

SEPTEMBER 2004

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# ATU LOCAL 587 News Review

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VOL. XXVII, NO. 9



Lance F. Norton

## The President's Report

# Medical Conditions Being Overlooked in Drug Testing

By Lance Norton

**T**HE MEMBER WAS 58 YEARS old and recently retired from Boeing. His wife of 34 years still worked as a registered nurse at an eastside hospital, which left the member with plenty of time on his hands and not enough to do.

After seeing an ad that Metro was hiring Part-time Transit Operators, he thought that would fit the bill perfectly so he submitted an application. Being diabetic and requiring daily injections of insulin, he had to obtain a CDL waiver. His doctor, a specialist at the U of W Diabetes Care Center, signed his waiver.

Aside from his diabetes, the member is in pretty good health. He doesn't drink, smoke, or do drugs. According to his wife, "he's squeaky clean." Being a new member, he felt himself fortunate to pick a PM tripper at a base near his home. His regular routine was to leave the house at 2:25 pm, arrive at the base around 3:00, sign in, get his transfers and coach assignment, and just before leaving the base, use the restroom.

On the last day of what turned

out to be a brief 4-month career as a Part-time Transit Operator, the member was informed he was to go for a random drug test. He checks out a base car and arrives at a nearby lab. At 4pm he takes and passes the alcohol Breathalyzer test. At 4:15 he is told to give a urine sample. After three attempts, the member could not produce enough required volume for a test.

At 5pm the member is told the clinic is closing. The base has been notified and a Base Chief will pick him up to transport him to a downtown lab to resume the testing. At 6pm they arrive at the clinic and three more attempts with minimal samples are done. The member offered three times for the clinic to take his blood. He has nothing to hide. His offer each time was rejected with a "we can't do that."

At 7:15pm he was told the testing was over and he was taken back to his base. He was told that an appointment would be made for him to consult with the Medical Review Officer (MRO). The next morning the member called me at the Union office and told me what happened the previous evening. I sent him back to the same downtown clinic to be tested on the Union dime, as is our common practice in these sorts of cases. He arrived there at 9:45am, took his drug test,

and I was informed at 4:23pm by fax the next day that all results were negative. The member passed his drug test.

On Tuesday the member met with the MRO and explained that he was diabetic, taking insulin, and many times this resulted in a shy bladder. He asked the MRO to contact his doctor for verification. All of this fell on deaf ears. The MRO's report read,

*"Shy Bladder Evaluation: [Employee] was evaluated according to criteria in 49 CFR 193. As the MRO, it is my finding that there is not an adequate base for determining that a medical condition has, or with a high degree of probability could have, precluded the employee from providing a sufficient amount of urine."*

The next day the member was terminated for refusal to test. **A shy bladder equates to a refusal to test!** Since he is a probationary employee, I requested a Probationary Termination Review. I then began to do some research. I requested the member obtain a statement from his doctor. Remember that this doctor is a specialist in diabetes at the University of Washington, a highly rated medi-

cal facility. His doctor's statement was simple. It said,

*"To Whom it May Concern: [My patient] has medical conditions, and treatments, that may affect his ability to produce a urine sample on demand. Please contact me if you have need of further information."*

I found in the Revised US DOT Drug & Alcohol Regulations the following:

*"If after the three hours, the Employee is still not able to provide a sufficient specimen, the Employee should be directed to obtain an evaluation from a licensed physician. The physician must be acceptable to the MRO and must have expertise in the medical issues raised by the Employee's failure to provide a sufficient specimen. The MRO will consider the evaluation of the physician and determine whether there was a high degree of probability that a medical condition precluded the Employee from providing a sufficient amount of urine. Possible medical conditions could include an ascertainable physiological condition (e.g., a urinary system dys-*

*continued on page 6*

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# The Month at a Glance

## Business of the Membership

At the August 2004 cycle of membership meetings the following business was conducted:

- Arbitration request from Brothers Gary Granquist and Michael Gendron were approved by the membership.

- Motion to donate \$3,000 to the ATU Romanian Council was approved by the membership.

- Motion to approve the COPE Committee endorsements as submitted (please see COPE Report for full list) was passed.

- Motion to donate \$500 to the "Yes for C-Tran" campaign in

Vancouver, Washington, was approved by the membership.

- Motion to donate \$500 to Local 883 in support of their efforts to secure a tax initiative was approved.

The following members were August pot draw winners: Cathy Donalds at the Charter meeting, Louise Gredig at the morning meeting, Greg Prescott at the JTA meeting. CTS pot draw winner was Barb Dixon. Rolling CTS pot draw of \$50.00 was also won by Barb Dixon. Congratulations, Barb! Twice in one night! Next month's CTS rolling pot draw will be \$25.00.

## Tentative Agenda

### Membership Meetings:

**CHARTER MEETING**  
Thursday, Sept. 2, 2004  
8:00 p.m.  
The Labor Temple, Hall #8  
2800 1st Ave., Seattle, WA

**MORNING MEETING**  
Friday, Sept. 3, 2004  
10:30 a.m.  
The Labor Temple, Hall #6  
2800 1st Ave., Seattle, WA

**JEFFERSON TRANSIT**  
Monday, Sept. 6, 2004  
7:00 p.m.  
Port Townsend Rec Center  
Port Townsend, WA

**CLALLAM TRANSIT**  
Tuesday, Sept 7, 2004  
7:00 p.m.  
Port Angeles Senior Center  
328 E. 7<sup>th</sup> Street, Port Angeles

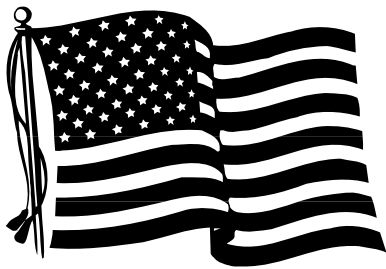
### Among topics to be discussed:

Grievance and arbitration update, contract subcommittee updates, potential CDL and DOT waiver policy changes for KCM employees, upcoming International Convention.

