

SEPTEMBER 2002

Inside This Issue...

SPOTTERS
ADA MONITORING
PAGE 3

AND THE WINNER IS...
2002 PICNIC REPORT
PAGE 5

GUEST EDITORIAL...
LABOR-NEIGHBOR
PAGE 6

ATU

LOCAL 587

News Review

52

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VOL. XXV, NO. 9

The President's Report

Travel Pay Lawsuit

by President Lance F. Norton



Lance F. Norton

LOCAL 587 WILL BE FILING A class-action lawsuit against Metro for unpaid travel time. The lawsuit will claim unpaid overtime and wage damages for travel time going back to June of 1998. The Union's legal firm, Frank Rosen Freed Roberts, expect the lawsuit to be filed on or before September 15th, 2002.

Proceedings to Date

This matter began as grievances filed for unpaid travel time,

meaning pay for travel between two pieces of work and for travel from the relief point back to the base at the end of the day. After the grievances were filed, the Union and Metro tried to negotiate a resolution that would benefit all affected Transit Operators, rather than just those who had filed the grievance. The grievances were put in abeyance. A claim was made to Metro under the Washington Minimum Wage Act (MWA) and the Fair Labor Standards Act (FLSA) on behalf of all Transit Operators who had unpaid travel time.

Metro and the Union entered into negotiations to try and resolve the Union's claims. A Tolling Agreement was signed, which protected the statute of limitations on members' claims for unpaid travel time. The purpose of the Tolling Agreement was to insure that if negotiations failed, union members would not lose their damages because of the passage of time. Under the Tolling Agreement, damages can be claimed from June 1998 to the date of trial or settlement.

Lawsuit to be Filed

The parties were unable to settle their differences. The Union has opted to go forward with a class-action lawsuit which will be filed before the Tolling Agreement expires on September 15, 2002.

Because the lawsuit will be a class-action suit, it should benefit all Transit Operators with unpaid travel time. Transit Operators affected in this case are predominately those who worked at the Ryerson/Central/Atlantic complex from June of 1998 or after. The lawsuit will be brought by Local 587 and several members who have agreed to serve as plaintiffs. Local 587 will cover attorney fees and costs of the litigation.

Plaintiffs

The Union and the named plaintiffs as a group represent all categories of Transit Operators who have incurred unpaid travel time. The categories include regular and part-time Operators who, in or after June 1998, worked as night

extra board operators, day extra board operators, report operators, additional tripper list operators, vacation relief operators, dual tripper operators, regular operators, regular operators on the overtime list, D-board operators.

Claims

The Union is claiming unpaid travel time for Transit Operators who must travel between two or more pieces of work. An example would be a report operator who is relieved on the road and who has to travel back to the base or to another location to pick up the second piece of work in a day. The Union is also claiming travel time from the end of the last piece of work to the base where the Transit Operator has to return to the base to return to his/her personal vehicle. Unpaid travel time can be claimed under both State and Federal law (the Washington Minimum Wage Act and the Fair Labor Standards Act). We will make our claims under both laws.

continued on page 6

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The Month at a Glance

Executive Board Report

August 27, 2002

All officers attended with the exception of Katherine Eckhardt, Ninus Hopkins, Dan Linville, Mike Rochon and Mike Whitehead, all of whom were on vacation.

The following business was conducted:

- Executive Board voted to recommend taking Brothers Craig Phinney, Gary Karpenko and Bob Martinsens' termination grievances to arbitration.
- Executive Board voted to

recommend taking the Carl Inman, et al, overtime grievance to arbitration.

- Motion by Marc Auerbach to donate \$2,500 to the No on I-776 campaign.

- Motion by Brian Sherlock to donate \$2,000 to ATU Local 1015.

- Motion by Joe Mangiameli to purchase a table for eight at the Jobs with Justice Honoree Dinner and a quarter page ad in their souvenir ad journal at a total cost of \$425.

Tentative Agenda

Membership Meetings:

CHARTER MEETING
Thursday, Sept. 5, 2002
8:00 p.m.
IBEW Hall Auditorium
2700 1st Ave., Seattle, WA

MORNING MEETING
Friday, Sept. 6, 2002
10:30 a.m.
IBEW Hall Auditorium
2700 1st Ave., Seattle, WA

JEFFERSON TRANSIT
Monday, Sept. 9, 2002
8:00 p.m.
Port Townsend Rec Center
Port Townsend, WA

CLALLAM TRANSIT
Tuesday, Sept. 10, 2002
7:00 p.m.
Vern Burton Memorial
Building, Port Angeles, WA

Among topics to be discussed:

Travel pay lawsuit, recently signed MOA's affecting Special Classifications and Facilities Maintenance among others, grievance and arbitration update.

Brothers Craig Phinney, Gary Karpenko, Bob Martinsen and Carl Inman will appear before the membership to request their grievances be taken to arbitration.

There is no unfinished business for September.



Last month Sound Transit officials came down to honor Vehicle Maintenance Employee of the Year George Schwartz, in recognition of the work that the employees of Vehicle Maintenance do to keep Sound Transit on the road. Pictured from left to right are Central Maintenance Supervisor Steve Grissom, Local 587 President Lance Norton, George Schwartz, Sound Transit Executive Director Joni Earl, and Sound Transit Express Bus Operations Manager Agnes Govern.

Business of the Membership

At the August 2002 cycle of membership meetings the Executive Board report was accepted as is and no new business was brought to the floor.

The following members were August pot draw winners: Dobbie

Boyington at the Charter meeting, Larry Drake at the morning meeting, Alice Lane at JTA. CTS pot draw winner was Jay Winters. Rolling CTS pot draw of \$200.00 was lost by Al Brown. Next month's pot will be \$225.00.

