

OCTOBER 2002
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ATU

LOCAL 587

News Review

52

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VOL. XXV, NO. 10

The President's Report

Local 587 Prevails in Unfair Labor Practice

by President Lance Norton



Lance F. Norton

IN A DECISION HANDED DOWN ON August 28, 2002, the Public Employee's Relations Commission upheld Local 587's charges against King County Metro Transit. The charges were for interfering with employee's rights under RCW 41.56.

RCW 41.56 specifically centers around represented employees'

freedom of speech and the right to distribute information to other members. It prohibits employers from interfering with or discriminating against public employees who exercise their rights secured by the statute, which reads in part: "No public employer, or other person, shall directly or indirectly, interfere with, restrain, coerce, or discriminate against any public employee or group of public employees in the free exercise of their right to organize and designate representatives of their own choosing for the purpose of collective bargaining, or in the free exercise of any other right under this chapter."

Background

Former President Barry Samet had scheduled a contract ratification vote to be held on August 5, 1999. The day before the vote Transit Operator Linda Averill was at the Central/Atlantic complex handing out a leaflet signed

by forty-nine members urging a no vote on the contract.

Sister Averill began distributing her leaflet to other employees shortly after 5:00 a.m., which was prior to the start of her work shift. At about 6:00 a.m., still before Sister Averill was due to report to work, a Metro chief told her she would have to leave because her leafleting was against employer policy. Averill complied with the chief's request, and she was neither disciplined nor treated differently after the incident. Sister Averill's distribution of the leaflet occurred in a non-work area in front of the main building at the employer's facility. The record discloses no disruption of the employer's business, no littering, and no other negative impacts on the employer.

The chief was aware that Averill's leaflet was regarding union business, namely the contract vote the following day. He testified of his understanding of

Metro policy that employees "...could not hand out leaflets for any purpose..." He testified that "...it was always a policy that you could not petition or solicit on Metro property."

The Grievance

Sister Averill filed a grievance on August 19, 1999, protesting the chief's request that she stop leafleting. As a remedy, she sought to "Allow employees to circulate petitions or distribute leaflets in non-work areas on non-work time, and that Metro post notices informing employees of their rights."

The first, second and third step hearings were held in accordance to the proper procedures outlined in the contract. Metro held fast to the position that, as employers, they had the right to limit or disallow leafleting, soliciting, or distribution of materials that were non-work related, and/or activity that would disrupt the work force

continued on page 6

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The Month at a Glance

Executive Board Report

September 24, 2002

The following officers were present: President Norton, Vice President Travis, Financial Secretary Griffin, Recording Secretary Gil, Marc Auerbach, John Bellinger, Lisa Carter, Katherine Eckhardt, John Farrell, Ninus Hopkins, Dan Linville, Joe Mangiameli, Paul Neil, Mike Rochon, Brian Sherlock, Dee Wakenight, Shirley Walker, Mike Whitehead.

Linda Anderson and Chris Daniels were on vacation, Paul Bachtel was on the disabled list.

The following business was conducted:

- Motion by Jennie Gil to authorize the purchase of an HP #7450C Scanner at a cost of \$672.67.

- Motion by Paul Griffin to authorize a budget not to exceed \$1500 to purchase a high volume laser jet printer.

- Motion by Marc Auerbach to

approve the COPE Committee endorsements and recommendations for the General election, as submitted, with the addition of \$1,000 to the 45th District Democrats.

- Motion by Joe Mangiameli to authorize the standard turkey motion for the Christmas draw, same as last year.

- Motion by Marc Auerbach to approve up to \$15,000 for the 2003 COPE incentive awards.
- Motion by Joe Mangiameli to send two people to the Public Transportation Conference in Wenatchee, Sept 16 through 18, 2002, paying lost time, transportation, registration and lodging and per diem.

- Motion by Dan Linville to amend the COPE Committee's recommendations to add an endorsement for LaBorde, scratch the endorsement to Knighton, and adopt the rest of the recommendation.

Tentative Agenda

Membership Meetings:

CHARTER MEETING
Thursday, October 3, 2002
8:00 p.m.
IBEW Hall Auditorium
2700 1st Ave., Seattle, WA

MORNING MEETING
Friday, October 4, 2002
10:30 a.m.
IBEW Hall Auditorium
2700 1st Ave., Seattle, WA

JEFFERSON TRANSIT
Monday, October 7, 2002
8:00 p.m.
Port Townsend Rec Center
Port Townsend, WA

CLALLAM TRANSIT
Tuesday, October 8, 2002
7:00 p.m.
Vern Burton Memorial
Building, Port Angeles, WA

Among topics to be discussed:

COPE General election endorsements, grievance and arbitration updates, new CDL regulations.

Brother Franklin Mixon will be appearing before the membership to request his grievance be taken to arbitration.

Proposed bylaw amendment for Article X, new Section 11 will be read into the record.

Unfinished Business:

Motion by Linda Stern to contribute \$250.00 annually to the Clallam Paratransit Employee's Association. Motion commenced at the September CTS meeting, will be voted on at the October Charter, Morning and JTA meetings.

Business of the Membership

At the September 2002 cycle of membership meetings the following business was conducted:

- Arbitration requests for Craig Phinney, Gary Karpenko, Bob Martinsen and Craig Inman et.al. were approved by the membership.

The following members were September pot draw winners: Brian Sherlock at the Charter meeting, Jim McKenzie at the morning meeting, Pam Thompson at JTA. CTS pot draw winner was Ed Stannard. Rolling CTS pot draw of \$225.00 was lost by Brad Bolster. Next month's pot will be \$250.00.