Brother Robert Delgado will be appearing before the membership requesting his termination grievance be taken to arbitration.

### Unfinished Business:

There is no unfinished business for September.



**Celebrate  
Labor Day—  
Monday,  
September 6th**

## Executive Board Report

August 24, 2004

The following officers were present: President Lance Norton, Financial Secretary Paul Griffin, Recording Secretary Jennie Gil, John Bellinger, Chris Daniels, Alan Huston, Paul Neil, Neal Safrin, Rick Sepolen, Jeff Stambaugh, Bruce Tiebout, Judy Young.

Paul Bachtel, Ray Campbell and Marc Auerbach were in the full-time pick room, Dee Wakenight was at the Washington State Labor Council, Joe Mangiameli and Ninus Hopkins were at the Public Transportation Conference, Vice President Travis, Brian Sherlock and Mike Whitehead were on vacation.

The following business was conducted:

- Motion by Neal Safrin to adopt the following resolution:

WHEREAS, that because of unions and solidarity among working people we have been able to win basic human rights, including employer paid health care, social security and retirement benefits, safe working conditions, decent hours and wages, education for our children, social services for the disadvantaged, civil liberties, and most important, the right to political influence over our nation's foreign and domestic policies, and

WHEREAS, the current Administration, with the complicity of Congress, has cooperated with Big Business in attacking our rights, using legislation such as the Patriot Acts I and II, denying the right of hundreds of thousands of federal employees to belong to unions and bargain, forcing longshore workers to work under a Taft-Hartley Act injunction and threats of federal intervention, and

WHEREAS, the Administration, with the complicity of Congress, has negotiated trade agreements costing the jobs of hundreds of thousands of US workers, while promoting other economic policies, such as privatization and deregulation which has resulted in the loss of

over 3 million jobs since taking office, and

WHEREAS, the Administration, with the complicity of Congress, has given corporations and the wealthy huge tax breaks, while cutting billions in spending for social services, education and other essential government programs, and

WHEREAS, the Bush Administration, with the complicity of Congress, has taken our country into an unjust war under the false assertion that Iraq possessed weapons of mass destruction, costing the lives of hundreds of US service members and Iraqi citizens, and

WHEREAS, like forty-one years ago, when A. Phillip Randolph and other Black labor leaders organized the 250,000 person March on Washington for jobs and freedom in 1963, African American unionists in the ILWU and the Coalition of Black Trade Unionists are spearheading this effort to build an independent movement from the bottom up to pressure government to meet our basic needs and uphold civil rights for all,

BE IT THEREFORE RESOLVED that Amalgamated Transit Union Local 587 endorses the call for organized and unorganized, unemployed and disadvantaged people and their organizations to go to Washington DC for a Million Worker March on October 17, 2004, to insist that politicians and the Administration act to carry out the demands of working people and the poor rather than the agenda of Big Business and the rich, and

BE IT FURTHER RESOLVED that this resolution be forwarded to unions, labor councils and labor organizations, as well as other organizations to which workers belong, whether organized or not, so that they can take similar action to organize this march as soon as possible,

BE IT FINALLY RESOLVED that ATU Local 587 donate \$250 to the local MWM organizing committee to help defray the costs of publicizing the October 17, 2004 March on Washington.

### ATU LOCAL 587

*News Review*

Published monthly in Seattle.

Official publication of Amalgamated Transit Union Local 587, AFL-CIO, representing employees of Metro/King County, Clallam Transit, Jefferson Transit, Seattle Personal Transit, Clallam Paratransit, and MV Transit.

2815 Second Avenue, Suite 230  
Seattle, Washington 98121  
Telephone: 206-448-8588.

Affiliations: Washington State Labor Council, King County Labor Council, Northwest Joint Conference Board, ATU Legislative Council, Olympic Labor Council.

### OFFICERS OF THE AMALGAMATED TRANSIT UNION, LOCAL 587:

LANCE F. NORTON Pres/Business Representative  
email - lnortonpres@atu587.com

GLEN A. TRAVIS Vice President/Assistant  
Business Representative  
email - gtravisvp@atu587.com

PAUL L. GRIFFIN Financial Secretary  
email - fsgriffin@atu587.com

JENNIE L. GIL Recording Secretary/  
Editor 587 News Review  
email - recsec587@atu587.com

Minority Affairs Officer  
Transit Operator Position No. 1  
Transit Operator Position No. 2  
Transit Operator Position No. 3  
Transit Operator Position No. 4  
Transit Operator Position No. 5  
Transit Operator Position No. 6  
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RAY CAMPBELL  
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PAUL NEIL  
JOE MANGIAMELI  
NINUS HOPKINS

Web site: <http://www.atu587.com>

### 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  
2815 Second Avenue, Suite 230  
Seattle, WA 98121

# ATU Black Caucus 2004

By Shirley Walker

**W**E WHO ATTENDED THE International ATU Black Caucus in Memphis representing this Local (Ray Campbell, Debbie Green, Michael Moore, Rick Sepolen, Shirley Walker, and Judy Young) experienced a very enlightening “time tunnel.”

Some of the officers present have been ATU members for 40, 50, and 60 years. They were able to express to us some of the difficulties they experienced with minorities and unions.

The Black Caucus is an organization inside of our International union that was formed together 37 years ago. Its purpose was to ensure that bargaining language in contracts fairly represented its African-American membership. It was a way for this portion of our members to be represented at the bargaining table, a tool for supporting members to achieve this goal. The Black Caucus is still doing this and the results are justice, fairness, and equity for all ATU members.