ARBITRATION UPDATE

- Kenny McCormick:** Grieved failure to follow FLSA requirements for travel time for board/report/ATL operators. Grievance being held in abeyance while issue pursued in court.
- Willie Fallis:** Grieved termination due to violation of retention agreement. Arbitration held April 24 and 25, 2002. Decision pending.
- Surrional Frank Tanner:** Grieved termination due to customer complaint and allegation of physical contact. Arbitration held July 17 and 18, 2002. Decision pending.
- Patricia McWilliams:** Grieved termination due to suspended license. Schedule pending.

IN LOVING MEMORY...

Death is but crossing the world, as friends do the seas; they live in one another still.

— William Penn "Some Fruits of Solitude"

ATU Local 587 officers express sorrow and regret at the loss of former Executive Board Officer **James F. Walker Jr.**, who passed away August 7, 2002, after a long, tough battle with cancer. Brother Walker joined Local 587 as an Operator with Seattle Transit in March of 1962, and was promoted to Supervision in 1973. In August of 1983 Brother Walker was appointed to the Executive Board to fill the vacancy left by E.N. Nordin, and served several terms. Jimmy retired from Metro in November of 1994 and went to work at Community Transit in Snohomish County shortly thereafter, joining Local 1576. He spent much of his career in both locals looking after the rights of his union broth-



Former Executive Board Officer James Walker, photo taken circa 1985.

ers and sisters. Please join us in extending condolences and caring support to Jimmy's wife, North Base Operator Linda Walker.

Please notify the union office of any member's passing so that this information may be shared with the rest of our union family.

ATU LOCAL 587

News Review

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Transit Operator Position No. 2
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Transit Operator Position No. 4
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Transit Operator Position No. 6
Transit Operator Position No. 7
Transit Operator Position No. 8
Vehicle Maintenance Position No. 1
Vehicle Maintenance Position No. 2
Vehicle Maintenance Position No. 3
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WEINGARTEN RIGHTS STATEMENT

I request to have a union representative present on my behalf during this meeting because I believe it may lead to disciplinary action taken against me. If I am denied my right to have a union representative present, I will refuse to answer accusational questions and any I believe may lead to discipline.

Letters to the editor

Letters/contributions must include signatures, work ID number, addresses and telephone numbers that can be verified during office hours. Letters that cannot be validated will not be published. All articles/letters are subject to editing and should be limited to 350 words or less. Not all letters can be published due to space limitations. Cut off date is the 15th of each month.

Send letters to:

Jennie Gil, Editor
c/o ATU Local 587
News Review
2700 First Avenue, Rm 204
Seattle, WA 98121

Reasonable Spacing

by Executive Board Officer Brian Sherlock

AS PART OF MANAGEMENT'S recent disciplinary binge, district cars have been forced to spend a significant part of their time enforcing the following distance policy. A decade ago I provided the Manager of Transit with mathematical proof that, all too often, there is no reasonable action operators can take which will allow them to legally comply with the spacing standard. Despite this, the guideline remains, causing frustration and giving foundation to the unfortunate feeling that on some issues, management is both arbitrary and punitive. Failing to resolve this issue has resulted in a decade of demanding compliance with an absurd and counterproductive policy, despite proof that it is untenable.

If you are driving an articulated coach, Metro expects a six second following distance. At 60 mph, this is 528 feet, close to the length of two football fields. This is well over twice the distance needed to stop the artic. Aside from making no sense on that basis alone, the impossibility of ever achieving such a huge distance is well known to all of us. A third and more serious problem is that spacing checks require that the following distance be regained only 1/4 mile after someone pulls in front of the coach. It is this requirement of current policy which adds impossibility to absurdity.

The Instruction department teaches a sensible technique; that we should regain our spacing by letting off the throttle and coasting until we get back to the

528 feet required. So, let's examine a case where someone pulls in front of a 60 mph coach, yielding the common but short spacing of 10 feet and then maintaining 60 mph. Let's assume that the operator coasts to 10 mph under the speed limit and maintains that speed. How long does it take for spacing to be regained? It takes 40 seconds and 3,090 feet. If a spacing check was done within the last 1,770 feet (roughly 1/3 mile) the operator would be guilty of a spacing violation despite having followed instructions. The operator would also be in violation of state law. RCW 46.61.425 states, "No person shall drive a motor vehicle at such a slow speed as to impede the normal and reasonable movement of traffic." RCW 46.61.427 defines obstruction as the delay of five or more vehicles. The fact that you have been told to comply with a ridiculous policy does not trump the RCW.

What does it take to comply with the guidelines in the distance allowed? The operator must stamp on the brakes to their full capacity, slow to 45 mph and maintain that speed. This will allow the operator to arrive at the required spacing only 1/2 a coach length before a spacing check could be done and the operator will not have the 6 seconds needed to check the spacing, let alone correct it. He or she will just have to hope that they have been extreme enough in their deceleration.

Next, let's examine how long it takes to regain the required

spacing if a reasonable method is used; slow 5 mph by coasting and maintain that speed until the following distance is as required. This takes 69 seconds and 1.22 miles; roughly one mile longer than allowed. Another way to look at it is that the reasonable method we are instructed to use takes five times the distance allowed. Management has argued that it is not a problem since drivers are only written up at 4 seconds or less. So, how long does it take to get 4 rather than 6 seconds of spacing? If the instructed method is used, it requires 47.3 seconds and .88 miles, or three times the distance allowed.

What is needed is a policy which is in agreement with what is instructed. As for enforcement, simply measure to see if the operator is following that instruction by increasing spacing whenever it is less than the distance needed. Second, let's get down to a reasonable standard; the current 6 seconds is ridiculous. We should not delay service and obstruct traffic to try and maintain well over twice the distance needed to stop. Articulated coaches stop about as well as 40 foot coaches; a 4 second rule would make more sense across the fleet with 3 seconds being the cut-off point where discipline is issued.

