations---aired on social media---are largely based on accusations made by disgruntled former SEPTA employees discharged for good cause.

The meeting between the Union and the AG's civil rights staff lasted over two hours. The parties had a thorough discussion regarding racial and gender discrimination at SEPTA, including discussions of incidents of racial bias reported in *On the Move*. We also reviewed a number of cases promoted by the NAACP as examples of SEPTA's discriminatory practices, however, in each case the facts showed that SEPTA had just cause to discipline or discharge the effected employees. Stated another way, the discipline imposed in the cases cited by the NAACP had nothing to do with racial or gender discrimination. Some of the cases involved violations of last chance agreements, others involved the commission of serious disciplinary infractions for which all SEPTA employees are subject to termination.

Still, given the importance of racial and gender bias in the workplace and Local 234's commitment to fighting racial and gender discrimination, President Brown agreed to participate in a follow-up meeting requested by the AG---if one can be arranged---with representatives of top SEPTA management and the NAACP to discuss the issues, on the condition that the NAACP provides the names of those he deems to be victims of discrimination in advance of the meeting. This is the only way the parties can come prepared to engage in a meaningful, *fact based* conversation.

At this point, it remains to be seen whether the NAACP will participate in such a meeting and whether Minister Muhammad can back-up the accusations he has made on social media with actual cases involving discrimination by SEPTA management. All we are asking for is three to five cases to investigate allegedly involving discrimination by SEPTA management. If SEPTA has created such a "toxic" environment for minorities and women this should be easy for the NAACP to do.

While the Union does not agree with the NAACP's accusations, we would support an independent assessment of the situation by an outside party who would review discipline and discharge cases involving TWU members in order to evaluate and report on whether the disciplinary decision making process at the location level is in any way tainted by racial or gender bias. This would either clear the air, or potentially expose problems that need to be addressed.

## **If you talk to an IG detective, you may lose your job**

SEPTA's Inspector General's office is getting into the bad habit of taking over disciplinary investigations that are supposed to be handled by operations management at the location. All too often, location managers are telling our members that they have to submit to interviews with detectives from the IG's office, and, if they don't, they'll get disciplined. This is not true.

Article II of the *contract dictates the rules governing disciplinary investigations*. With few exceptions, these investigations must be conducted by location management. However, some location managers are handing over their investigative duties to the IG's office and, in doing so, they are violating the contract, since the labor agreement does not require you to be interrogated and tricked into making incriminating statements to an IG detective that will be used to discharge you.

In a recent case, the IG interrogated one of our members on at least four occasions over a six month period. They finally lulled him into making what they considered to be a false statement and accused him of *lying* to the IG. SEPTA fired him for allegedly doing so. The Union took the case to arbitration and after several days of hearings won the employee's reinstatement by way of a settlement agreement. However, the entire affair would never have happened if the operator involved had sought the Union's assistance from the beginning and refused to be interviewed by the IG.

If you are called down to the IG's office contact your Union representative or 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 depends on it.

## **Video Evidence Saves the Day**

As we have seen on many occasions, *video evidence cuts both ways*. While video evidence can help SEPTA when disciplining an employee, it can also provide crucial evidence in winning a member's jobs back in arbitration.

In a recent case, a cashier got discharged due to a customer complaint. The customer reported that the cashier *came out of the booth* and threatened her. The customer came to the formal hearing and gave testimony that the cashier *came out of the booth*. However, the customer didn't know that the entire incident was caught on video cameras located in the vicinity of the cashier booth.

The video proved that the cashier never came out of the booth. When shown the video, the customer denied ever making the statement about the cashier leaving the booth! Even though the customer got caught telling a bold face lie, SEPTA's formal hearing officer Darryl Wade fired the cashier anyway. However, on the eve of the arbitration hearing, the Authority threw in the towel and settled the case with the cashier's reinstatement and receipt of *full back pay and benefits*.

# **We Must and We Will**