The Black Caucus meets formally once a year. Our meeting in Memphis opened with greetings from our International President, Warren George and Oscar Owens, International Secretary-Treasurer. Oscar Owens has been a

Black Caucus Member for over 30 years. International Vice Presidents and Black Caucus members Rodney Richmond and Karen Moore also spoke.

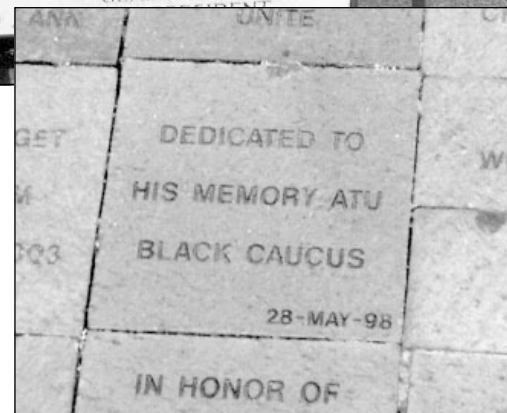
Not only did they welcome this of 242 delegates from 43 locals, we began to learn some of the history of this organization. I further understood and appreciated the value of “using the voice” we have to ensure the fairness of our working condition.

Through the presentation of a seminar, “The Responsibility of Union Officers, Investigation and Documentation,” given by Attorney Richard Humphreys, we had an opportunity to separate into small groups and present answers to questions after a scenario had been presented. Most responses were similar. It was encouraging and enlightening to see the range of creativity our union representatives can use.

The Black Caucus is an organization that also works at giving back to our communities. One of the ways we do this is providing scholarships. This year we were able to present funding to all the students that applied. The funding comes from donations, both from members and various financial institutions.



Monument erected at the entrance to the Lorraine Motel, site of the assassination of Dr. Martin Luther King, Jr.



Brick tiles laid in honor of the fallen Dr. King.

Since Local 587 will be hosting the Black Caucus in May 2005, we will be looking for students that will be entering college, trade schools or training beyond high school in Fall 2005, to receive a portion of what will be over \$10,000 in available scholarship monies.

The biggest impact of this “time tunnel” and visiting Memphis was being able to see the actual site of the assassination of Martin Luther King Jr. Everything on the site is still intact—his car, the

motel room—just as it was the last night of his life. It felt as if it were yesterday.

The direction the Black Caucus has taken, with Dr. Martin Luther King Jr. and his dreams and hopes, was further enforced.

## ARBITRATION UPDATE

- 1. 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.
- 2. Kelly Venable:** Grieved disqualification from SIT recruitment process due to use of an earned benefit. Arbitration held May 5, 2004. Arbitrator ruled in favor of the County. Grievance final.
- 3. Vince Lee:** Grieved improper procedure for upgrade to temporary position. Arbitration originally scheduled for April 26, 2004, postponed due to Brother Lee' unrelated injury, now scheduled for December 3, 2004.
- 4. Ron Griffin:** Grieved improper separation from the position of Equipment Service Worker. Arbitration scheduled for November 16<sup>th</sup>, 2004.
- 5. Roberson et.al.:** Body shop and Upholstery shop personnel grieved work done out of classification. Arbitration scheduled December 1 and 2, 2004.
- 6. Bill Clifford:** Grieved Part Time Operators assigned to do special work. Schedule pending.
- 7. Harold Stanback:** Grieved improper separation from the position of Transit Operator. Arbitration scheduled November 9<sup>th</sup> and 10<sup>th</sup>, 2004.
- 8. Gary Granquist:** Grieved termination for allegedly falsifying a Metro document and theft of Metro funds.
- 9. Michael Gendron:** Grieved termination for attendance issues and failure to respond to request for information. Request for arbitration approved by the membership at the August cycle of meetings. Schedule pending.

President Lance Norton conducts the swearing in of newly appointed Executive Board Officer Transit Operator Representative Judy Young at the August Charter membership meeting. Sister Young was appointed at the July Executive Board meeting to the position left vacant by outgoing Executive Board member Rick Gleason. Brother Gleason has left Metro/King County in pursuit of a gentler life in Eastern Washington with his new bride and family. Sister Young served as Chief Shop Steward at Ryerson Base. Congratulations to both Rick on his new life direction and to Judy in her appointment to this position. She will no doubt serve the membership well.



## IN LOVING MEMORY...

*When the heart grieves over what it has lost,  
the spirit rejoices over what it has left.*

— Sufi Epigram

**Lanceley Pierce**, retired fifty year member, passed away July 22, 2004. Brother Pierce joined Local 587 in July of 1942 and retired in February of 1973. No further information available.

**Joe Patterson Jr.**, passed away August 3<sup>rd</sup>, 2004. Joe joined Local 587 in November of 1975 as a Full-time Transit Operator,

and retired after more than twenty years of service in October of 1999. He then returned as a Part-time Transit Operator in May of 2000. He was an active member working out of Central Base. Joe was well known and well liked by all his coworkers and will be greatly missed. He was 70 years old at the time of his passing.

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

# Letters to the Editor...

## Calling All Buses

Dear Editor,

Driving my car the other day I saw this bumper sticker, "Stop honking your (bleeping) horn! Can't you see I am on the cell phone!" Pretty funny, huh? But all of us have made comments about cell-phone drivers, yet most of us will use that cell phone while driving at one time or another. Then the matter takes a new meaning. I would like to put it in the context of the radio system in our buses, because of the idiosyncrasies and down right confusions regarding the present system that Metro uses. Let me shoot some questions at you.

Are you allowed to talk on the company radio while driving? How many drivers do you know that "safely park the bus" while talking on the radio? And how many of you have been written up for using this radio while operating the coach?