There is concern about the increasing number of rear-end accidents and that management should not appear to be backing off on safety standards. This concern could be addressed by improving our safety testing. Brake

performance requirements have been lowered; why not return them to a meaningfully stringent level? The old standard would pull coaches off the road for inadequate stopping power where the new standard is so lax that coaches almost never fail and random testing by Safety has been discontinued. Without Safety doing regular checks with a stringent specification, substandard coaches can go undetected until an emergency tests the brakes and an accident shows them to be insufficient.

What we have is a great opportunity to both improve safety and eliminate a policy which is well intended but ill thought out. The current rule is a frustration for operators every hour of every day and does not contribute to safety. With accident rates closely related to differences in vehicle speeds, any attempt to adhere to the current standard will increase the risk of accidents as other drivers try to move around the coach unnecessarily obstructing traffic. Also, total gridlock would result if the majority of operators strictly adhered to the policy. This has already been tested; SR 520 ground to a halt when an overzealous supervisor wrote a huge number of PR's and operators responded by adhering to required spacing. Isn't it high time we took this safety issue seriously and made policy agree with what is instructed? Let's improve safety with effective brake testing and at the same time institute a following distance policy which is legally and logically supportable.

Spotters

By Executive Board Officer Katherine Eckhardt

"... The cease and desist order here is not intended to prevent the Employer from engaging in traditional forms of spotter activity as described in this Opinion nor would it prevent the Employer from using spotters to observe transit operators on a random basis to ensure that a particular rule or policy, such as proper fare handling, is being properly practiced by transit operators. What is precluded by the cease and desist order set forth below is the use of Service Auditors to conduct full scale ride-checks and then record their observations on the Service Auditor report ...or on any other similar document."

— Elmer Eckhart Arbitration Ruling

IN THE ELMER ECKHART DECISION it became clear that management has the right to monitor the workplace with spotters. However, spotters cannot do work that is traditionally performed by service supervisors.

At present there are two types of direct management monitoring occurring, ADA monitors and Service Auditors.

ADA monitors

The Americans With Disability Act created federal law requiring the calling out of major intersections, major destinations, calling stops at frequent

enough intervals to accommodate the visually impaired, and calling stops requested by riders with disabilities. In response to a threatened lawsuit emanating from the disabled community Metro began ADA training and instituted the Calling Out Stops program.

Then, to assure compliance among operators, management started an ADA monitoring program. Management requires ADA monitors (base chiefs and base supervisors) to anonymously ride Operator coaches in a random manner. According to Executive Board Officer Marc

Auerbach, "ADA monitoring is not (that we have heard) targeted at specific Operators. It is a general program to randomly check for compliance with ADA."

But problems have arisen. Auerbach notes that ADA compliance standards "... have been inconsistent and applied in a ridiculous manner (e.g. issuing a PR to an Operator for not calling the last stop at a Park and Ride when the Operator and the monitoring chief were the only persons left on the bus and the Operator knew the chief was there for the purpose of monitoring ADA)."

Additionally, ADA compliance

checks have expanded into general commentary on Operator driving. They may include comments on safe driving practices, customer relations and areas that far exceed the scope of ADA compliance.

Service Auditors

The creation of a service auditor position is the result of an unfair labor practice complaint (Corwin) wherein management has been restricted from issuing discipline simply on a CAO complaint when no further investigation of the complaint has oc-

continued on page 8

Letters to the Editor...

Rumor Control

Dear Editor:

It has come to my attention that the recent outbreaks of rumors dealing with the every day life of our jobs has reached a point of non-Humanitarian and Unprofessional conduct among Membership and Management alike.

It seems we all have forgotten that life is among us itself, the right to privacy no matter personal or business is a given. Okay, we all know rumors are going to happen, but when its dealing with our Brothers and/or Sisters privacy in personal or job related issues, we all need to give respect and realize that this is someone's life we are casually talking or relaying information about, especially if you are in a Professional position in Management (Supervisors, Base Chiefs) and/or within the Membership (Shop Stewards, Chief Shop Stewards) The creed of your position is to act in a Professional Manner, your Members count on that when dealing with their situations in a Representative manner that is your job, you are not to go out and pass along that person's matter to the rest of the Membership or announce it thru the Base PA system, or chat about it during your morning coffee gathering in the Base Operations Office.

If we all are suppose to be Professionals at our trade, in the Public eye, and as Government Employees, then let's get a grip and act like it.

So just remember that when the next rumor or information is leaked out and comes around it might just be about you!!

Food for the Mind,

Alan F. Buckner #11226
Ryerson Base

More on ADA

Dear Editor:

I applaud the courage of Ileen Weber to take a stand against Metro's negative discipline policies. She expressed my sentiments exactly. Even when training a dog you use positive reinforcement rather than negative.

SEND IN YOUR OPINIONS

Letters/contributions must include signatures, work ID number, addresses and telephone numbers that can be verified during office hours. Letters that cannot be validated will not be published. All articles/letters are subject to editing and should be limited to 350 words or less. Not all letters can be published due to space limitations. Cut off date is the 15th of each month. Send letters to:

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When I sit behind the wheel of a Metro bus to serve the public by transporting them, I want to give 110%. But not only do I feel I get abused by the public for trying to do a good job...("Why can't I get off here??... Why are you late??.. Why can't I ride without paying?"), and even spit at when trying to do my job (..stay in your seat and don't react!), I also get it when I get back to the base with a SEE ME slip. I get threatened with a PR from a supervisor for being a minute early or not calling out a few stops or being 3 mph over a slow order. What this does is take the wind out of my sails. It makes me just want to go through the motions without any dedication to this company. Something needs to change.

Our managers need to realize that this system of managing negatively is not working. My sister is a manager of a group of employees at a software company. She said it is her GOAL to take the roadblocks out of the way of her employees, to understand their needs so they can do their job well. She finds ways to encourage them. That's what I want from our managers. Our management seems to find ways to put roadblocks in our path, to discourage us, and make our work harder. I feel they are so out of touch with our problems out on the road, they have no understanding of what we deal with behind the wheel. They basically say "deal with it". There are a few good supervisors and base chiefs. They are the ones who seem to understand, want to go to bat for us and really DO something to solve the problems we face as drivers.

Ruth Wilson, #3927

ADA Hurts Taxpayers

Dear Editor:

I have read with interest all of the letters, comments, and complaints about the ADA requirements for calling out stops. As a Full-Time Operator, I can relate to the hassles and safety issues that have been addressed. I can also relate to the selective enforcement endorsed by management of **ALL** of Metro rules and policies.

NOTICE TO ALL READERS

Views and opinions expressed in News Review articles are those of the authors and not necessarily the official position of Local 587

As a Taxpayer, I can see Metro's position on this. **IT IS THE LAW.** If Metro does not enforce this law, they can (and will) be sued. If Metro is sued, where do you think the money that will be spent for lawyers, and everything else involved is going to come from? Does anybody understand the word **TAXES?**

I am **not** writing this letter to support Managements position, I am writing this letter to encourage fellow operators, and anybody else that has a negative opinion about this law, to write or call your Congressman and voice your concerns regarding this law. Maybe something can be changed.

Sincerely,
W.W. Reid, #20342
Atlantic Base

Safety

Dear Editor:

I am so frustrated at the responses I get from filling out the green safety forms. I have written safety complaints for the wet floors on the new Gilligs and Flyers. The response: "...we find more passengers trip on the steps or from quick stops." What does that have to do with my complaint about slippery floors?? I have slipped when the bus is PARKED.


Also I have complained about the left side mirror in the new Gilligs and Flyers totally blocking out a person or car to my left. I was told to look around the mirror. This mirror is a HUGE blind spot and I believe is causing serious accidents. If the mirror is lowered or replaced with a Breda [mirror] and eagle eye it eliminates the blind spot.

I wrote up the Fremont intersection at 34th and Fremont as being dangerous on June 19. My suggestion was to delay the light eastbound to let us have a free left or give us a left turn signal. Safety's response: "...pull out into the intersection and wait for the light to turn yellow."

Do they have any idea how dangerous this intersection is with cars running yellow or red lights and they say just deal with it? I say to the Safety Officers, "The drivers become experts of the equipment they drive and its safety problems, the routes they drive and those safety problems, and when you see a green form filled out take it seriously and fix the problem."

For every green form filled out I bet there are a majority of drivers complaining about the same thing but not taking the time to fill out the form. For drivers, I encourage you to fill out the green safety form for all your safety concerns.

Ruth Wilson, #3927



ATU LOCAL 587
WOMEN'S COMMITTEE
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2nd ANNUAL
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All proceeds donated to The American Cancer Society
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And the Winner is...

By Dee Wakenight & Lisa Carter, Picnic Co-Chairs

ON SATURDAY JULY 27, 2002 the members, family and friends of ATU Local 587 came together for the purpose of having the best picnic in the history of this Local. We succeeded admirably. The weather was perfect, the food great, and the company was without compare. Just for grins and giggles this year we tried something different for the prize drawing for our membership. Mechanic Ed Carter took on the task of listing all the prizes. Magically he got the computer to randomly organize the list of prizes. The prizes winners for the drawing were:

- \$500.00 gift card, Bon Marche – Rick Gleason
- \$250.00 gift card, Bon Marche – Bridgit Stewart
- \$150.00 gift card, Bon Marche – Joe Wilson
- Bowl Set – Ernesto Santos
- Vivitar Camera – Craig Anderson
- Dragonfly Light set – Tran Hoang
- 26x28" Sunflower rug – Scott Wildi
- Fire extinguisher – Marc Auerbach
- Coleman Ice Chest – Renato Quiambao
- Rainbow light set – Uyslissa Lenoir
- Rubbermaid Jug – Ricardo Miramontez
- Hampton Throw (blanket) – Thomas E. Jessen

- Carabineer style flashlight – David Rosas
- 29 cribbage Board & cards – Roberto Lim
- Foot Bubbler – Althea Lowe
- PUR water pitcher – Angela Wick
- Large tool box – Gloria Acosta
- Coleman electric lantern – Dave Carter
- Electric Ice cream Maker – Jeff Johnson
- Stanley Thermos – Robyn Diehl
- First aid kit – Ed Carter
- 5pc. Window garden – Vicki Watson
- Double 15 dominos – Chris Daniels
- Portable CD player – Paul Bachtel
- Bungee Cords – Linda Anderson
- 24 pc. Glasses set – Taavi McMahon
- Plastic storage box – Kelly Humphries
- Armor all wipes – David B. Miller
- Lunch bag – Michael Grady
- Vivitar Camera – Brenda Schwald
- Mag light set – Janet Palmer
- NW Thomas guide – Del Larson
- Road atlas – John Kieft
- Tri-Ominos – Chris Wick
- 50 pc. Storage set – Art Nelson
- 22 pc. Pyrex set – Ray Sullivan
- Motorcycle straps – Royce Rice
- 26x48" flower rug – Linda Averill
- DVD Player – Renee Roy
- Star & Moon light set – Lyn Baggett
- 50 qt. Ice chest – Steven Johnson

- Leather Fanny pack – Dan Linville
- Pocket radio – Bruce Tiebout
- Mini screwdriver set – Bernie Hall
- Rubbermaid jug – Ronald Murray
- Hampton Throw (blanket) – Carla Sanders
- Retro desk fan – Dee Wakenight
- Portable CD Player – Yvonne Murray Johnson
- Indoor Grill – LuJuana Jackson
- Vivitar Camera – Paul Neil
- Cranium Game – Diane Rolfe
- Mag light set – Joyce Carter
- Lunch Bag – Tammy Daily
- Cutting board set – Peter Slisz
- Carabineer Flashlight – Lucas Voorhees
- Rummikub Game – Baldev Sarellum
- Butterfly light set – Donald Hickey
- Leather Fanny Pack – Gary Powers
- Flag light set – John Cosey
- Med. Tool box – Jerry Wells
- Fire extinguisher – Joyce Goodman
- Coleman ice chest – David Newton
- Storage set – Nicole Russell
- PUR Faucet filter – Shirley Hetterscheid
- 26x48 Rug – Tamara Jones
- Conair Neck Massager – Elaine Monzon
- Crescent brand wrenches – Mike Brandeau
- Cobra Family Radios 1pr. – Julius Williams