Do you see where I am getting at? Is it safer to drive while using the company radio with the curly cable dangling, or your own cell phone? The rules being the same, I would suggest that using your own phone should pose no threat to anyone. And if a customer complains about it Metro should inform them that just as we use the company phone we as drivers are allowed to use our phone for a maximum of, let's say, 2 minutes and 59 seconds. After all we are on the road 95% of our work time and family business or emergencies, etc, sometimes cannot wait until we get a break...IF we get it. (*ed.note: please keep in mind that this is against policy...kids, don't try this at home...*)

Having said that, let's talk about the main issue pertaining to us. Here we are, driving 21<sup>st</sup> century buses, while using a communication system that is, to put it gently, past its time.

Take, for example, the auricular. My granddaddy used a phone like it when I was 4 years old, half

a century ago. What's wrong with it? For one, its bulky, not integrated with the PA system, uncomfortable to use, and downright unsafe. Does Metro want to improve this system?

Two and a half years ago I received one of those infamous ADA PRs. I chose not to let it get me down and turned my energies into a positive. I designed a completely integrated system that could handle your PA and radio with the push of a button, nothing major to change. Just a simple replacement of old parts with up-to-date electronics. It would've solved the problem of the "hanging mike". It also had a single-ear, reversible headset with flip down capacity and "true" volume control, plus other features dealing with the safety of the driver.

I brought the schematics to my then-base chief. I said to her "Please take this to the next meeting of chiefs and see what they think of it." Well, that was the end of it because I never heard back from Metro, not even a "thank you for your efforts" note nor a "mind your own business" yellow memo tag. Nothing!

Does Metro really want to operate with 21<sup>st</sup> century gear? Last week I heard that Metro intends to give us clip on mikes. Well, Blymie! Let's put a little band aid on the bleeding gash.

I still insist and suggest that what we need is a system as easy to use as the hill holder is. One that will give us 360 degree visibility and that is 100% completely integrated onto a single control box.

Why? Because simplicity is the mother of efficiency. And efficiency goes hand in hand with safety.

*In solidarity,  
Alexander LaBarba, #3922  
Ryerson Operations*

## Northwest Conference Correction

Dear Editor:

I was amused to read the recent report on the election of officers to the Northwest Conference [in the July edition of the *News Review*]. Congratulations to them all; especially our own Vice President, Glen Travis, who will now serve the conference membership as well.

At the same time, I would like to correct the record for one former officer now forgotten (at least by some). I don't mean to be critical of others' memories because I cannot give you a date in time to verify my recollection, but I can say with certainty that Cathie Parker is not

the first female to serve as an officer of the ATU's Northwest Conference.

Linda Gordon briefly held the position of Vice President. She was President of her own Local in Butte, Montana. I will not be so smug as to declare her the first female ever to gain office in the Conference, but she probably was.

I encourage Sister Parker to complete her term of office, and to my knowledge she will be the first female Officer to have done so.

Keep up the good work and laugh at the discouraging negativity that surrounds all elected jobs these days.

*In solidarity,  
Dan Linville, #619  
South Operations*

## Political Season

*Happy Summer Brothers and Sisters!*

This is just a polite reminder to all of us as we enter into what will eventually become a very heated political season. Try to remember that all those individuals that you work with are just that. Individuals. As thinking and feeling beings, we are bound to have very differing opinions on a universe of topics. Politics, religion, abortion, immigration, you name it and there will be at least three operators that think you are crazy.

I was training on the hybrid coach the day that our President was in town for a fund-raiser. There were all sorts of people ticked off about it claiming that there was a terrorist in the White House. OK. But to have an operator who was also training on the bus say "... just one more reason to vote the a\*\*hole out of office..." was completely uncalled for in that situation. To take issue with the President's policies is one thing, but to attack him *ad hominem* is ridiculous.

Just try to understand that with this attitude, Democrats aren't going to convince anyone to vote for John Kerry. The party of tolerance and diversity has become bigoted and venomous towards people who have a differing political affiliation. In the famous words of Rodney King, "Can't we all just get along?"

*Brian Robinson, 3733*

## Potholes

Dear Editor:

I spoke to you about potholes at Atlantic Base [some time back].

If you can inform more drivers to call in to Seattle DOT, to report potholes. DOT in most cases will respond the same day, with a patch for the pothole. Then they will put it on a work order for a permanent repair. DOT phone numbers: north of Denny Way, 206 684-7508; south of Denny Way, 206 386-1298.

*Robert Williams  
Atlantic Base*

## Protecting Freedom of Speech

Dear Editor,

On August 4, 2004, the Seattle Ethics and Elections Commission voted unanimously to **not** appeal a federal court ruling that upholds the privacy rights of donors to my campaign last year as a Freedom Socialist candidate for Seattle City Council. Since ATU, and many individual members donated to that successful campaign and then supported the privacy rights fight by making calls, writing statements, and sending letters to the SEEC and City Attorney Tom Carr, I wanted to make sure word was spread of our victory. Three cheers for the First Amendment!

The SEEC's vote to let Federal Judge Robert Lasnik's decision stand comes exactly one year after the commission ordered me to turn over the names, addresses, and employer information of contributors in order to meet city public disclosure rules. Instead of doing that, I filed a civil rights lawsuit against the city and cited long-standing First Amendment protections for minor parties. Lasnik issued a temporary injunction against the city in 2003, and this July he made his order permanent.

Minor parties that can prove a pattern of receiving harassment and threats are exempted from public disclosure laws, based on a series of Supreme Court decisions. As Mel Kang, (a dissenting commissioner who understood this is-

*continued on page 8*

### SEND IN YOUR OPINIONS

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Jennie Gil

*News Review Editor  
c/o ATU Local 587  
2815 Second Avenue  
Suite 230  
Seattle, WA 98121*

### 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*

**COPE REPORT**

**Full Circle**

By Executive Board Officer Dee Wakenight

ON JULY 29<sup>TH</sup> AND 30<sup>TH</sup>, THE ATU Legislative Council (ATULC) met at Local 587's office for the purpose of interviewing candidates for the upcoming election. The Legislative Council typically holds candidate interviews on an annual basis for the purposes of determining candidate endorsements.