- Portable CD player – Orlando Gonzales
- Made in the USA game – Romulo Santos
- Pendleton Blanket – John Jordan
- Candle centerpiece – Marlene Sprague
- Trouble light – Paul Bozoti
- Pocket Radio – Steve Webb
- Jenga game – Lisa Carter
- 8 pc. Tumbler set – Linda Weidemann

Some members were not present when the winners were announced. Calls were made to everyone possible to notify them. Any prizes still unclaimed by the October cycle of meetings will be raffled off at that time.

Seattle Mayor Greg Nickles made his usual and customary appearance at our picnic and even took a shift at the grills to meet and greet our members.

Many thanks to ALL the volunteers without whose aid and assistance this event wouldn't be possible. Most of the officers, many shop stewards, and some friends and family of local members stepped up and pitched in to make this event happen. As co-chairs of this event we need to also thank everyone who came to our event this year. I would love to say that everything was perfect but I can see a little room for improvement for next year.

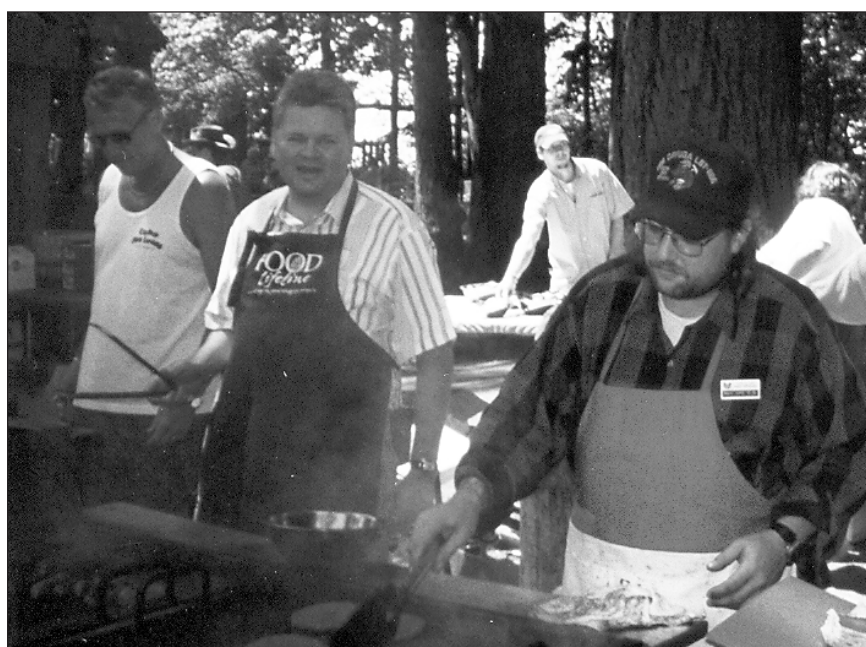
Speaking of next year, I can hardly wait to hear those magic words, "...and the winner is..."



Linda Anderson, Warren Yee and Dan Linville kidded around in front of the raffle drum.



Cathy Donalds and Paul Bachtel examine some of the raffle prizes.



Vice President Glen Travis, Seattle Mayor Greg Nickels and Brother Ben Apo toil at the grills to attend to the lunch crowd.



President Norton and Bonnie Davis-Losey chat under Ed Carter's watchful eye.

President's Report, continued from page 1

Anticipated Course of Action

When we file the lawsuit, we will be assigned a judge, and a trial date one to one and one-half years down the road. Our first step would be to file a motion for class certification. We can anticipate discovery, including written interrogatories and requests for production, and depositions of the named plaintiffs and Metro officials. We will want to discover Metro's records and other evidence relating to travel time, evidence relating to our claim for bad faith, and liquidated or double damages.

Damages

Under both State and Federal law, the damages for unpaid travel time are different for overtime and non-overtime work weeks. In overtime weeks, where the employee has worked overtime, additional time worked must be compensated at one and one-half times the employee's hourly rate. In straight time weeks, where the employee has not worked over-

time, the employee must be compensated for unpaid travel time at the straight time rate.

Both State and Federal law provide for double or liquidated damages in an amount equal to the actual damages for unpaid overtime. Entitlement to double damages requires evidence the employer knew about its obligations under the law and intentionally avoided them.

Attorney Fees and Costs

Plaintiffs who are successful in claims for unpaid wages or overtime may recover an award of attorney fees and costs of litigation pursuant to a petition made to the court after winning at trial. If the Union prevails, we would ask the court for an award of attorney fees and costs.

Settlement Discussions

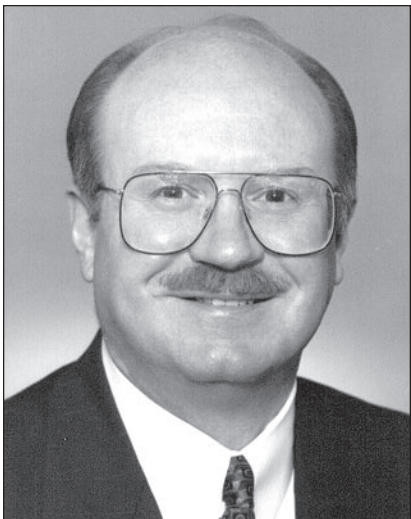
Metro has indicated it is willing to continue discussing settlement. We have also discussed trying to come up with a joint study of unpaid travel time for the entire class.

Once again, I wish to reiterate that this applies predominately to Operators that are working or have worked at Ryerson, Central and/or Atlantic Bases any time since June of 1998. That's as far back as we can legally go on this issue. With the rare exception of perhaps one route at North Base, the suburban bases provide a base car when Operators are relieved on the road, and those Operators are paid to travel back from their relief points to their operating bases.

We will keep you updated on fu-

ture developments on this issue. Be safe, LFN

At the August Charter meeting, President Norton installed newly appointed Executive Board Officer Paul Neil into office. Paul will represent First Line Supervisors, taking over for Brother David Magidman who resigned last month. Congratulations to Brother Neil, and many thanks to outgoing Executive Board Officer David Magidman for his hard work and dedication during his time in office.



Rick Bender

MONEY ALONE CAN'T BUY you love in Olympia. Witness the comments that appeared in *The Seattle Times* this session from a business executive visiting Olympia to promote the gas-tax measure: "I'm not sure the business community wants to pay for a referendum campaign. We've already paid to elect legislators." Clearly, for some, the definition of political action is writing a check.

For all the cynicism about a political system that relies on massive contributions to parties and candidates, what a breath of fresh air it was to participate in last fall's Labor-Neighbor program, coordinated by Washington State Labor Council Political Director Diane McDaniel. It was grassroots politics at its best.

This volunteer-based effort sought to have union members walk the neighborhoods handing out written materials and discussing the candidates with fellow union members around the district. Months of these household walks culminated in a massive, but focused get-out-the-vote effort on Election Day. The response both from the hundreds of volunteers who participated and the members they contacted was so

positive, it exceeded our wildest expectations.

And it worked. In the two targeted special elections, both labor-endorsed candidates won. In the 21st District, where 95% of Labor-Neighbor efforts were conducted, first-time candidate Brian Sullivan scored a stunning 12-point victory over Rep. Joe Marine (R-21), who spent a record-setting \$273,000 in his losing effort. Voter turnout in that district was 54.7%, more than nine points higher than in the neighboring district.

End result: the 49-49 tie in the House that has stymied labor-supported legislation for years was broken. What difference did a 50-48 Democratic majority make? Ask the tens of thousands of state and university employees who

have finally won collective bargaining rights. Ask nurses who will no longer be forced to work overtime. Ask domestic violence victims forced to flee their jobs who may now collect unemployment. Ask the other working families who benefit from progressive legislation ... [see www.wslc.org for the Legislative Report].

But also note the many issues from prescription drug prices to business subsidy disclosure that we failed to achieve progress on, and the serious budget and tax reform challenges that lie ahead. That's why we must do even more.

Let's face it. Labor is never going to have the kind of money corporate interests are able to "invest" in politics. And while we are certainly going to do what we can to help pro-working family candi-

dates raise the money they need to run competitive races, we must never be lulled into thinking that cutting a check is political action.

Labor's strength is, and always has been, in its members. The same energy and commitment that rank-and-file members bring to organizing campaigns and community volunteerism, they also bring to political activism.

The WSLC and central labor councils around the state are coordinating an expanded Labor-Neighbor effort this fall in several districts. If we can achieve a stronger majority of pro-worker legislators in both houses, we can expect more success in the coming biennium on our issues.

Get involved! Contact WSLC Political Director Diane McDaniel TODAY at (206) 281-8901.

Guest Editorial Labor-Neighbor

Grassroots political action comes up big

by Washington State Labor Council President Rick Bender
Reprinted from the 2002 WSLC Legislative Report and Voting Record

LABOR NEIGHBOR VOLUNTEER

YES! I want to help get the vote out for the 2002 elections. I'm willing to:

- Phone Bank Lit Drop Doorbell
 Poll Watch Sign Waving Other

NAME: _____ EMAIL ADDRESS: _____

MAILING ADDRESS: _____ CITY: _____ ZIP: _____

PHONE: _____ BEST TIME TO CALL: _____

WORKSITE: _____ REGULAR DAYS OFF: _____

I would like to volunteer a total of: 3 Hours 5 Hours 10 Hours 20 Hours Other

Please return to ATU 587 office at 2700 First Ave., Rm 204, Seattle, WA 98121



Paul Griffin

YES! WE DO HAVE A BIG honking problem. Except in Seattle we're generally too polite to honk. So we just "stop and go", inching along in traffic. In a system that literally fails to deliver on time, every time. So what do we do about it?

The first thing we do is circle up and talk. Talk is not cheap; real talking and focused listening while presenting a solution is priceless. (For everything else there's Master card or a bond issue.) Real talk with solutions in mind and not just throwing rocks is the challenge. So the underlining requirement is to make the world safe for honest politicians. And that ain't easy. But it had to start somewhere.

The Washington Council on International Trade made just such a start on Tuesday, July 2nd, 2002. The gathering was by invite and was co-hosted by U.S. Senator Patty Murray and US Senator Maria Cantwell. Each had opening remarks and then chaired a panel. The first panel was called "Transportation", chaired by Senator Murray who made the statement: "You didn't cross an ocean to sit in a sea of traffic". How true. The transportation panel included Rick Bender, President of the Washington State Labor Council.

The second panel was chaired by Senator Cantwell and focused on security. Included in the second panel was Steve Williamson, Executive Secretary-Treasurer of the King County Labor Council. The sum of Rick Bender and Steve Williamson's presence was one quarter of the participants who identify with labor. Only eight individuals out of two hundred in attendance identified with labor.

One of the interesting features involved Stuart Elway, President, Elway Research. Elway Research supplied an electronic polling device. The device looked like a channel changer and the participants punched in numbers representing different options presented, and thus statistics about the issues gave the audience immediate feedback. Very useful. In addition to a few labor representatives there were 46% business, 27% government, and 9% education representatives.