**They are who?**

The ATULC consists of the ten ATU Locals in Washington State. It has long been understood that politics is an integral part of public transportation and that together the ATU members in the state of Washington have much greater influence on our future when we have a method to express our collective voice. Legislation passed in Olympia impacts funding, state laws, interpretation, our collective work lives. That legislation is made up and passed by those we elect to office. This opportunity to interview the future leaders in Olympia is vital to the quality of our work, therefore to our quality of life.

Jim Fitzgerald from Spokane, Local 1015, chairs the ATULC, Karen Stites Local 1384, Olympia, helps to keep us all on track as the Financial/ Recording Secretary. Local 757, Portland, Oregon, sent a member to this meet-

ing because Local 757 represents C-TRAN in Vancouver, WA. Local 758, Tacoma, was represented by their Vice President, Isaac Tate, and Everett's Local 883 graced us with their President Don Shaggam. Linda Anderson, Darryl Estes, Lisa Thompson, and myself did our best to represent Local 587.

Sherry Appleton, our ATULC lobbyist in Olympia, was present for most of the interviews. Sherry herself is a candidate for state House in her district. Our brutal interview schedule was due to her scheduling efforts, 83 candidates were scheduled over 2 days, one every 15 minutes. We even had one candidate drive over from Yakima for an interview with the hope for an endorsement.

**The fruits of our labor**

This historic, 2-day mega-interview session resulted in the endorsements in the box at right, which were approved by the membership at the August cycle of meetings.

**Who cares?**

"How will this make any difference to me," you ask? "Who cares about all this political stuff anyway?" *You* should. It's our jobs, our work lives and our future. For

example, C-TRAN in Vancouver, represented by Local 757, is fighting for a .03 increase in the local sales tax for transit. Local 883 in Everett is doing the same campaign for their own .03 increase in sales tax, to try to save their jobs and service in the wake of I-695 cuts. These issues are critical to the continuation of many of those members' jobs and livelihoods.

Your assignment, if you choose to accept it, is to find those candidates or issues that are near and dear to your heart and DO SOMETHING about them. Volunteer for a campaign, work in the campaign headquarters, go doorbelling, put together yard signs, find your cause and give them an hour or two of your time to help impact

the future for all of us. After you have done this one time you will learn something very important: it's actually fun to meet new people and do new things. Imagine, after the election, you can say that you helped to get either someone elected or...

Our first chance to impact the future is today, go ahead and make the call or stop by, volunteer to change the future for the better. Tuesday, September 14, is the primary election. If nothing else, make sure you get out and vote. November 2, the general election is right around the corner. Let's show the state of Washington that ATU Local 587 can and will make a difference in the future. This will bring the political process full circle.



Legislative Council members take a quick lunch break at their tables in order to accommodate the grueling schedule of interviews set for the two days.



Local 587 COPE Committee member Darryl Estes and Local 758 Vice President Isaac Tate take a moment for political banter.

<b>Dist. 1</b>	Mark Ericks	House Position 2	\$675.00
	Rosemary MacAuliffe	Senate	\$675.00
<b>Dist. 10</b>	Nancy Conrad	House Position 1	\$675.00
<b>Dist. 17</b>	Ilene Ferrell	House Position 1	\$175.00
	Deb Wallace	House Position 2	\$175.00
	Paul Waadevig	Senate	\$175.00
<b>Dist. 18</b>	Pam Brokaw	House Position 1	\$175.00
	Brian Beecher	House Position 2	\$175.00
	David Seabrook	Senate	\$175.00
<b>Dist. 21</b>	Mary Helen Roberts	House Position 1	\$675.00
<b>Dist. 22</b>	Sam Hunt	House Position 2	\$675.00
<b>Dist. 24</b>	Kevin Van DeWege	House Position 1	\$675.00
<b>Dist. 25</b>	Dawn Morrell	House Position 2	\$675.00
<b>Dist. 26</b>	Patricia Lantz	House Position 1	\$675.00
	Derek Kilmer	House Position 2	\$675.00
<b>Dist. 27</b>	Jeannie Darnielle	House Position 2	\$675.00
<b>Dist. 30</b>	Joseph Henry	House Position 2	\$675.00
<b>Dist. 32</b>	Ruth Kagi	House Position 2	\$675.00
<b>Dist. 38</b>	Jean Berkey	Senate	\$675.00
<b>Dist. 40</b>	Harriet Spanel	Senate	\$675.00
<b>Dist. 41</b>	Brian Weinstein	Senate	\$675.00
<b>Dist. 46</b>	Jim McIntire	House Position 1	\$675.00
<b>Dist. 49</b>	Bill Fromhold	House Position 1	\$675.00
	Jim Moeller	House Position 2	\$675.00
	Craig Pridemore	Senate	\$675.00

## President's Report, continued from page 1

function or a medically documented pre-existing physiological disorder). If an MRO decides that the Employee has a valid medical condition, the test must be cancelled..."

"Effective January 18, 2001, Employees will also be allowed to present a legitimate medical excuse for test results indicating adulteration or substitution or an invalid result. Where an MRO believes that a legitimate explanation may exist, the MRO may give the Employee up to 5 days to produce relevant evidence of such an explanation."

In the same US DOT Drug & Alcohol Regulations, in the glossary of definitions, under MRO it reads:

"Medical Review Officer (MRO) A Medical Review Officer is a medical doctor who not only has knowledge of substance abuse disorders, but who also has been trained to interpret and evaluate laboratory test results in conjunction with an Employee's medical history. A Medical Review Officer verifies a positive test result by reviewing a laboratory report **and an Employee's unique medical history** to determine whether the result was caused by the use of prohibited drugs or by an **Employee's medical condition**" (emphasis added).

I called the MRO and asked, quite respectfully, why he hadn't consulted the member's physician, as outlined in the regulations. The good doctor replied that he didn't feel he was required to do that and that he was abiding with the federal regulations. I told the doctor I would fax him a copy of the member's doctor's statement, the results of his drug test taken the next morning, and excerpts from what I researched on the revised US DOT Drug & Alcohol Regulations.

I asked the doctor to call me back after reviewing these documents. He did, but we missed each other due to schedule conflicts. I did return his call but he was busy, and as of this writing, has not called me back.

The federal regulations state that if a person cannot provide an adequate urine sample for testing, and if there is no adequate medical explanation for the failure to produce the sample, that is the equivalent of a refusal to take a drug test. Which means termination.

In our Drug & Alcohol handbook there is a section devoted to Shy Bladder. A shy bladder can be a legitimate medical condition. The member's personal physician seemed to indicate in his letter there was a medical explanation in this case. I believe Metro, in consultation with the MRO, could have contacted the member's doctor for verification of his shy bladder condition. But they didn't.

Under the regulations (49 CFR

193) the MRO could also have referred the member to a physician for verification of the member's explanation for his shy bladder condition. The MRO had discretion to cancel the test if the referral doctor had verified the member's condition, or to **not** cancel the test even if the referral physician corroborated the member's story. But Metro and the MRO did not do that either. I wonder, did the MRO consider himself the referral physician?

Due to the very unusual circumstances of this case, Metro offered the member a reinstatement with significant admissions and requirements, such as: acknowledging that he was properly terminated for violation of King County's Drug and Alcohol Testing Program; evaluation by a Substance Abuse Professional (SAP); attending a County approved treatment program and maintaining compliance with treatment recommendations; a minimum of six unannounced drug and/or alcohol tests during the first 12 months following his return to work as well as further testing for up to 60 months, as recommended by the SAP. That, of course, in addition to random testing. The reinstatement offer further decreed that all time off prior to returning to work would be noted as an unpaid disciplinary suspension and that any violation of this reinstatement will result in immediate discharge.

The member has refused the reinstatement agreement for a number of reasons. First and foremost, by accepting he would be admitting he violated the Drug Policy,

which he did not. He said, "I am not a drug user and I am not signing anything that says I am."

He went on to say, "After all this I am truly disgusted. I don't need this job and I don't need the money. All I want out of this is my name cleared. I want to resign and if by some chance I apply for another job somewhere, I don't want a prospective employer to be told by Metro that I resigned in lieu of termination for violating King County's Drug Policy. I just want a statement from Metro reassuring me that won't happen."

In closing, it may seem hard to believe that after spending three hours at a clinic and drinking plenty of liquids, one would not be able to produce a sample. Obviously, under certain circumstances, as in this case, it can happen. Any member that has a **legitimate verifiable medical condition** that may cause a shy bladder condition should think twice about leaving the clinic without producing a sample adequate for testing.

I know we're given three hours and then the test is over. But the minute you walk out the door without having produced a sample, your termination is only a day or two away. I know that if there's no drugs in **my** system I'd rather face a major infraction for gross misconduct or insubordination and not leave the clinic until I could produce a sample for testing, than to be terminated for a refusal to test.

Regards to all...

Be Safe

LFN



Glen A. Travis

## The Vice President's Report

# Who's Minding the Store?

By Glen A. Travis

will the impacts of such a significant change be? What will be the resulting impacts of the changes that come due to the departure of people like former Manager of Operations Curtis Robinson, and base supervisors such as Harold Mann, Pete Delyser, and Bonnie Hanson? One fallout I've observed is a sort of *jockeying for position*, (pun intended) of many manager wannabe's. The selection and promotion of individuals replacing the "dearly departed" have indeed been interesting. Time will tell if they have "The Right Stuff". It has seemed to me, however, that on occasion the new managers "play it safe" and avoid making the tough decisions.

My relationship and interaction with many of the mid- and higher level managers is usually in the arena of discipline, grievance processing, and contract compliance concerns. On many occasions I have to plead with and persuade managers to look at issues and employees from a different perspective, perspectives that sometimes require one to step outside of the "play it safe" mode. Every situation has unique and specific elements. Every person has unique and specific situations come their way in life. In my opinion, having the *right stuff*

sometimes is manifested in making the *tough decision*, taking a chance on *people*, not always playing it safe by strictly adhering to policies and rules.

Recently, I had a case where a driver was terminated for exceeding probation points. A case where a short suspension and time to reassess one's responsibilities and accountability would be, for most individuals, a good wake-up call. Many new part-time employees have found themselves in this situation. Most of them are given a second chance and reinstated. Most of the reinstated go on to be long-time and in many cases full-time employees.

In this case, however, there was a difference. What was different about this employee was that they were homeless. Interestingly enough, this individual was not given a second chance. The acting supervisor, in my opinion, played it safe. Maybe it was believed the decision to terminate was one of showing they had "The Right Stuff." Yet here was an individual that was working, trying to get a step up on the challenges of life's ladder, and because of economic hardship, did not have a place to call home. Weekly rent at a motel was this

poor soul's challenge. When the opportunity arose to make some additional income in the form of a vacation relief assignment, the employee made what seemed to be a logical decision. The employee chose to stay over at the base instead of risk misses by taking a twice a day, 50+ mile bus ride. This decision cost him his job.