The bottom line purpose for this effort is this: Vote yes on R-51. The plan is to increase gas tax 9 cents per gallon and pay for all kinds of improvements and build new roads. The big winner, according to the audi-

ence polling, was replacing the viaduct. Mass transit funding came in third in the audience polling at 20% recommending increased spending. However, when given first and second choice options and combining the results, recommended spending put roads and mass transit about even. Airports and seaports and heavy rail ran distant thirds.

Security was on everybody's mind. It is interfering with shipping goods. Proposed federal legislation would delay airfreight flights by ten hours AFTER the airplane is loaded and sealed. Customs wants copies of the manifests so they can "study" the shipper/shipee and contents. Unacceptable.

The biggest problems that are visible to the traveling public are the current air passenger security personnel and their operating procedures. Profiling is not working. Further, the facilities are understaffed and personnel are underpaid. Just try going to Canada and crossing the border quickly. Delays in delivering freight cost all consumers money.

So the question is: What are we here in the Seattle Community going to do? Senator Murray spelled it out clear: "Clean up your act or loose Federal funding."

Our traffic problems and indecision has resulted in container carriers moving to other

ports. Other ports are figuring out how to take a bite out of Seattle's one-day advantage to the Midwest by building dedicated roadways and rail lightening facilities. Other cities are increasing their spending on promoting trade and hiring personnel to make personal contact. Succeeding nicely too. Meanwhile, here in Seattle we cut budgets, lay off essential people involved in promoting trade and then whine about high unemployment and vacancy rates. Community leadership elsewhere in the world laugh at us and proclaim "you don't know how to play the game - you lose!"

The Seattle Community has a transportation plan by default. First we talk about it and complain as other cities lure business away from Seattle. Meanwhile, developers build more condominiums in downtown Seattle so some people won't have to commute so far. As the population density increases the planners know "public transit" becomes more efficient. Soon people living downtown will not even need to own a car that they cannot park because the light rail will be frequent, quick, cheap, clean, and safe while taking people where they need to go. Eventually enough people will have traded in the commute to closer-to-work living that it will be possible to set aside a lane of the Interstates for "freight only".

Which is called "efficiency" because we will not have to build new lanes where there is no place to put them while staying within the current revenue sources. In fact, the "freight only" phase is well underway. Just check out the truck access and egress from Harbor Island.

Now the challenge. What could we do to speed up traffic? Now and without massive investment or new taxes? Let's start with pedestrian sky bridges around the major intersections near the stadiums. How about a BIG parking garage at 6th and Spokane where buses leave on the E-3 every five minutes or when full? Or just put all the King County public transportation under ONE agency so everything is coordinated, instead of four? The four are King County Metro, Sound Transit, Washington State Ferries, and the batch of all the little sub-contractors providing specialized service. Quit talking and build the monorail. Encourage elected officials to use public transit so they can identify with problem they are trying to solve for the rest of us.

WCIT took a positive step with lots of decision makers present. They all heard the message. Now they need to find the collective will to get focused and implement the solutions. Business, politicians, workers, farmers, everybody all has an interest in being part of the solution.

Threshold To Lose a Pension

By Paul Griffin, Financial Secretary/Treasurer

FOR RETIREES WHO HAVE retired from a PERS covered employer and come back to work at the same or a different PERS covered employer, such as Metro, there have been some changes in the pension laws. The retirees in PERS I who return to work may work a maximum of 1500 hours per year AFTER qualifying. Qualifying means five months worked at 70 hours per month. Then the clock starts for the balance of the year in which to work 1500 hours. Here's the hook: once qualified, always qualified. This means if you start in January, by May you have worked for five months. As of June the 1500 clock begins and runs until December. Then the clock restarts as of the following January for the entire rest of the year. Under PERS I the average works out to 31 hours per week, working all 52 weeks. If a retiree works more than 31 hours average per week then by November or December PERS may turn off your pension. For

PERS II, the threshold is 867 hours, after qualification. That translates into an 18 work-hours per week average.

If it happens that the member reaches that threshold, there is a decision to be made. Either management can generously grant a leave of absence for the balance of the year, or the member loses their pension until they completely quit working.

Metro Payroll is tracking the accumulated hours and is reporting these hours to the Department of Retirement System. They do not, as yet, have a notification system to alert retirees when they are nearing the hours limit threshold. Therefore, each retiree must track their own hours.

In the event a retiree exceeds the hours threshold DRS will turn off the pension. As in stop paying pension benefit. At that point the only way to get the pension turned back on is for the retiree to quit Metro completely. Then go through the hoops to get it started again. This little exer-

cise is not due to King County or Metro Transit policy or unwillingness to be fair and cooperative. The pension rules are driven by state laws.

If you are facing the threat of having your pension turned off, one option is to see your chief to apply for a leave of absence for the balance of the year. But you must know a leave of absence is at Metro's discretion, and they do not have to say yes. It is not grievable. If your chief refuses to grant a leave, please contact the union office or the Department of Retirement System before you quit. If you quit and then return later to start all over again, there is no restoration of seniority rights, you **start all over again**. Not a good situation.

So there we have it. We should all be fortunate to retiree and collect a pension. If you are coming back and driving part time while collecting a PERS pension, making sure you do not exceed your thresholds may make working at Metro a whole lot more fun.

The View from the Buses

By John D. Love

KEN AND **JUDY TEAGUE** have returned from a 6,476 mile trip. They were in Texas to visit their daughter and grandchildren. Ken had a visit with **Bob Stoehr** about two weeks before [Bob] passed away. Ken and Judy visited Minnesota, Missouri, Texas, Arizona, Utah and Oregon... [visiting] relatives along their way and... sightseeing when not traveling.

Tom and Mary Lile will be moving to Kelso, Washington in August. Tom will do some steelhead fishing on the Columbia and Cowlitz rivers before moving on to the South later on this fall. **Lonnie Sewell** was in Milwaukee, Wisconsin on a circus train convention. Lonnie models trains and his specialty is circus trains. A note from Mel LaBoyne indicates that they are back in the Northwest.