Sleeping at the base the employee missed a sign in. The base knew the employee was staying over. They knew he was upstairs. Why didn't anyone go upstairs and just wake the poor guy up? Some question whether that is the point, he had a miss, regardless of how the miss occurred. If he exceeded his probationary points, he is out the door. But both President Norton and I have handled many such probationary termination cases that involve attendance issues. And in almost every case the employee gets reinstated. A second chance was given.

In this case "The Right Stuff" to the manager meant being firm and tough, and sticking to policy and procedure. By the book. What a good soldier! But is that "The Right Stuff?" Would it not instead have been a reflection of "The

continued on page 8



Paul L. Griffin

The Financial Secretary's Report

# Our Reputation Precedes Us

By Paul L. Griffin

**T**HE REPUTATION OF THE AMALGAMATED Transit Union is known worldwide in labor circles. In July the U.S. Department of State, Bureau of Educational and Cultural Affairs, International Visitor Program, sponsored a group of Russian labor leaders to come to America to learn a bit about labor unions. They visited several U.S. cities and met with union leadership there, and ended their tour in Seattle last month. Funding was provided for by the Fulbright-Hayes Act of 1961.

The World Affairs Council here in Seattle contacted ATU Local 587 to see if we would be interested in giving this group of Russian labor leaders an orientation about our local union. This should come as no surprise as we are active participants in the local politics and make our presence known to a variety of organizations. The World Affairs Council also contacted Mike Waske, retired Business Manager of IFPTE Local 17, who knew some of the Russian

leaders personally from his AFL-CIO service in Moscow, Russia. Mike is not to be ignored. Acting as tour guide/host for the group Mike arranged a tour of Boeing Everett plant with SPEEA in the morning and a meeting at the World Trade Center for a classroom type presentation in the afternoon.

*Clearly,  
We Are All  
in This  
Together.  
Even if we  
live on  
opposite  
sides of  
the world.*

As Financial Secretary/Treasurer of ATU Local 587, I was given the honor of presenting the group with Local 587's Bylaws, History/Handbook, ATU Constitution, and METRO Transit Labor Agreement, and then presenting an outline of how ATU Local 587 functions compared with other unions. The Russian leaders were amazed to find out that every union and even locals within a union can operate a little differently from each other. They were very interested in how the process of democracy creates all sorts of differences while sharing the same common denominator (better wages, better benefits, and

better working conditions). It was a real moment of revelation to find out that a local can have a labor agreement that represents more than one job classification. In Russia, dockworkers have their union and the bus drivers have theirs. But to be in the same union – AMAZING. Their unions are structured more along craft lines and that is currently causing them problems.

After an hour of discussions the group was transported to ATU Local 587's union office. That same day an Executive Board meeting was in process. This contributed to another moment of revelation. Their impression of American unions is that they are either run by the employers or the mafia. They fully expected to meet a room full of men in black suits smoking cigars. Boy, were they amazed to meet our Executive Board and find out that we come from a variety of job classifications and nobody was smoking cigars.

All too often foreign labor leaders are lead to believe by business groups and other "special interest" groups that while "emerging economies" such as Russia may need unions for a while, soon, when they become mature economies, the need for unions will dissipate. While the percentage of union-represented employees has fallen from the 1950's to present and that fact is used as evidence to convince foreign labor leaders that American unions are not much more than social clubs, the truth is different. The benefit to all of us, union and non-union workers, is that unions are just as important as ever and



In a classroom setting at the World Trade Center, Financial Secretary Griffin gives a presentation on the inner workings of Local 587, the Russian delegation take notes, while the translator speaks into the personal listening devices.

American unions are making resurgence. Further, when union membership participates in the politics we act as the great check and balance against excessive greed by corporations and many politicians. That is one of the messages the group from Russia got.

Mike Waske shared with the group that efforts by the International Monetary Fund and World Bank to assist Russia as an "emerging economy" by lending lots of money to Russia is something that should be done only with meaningful UNION involvement. All too often "emerging economies" get so "loaned" up that they cannot do their debt service. At that point the IMF and WB come in and demand privatization of public assets such as transportation. The IMF and the WB understand, even better than our American leadership, that public transportation is a necessary and essential ingredient in a viable and mature economy. Control how people get to work and you control the economy. Fortunately for all the Russians Mike Waske has a long, personal relation with several of the visitors so they communicated freely and honestly. It didn't hurt that Mike and his wife, Barbara, hosted a Northwest tradition – a barbecue (complete with mosquitoes).

Of all the unions operating in the greater Seattle area, only Amalgamated Transit Union, Local 587, was invited to give a detailed discussion and presentation to these Russian leaders of how we operate and function as a union. The nuts and bolts of union process is exactly what they wanted. Clearly, We Are All in This Together. Even if we live on opposite sides of the world.



Russian delegation of union leaders includes representatives from the Federation of Independent Trade Unions of Russia, Moscow; Air Traffic Controller, Tolmachevo Airport, Novosibirsk; Civil Construction Trade Union in Novosibirsk; Komi Territory Independent Miners' Union; Trade Union of Moscow Metro System; Trade Union of Pilots Bashkir Airlines; Urals-Privolzhye Inter-Regional Organization of the Civil Aviation Aircraft Engineers and Technicians Union of Russia; Kaliningrad Oblast Union of Sailors; Center for Social and Labor Rights Programs NGO, Moscow. Our own Financial Secretary Paul Griffin is fourth from the left, and Mike Waske is second from the right.

# The View from the Buses

By John D. Love

**Y**OURS TRULY SPENT A FEW DAYS on a trip to Mississippi via Continental Airlines with my daughter and son-in-law.

While in Mississippi we ran into some weather and rain storms that would make Washington weather look like picnic weather. One day it rained about six inches. I attended a family reunion of the Love family. Over forty were accounted for and fun was had by all.

I received a note from **Dale Bartz**. Dale was returning to Se-

attle from a trip to Minnesota and reports that he saw a lot of the new hybrid buses on the road heading to Seattle. I heard from **Charlie** and **Maggi Davis** down Grants Pass way. They should be in their house by September. They have been traveling locally and have been to the ocean.

## Binnacle List

I received a note from my friend **Harry Gordon**, he wanted to know if I was a boat person because of the heading of my Bin-

nacle list. Before I learned to drive a bus I went to sea, and if you went on the sick list you were put on the Binnacle list. I sailed for twenty one years and started driving a bus at age forty.

I also received a note from **Dale Bartz**. **Molly Bach**, wife of **Larry Bach (Santa Clause)** has been in intensive care unit for over ninety days. At this time I do not know what her ailment was.

## TAPS

**Eugene Adams** passed away. Eugene retired 2/07/79 and was 82 years old at his passing. **Alvin R. Carnahan** passed away April 20, 2004. Alvin was 93 years old when he passed away and retired July 1, 1972. The latest "In Transit" magazine has listed seven Local 587 members in the Memoriam section. They are, **Richard L. Burnett, Dean T. Dray, Cliff E. Duncan, Walter L. High, Richard W. Lenoach, Donald R. Meyers and Virgil L. Rakes**.

I received a message from **Charlie Weeks** that **Bill Hewitt** has passed away. I also received a note from Mrs. **Jack Chalfa**, sister of **Carl Hahne**, informing me that Carl had passed away June 21, 2004. Carl and I served on the Executive Board of Local 587 back

in the early 1970's. Carl was 89 years old at his passing, he retired January 1977.

I received a message from **Linda Shogren**, daughter of **Fred**, that Fred passed away. Fred retired August 3, 1976. He was a regular attendee of the Tuesday morning breakfast and will be missed. I spotted an obituary for **Lanceley (Lance) Pierce** in the Seattle P.I.. Lance was a thirty year veteran of Seattle Transit and belonged to the Musician's Union. He played all over town in his younger days. He was also a regular at the Tuesday morning breakfast. **Arthur McLeod, and Kenneth Nelson** have passed away. Arthur was 73 years old, and Kenneth was 91 years old.

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](mailto:Dennerle1@juno.com), or drop me a note at the Union office.

That's all for now.  
John

## UPCOMING AT LOCAL 587

**SEPT. 1** – Nominations open for Shop Stewards in Facilities Maintenance; Seattle Personal Transit and MV Transportation.

**SEPT. 2** – Nominations open for Shop Stewards in Operations and Vehicle Maintenance.

**SEPT. 7, 8, 9** – Vehicle Maintenance pick. See your bulletin boards for additional information.

**SEPT. 10** – Nominations close for Shop Stewards at Seattle Personal Transit and MV Transportation.

**SEPT. 11** – Facilities Maintenance Shakeup begins.

**SEPT. 11** – ATU Latino Caucus Conference, Las Vegas, NV.

**SEPT. 13-17** – ATU International Convention, Las Vegas, NV.

**SEPT. 14** – Nominations close for Shop Stewards in Facilities Maintenance.

**SEPT 17** – SPT and MV Shop Steward elections, if necessary.

**SEPT. 23** – Facilities Maintenance Shop Steward elections, if necessary.

**SEPT. 25** – Fall Shakeup begins for KCM Transit Operators and Vehicle Maintenance.

**SEPT. 28** – First Line Supervisor pick.

**SEPT. 28** – Nominations close for Shop Steward for Transit Operators and Vehicle Maintenance.

**SEPT. 28** – Executive Board meeting.

**OCT. 4** – Nominations open for Shop Steward for Special Classifications and First Line Supervisors.

## Vice President's Report, continued from page 6

Right Stuff" to give the guy a helping hand, a second chance? Make clear the importance of being on time, not living at the base, a referral to Making Life Easier and the support of compassion and kindness?

While working at Metro has never been a cake-walk, I remember a time when people were cut slack and treated more like people. Maybe it is looking back

into the past with hazed lenses that soften the focus and make gentle the memories. But it doesn't seem to me that common decency is something that should fade out and not be thought of as the stuff good, strong managers are made of. I don't want to think that what seems so obvious is not so common at Metro anymore, all in the name of proving oneself.

sue from the beginning) said, "...even though we want openness in the political process, the First Amendment allows for privacy of political association." Another new commissioner, Robert Mahon, said, "We need to protect the First Amendment rights of those who face a real threat of harassment." And Lasnik, in making his ruling, observed that the very purpose of disclosure is to make otherwise hidden supporters visible to the public. And a quick search of SEEC websites would provide a potential harasser with the necessary information to cheaply, anonymously, and effectively threaten supporters." He concluded, "where there is a significant risk that the exercise of First Amendment rights (free speech and free association) would be chilled by forced disclosure, the Court should err on the side of protecting those freedoms which are essential to the continuing health of our republic."

In urging the SEEC to do the right thing and not waste more taxpayer monies fighting Lasnik's decision, many labor and community activists explained so well why minority party protections are crucial. They included Nancy Rising,

a King County Labor Council delegate and Democratic Party precinct chair who faced discrimination after she had participated in civil disobedience; Teri Bach, a City Light employee who lost custody of one her children because of her radical political affiliations; and ATU Executive Board Officer Neil Safrin who eloquently noted the labor movement's own history, where union radicals have often faced severe repercussions for speaking out and organizing on behalf of working people.

One should not have to spend a year in court just to make the city abide by well-established First Amendment protections for minor parties. Likewise, vigilance and collective action will be needed to ensure the city rules are applied fairly in the future. But this victory has laid some foundation for prying open the political process to dissident and minor parties, and that is a great thing at a time when an increasing number of voters are looking for pro-labor alternatives to the corrupt, corporate-run major parties.

*In solidarity,*  
Linda Averill, #8816  
Atlantic Operations