I had a phone call from **Harrison (Pinky) Neuharth** down Hoodspork way. Pinky has some memorabilia. He mailed me a book of regulations for The Seattle Electric Co. dated 1909,

and a Seattle Transit System Operating Manual with the effective date of January 1, 1946. It is the Official Handbook for Supervisors, Operators and non-operating personnel. [Pinky also gave me an] historic piece of paper... a Certificate of Membership for **Emanuel Newharth**, admitted to **Amalgamated Association of Street and Electric Railway Employees of America...** dated the first day of December, 1920. Emanuel was Pinky's father. I remember him as one of the forefathers of the present day credit union at Metro. Pinky retired in 1983 and enjoys good health and has given up most of his volunteer jobs. He was involved with the Lake Cushman Fire Department, and hosted bus trips to Reno, Nevada.

I received a note from **Al Ramey** requesting all of us retirees go through our boxes of transit memorabilia and turn it over to the Metro Employees Historic Vehicle Association, before it gets thrown out after we have gone on to our reward.

There are folks involved with that organization that are in the process of starting a museum. If you want to make contact with them and donate old transit stuff you may contact them at:

Metro Employees Historic Vehicle Association
C/O 201 So. Jackson St.
Mail stop CAB-TR-0350
Seattle, Wa. 98104

TAPS

I am sad to report that **Earl C. Peery** passed away on December 5, 2001. Earl was 85 years old and retired April 1, 1978. **Robert G. Wescott** passed away February 25, 2002 and was 68 years old. He retired January 1, 1994. I received a call from **Fritz Wedeberg** on June 12, informing me that **Russell Paul Tremain** passed away on June 11, 2002. Paul retired January 3, 1978 and was 86 years old. Paul worked for Seattle Transit 35 years before retiring. I received a note from **Vic and Ann Kaufman** that **Bob Stoehr**, retired Stationmaster, had passed away June 30, 2002. Bob was 79

Retirees' Corner

years old and retired in 1984. His wife Lenora and daughter Kim survived him. Bob was a City Councilman in LaCrescent, Minnesota at the time of his passing.

According to the "In Transit" magazine, from January to March 2002 the International distributed death benefits to the families of the following members or retired members: **Wayne P. Burrage, Carl L. Larsen, Esther Bradley Nelson, Reinhold Nicklaus, Paul H. Ploghoft, Virgil F. Shields, Orris W. Thompson Jr., James D. Wade and Roger A. Wood.** Our sympathies go out to those families that have lost loved ones. We should remember that the survivors need support in their time of sorrow and we should extend that support to the best of our ability.

Keep in mind, if you have news you want to share with others e-Mail me at Dennerle1@juno.com

That's all for now.
John

Spotters (ADA Monitors), continued from page 3

curred. Metro has contracted with a former Metro employee (perhaps a former base chief) on a half-time basis to anonymously ride specific Operator's coaches.

The Service Auditor's main responsibility is to audit the work of Operators with high incidences of CAO complaints. According to Executive Board Officer Paul Bachtel, "My sources tell me if an Operator has accumulated ten complaints in the last rolling twelve month period, the Operator will receive a ride check from the service auditor once per month. If an Operator has accumulated fourteen complaints in the last rolling twelve month period, the Operator will receive a ride check from the service auditor twice per month."

However, in order to remain in compliance with the Eckhart arbitration ruling, the service auditor must be careful to avoid the appearance of traditional ride check work performed by service supervisors. By presenting the service auditor's report as a written summary of the ride any replication of the service supervisors' traditional ride check form is avoided. Thus, the auditor's ride is not a traditional "ride-check."

Yet, the question arises; is the Service Auditor's written summary, in actuality, a ride-check report? The summary comments

on every aspect of the drivers' performance regardless of whether it has any relation to the nature of the complaints alleged against that driver.

Some Operators are being targeted for Service Auditor rides without their chiefs informing them. Even after a report has been issued these Operators are never notified they

Robinson and members of his upper management team regarding potential problems with monitoring of ADA and service auditors. Although some understandings were reached, it would be a mistake to assume these issues were sufficiently resolved.

Mr. Robinson believes his staff is obligated to write up violations of policy and procedure

monitoring programs, but defended the overall thrust. They committed to meet with us again in August and bring a new policy designed to meet some of the Union's concerns". As often occurs, however, vacation schedules and other scheduling conflicts have delayed the setting of this meeting until after the beginning of September.

ADA compliance monitoring must be based on reasonable standards and neither chiefs nor the service auditor can be doing work that crosses into the work traditionally done by service supervisors. While management made the commitment to meet again with a clarification of policy, in the interim it is important that the Union be kept apprised of ADA or Service Auditor related discipline. The method for "monitoring the auditors" lies with the individual union member, shop stewards and their chief stewards.

In the event an Operator is cited for an infraction based on a monitoring ride, **please, please**, let a shop steward know. Shop stewards should then inform their chief stewards who need to forward that information to the union office.

Remember, the managers are watching you ... you need to watch the managers. Keep your Union apprised!

The method for "monitoring the auditors" lies with the individual union member, shop stewards and their chief stewards.

are under special scrutiny or for what reasons.

Although the triggering of a service auditor's check is specific to incidences of CAO complaints, according to Auerbach "... we have heard of Operators without complaint problems being 'audited' which would appear to be in violation of the Eckhart arbitration."

A Meeting

In June, Union Officers met with Operations Manager Curtis

when observed. On the other hand, Mr. Robinson committed to personally review incidents of monitoring that are deemed by the Union Officers to be grossly inappropriate.

Executive Board Officer Marc Auerbach, present at that meeting, gives the following summary: "Union representatives made forceful presentations regarding our dissatisfaction. Management acknowledged that there have been some problems with its implementation of the