IN LOVING MEMORY...

As long as I can I will look at this world for both of us. As long as I can I will laugh with the birds, I will sing with the flowers, I will pray to the stars, for both of us.

— Sasha

Chuck Carlton, passed away September 16, 2002. Chuck joined Local 587 in June of 1968.

Brother Carlton dedicated a good portion of his career to service of the membership. He served a term on

the Executive Board from 1975 to 1977, and was elected as Vice President in 1977. He was the last of the part-time Vice Presidents, before it became a full-time office in 1979. After a single term as Vice President he went on to serve another stint as Executive Board Officer. He is remembered with deep respect as one who set aside political differences and worked faithfully and harmoniously with the same officers he had opposed in a previous election, always keeping the greater good of the membership as his top priority. After his retirement in 1983, he joined with fellow retiree Jim Wade to found the ATU 587 Retiree Chapter. Chuck and



Chuck Carlton, 1984, upon re-election to the Executive Board.



Chuck was a regular attendee at retiree functions, even appearing when health constraints would have stopped or at least slowed many of the rest of us.

Jim kept our retirees informed and in touch for many years, making the annual Retiree picnic and Christmas Luncheon a great success. Chuck will be greatly missed.

Sally Lauridsen, passed away September 8, 2002, of a heart attack. Sally came to Local 587 in March of 1987 as a Part-time Transit Operator, going Full-time in March of 1991. Sally was an active member at the time of her passing, working out of North Base. She will long be missed.

James Horner, passed away May 15, 2002. No further information available.

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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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

Safety is No Accident

By Executive Board Officer Dee Wakenight

Editor's Note: If this article gives you a strange sense of déjà vu, it's only because it ran in June but the seminar had to be canceled due to scheduling conflicts.

MARK YOUR CALENDARS, AND plan on attending the first in a series of infor-

mational seminars sponsored by Local 587. This first seminar will be held Saturday, October 19th, 2002, in the main hall of the IBEW building, starting at 9:30 a.m. It is scheduled to end at 11:30. This session represents your Shop Steward Committee's new educational series, featur-

ing half day training segments.

Our first session is on filling out accident reports. To start it off on the right foot we will have South Base Safety Officer Frank Waynewood as our guest. This win-win training is an opportunity for every member. When we know how to better fill out the necessary paper work it makes life easier for all of those involved in the process, and then the process may actually work.

Some classifications use this skill less often than others, but this is a necessary skill for continued employment. This training was originally planned for the Shop Stewards only, but on further discussion your Shop Steward Committee agreed it should be expanded for the benefit of all members. This is a forum and opportunity to ask both a safety officer and some of your stewards and Executive Board Officers about accident

SHOP STEWARDS' CORNER

prevention and what to do in the event one happens to you.

There will be a limited number of half-day courtesy details available for those wishing to attend but have a work conflict. Courtesy detail means that you will be off work but the Union will not cover your time loss. In order to fill the service, Metro can only allow a limited number of employees to be off at the same time, so get your request in early so you are not left out.

I am excited about this opportunity for training in the field of accident reports as we all need to know more, and gain a better understanding of the ins and outs of the reporting process. Remember that safety is no accident.

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. Arbitrator upheld termination and awarded a cash settlement for violation of due process. Grievance final.
- 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. Arbitration scheduled for October 28 and 29, 2002.
- Craig Phinney:** Grieved termination due to gross misconduct and inappropriate use of County email. Arbitration approved at the September cycle of meetings. Schedule pending.
- Gary Karpenko:** Grieved termination due to gross misconduct and inappropriate use of County email. Arbitration approved at the September cycle of meetings. Schedule pending.
- Bob Martinsen:** Grieved termination due to gross misconduct and inappropriate use of County email. Arbitration approved at the September cycle of meetings. Schedule pending.
- Carl Inman, et.al.:** Grieved improper assignment of overtime at Bellevue Base, Maintenance. Arbitration approved at the September cycle of meetings. Schedule pending.

Upcoming at ATU...

OCTOBER 2 – Shop Steward nominations for Transit Operators and Vehicle Maintenance close.

OCTOBER 10 – Shop Steward elections for Transit Operators and Vehicle Maintenance at worksites requiring election.

OCTOBER 12 – ATU Local 587 Women's Committee Second Annual Dancin' to Beat Cancer Bash, IBEW Main Auditorium, 6 to 9 p.m. Bring the whole family!

OCTOBER 29 – Executive Board meeting.

Defeat the Enron Agenda

By Executive Board Officer Marc Auerbach

ENRON MAY BE GONE BUT THE Enron Agenda lives on in Washington state. The Big Business lobbies have their game plan. They want more of the Enron Economy — privatization, deregulation, and tax breaks for big corporations.

They want to solve the budget crisis at the expense of public employees and public services (anything but real tax reform that would force them to pay their fair share).

They want to make sure that new policies to protect workers from ergonomic injuries never see the light of day.

If they could they would repeal last year's legislative victories giving collective bargaining rights to state employees and higher education workers.

Make no mistake about it. It is only a matter of time before they come after transit workers in Washington.

They will say that paying union wages to transit workers is an example of "waste" in gov-

ernment, and that these services could be provided much more "efficiently" if they were contracted out to the lowest bidder.

Republican King County Councilman Rob McKenna has raised the specter of transit privatization in the past. And he has been complaining for years that the County spends too much for employee medical benefits.

We are in a never-ending battle to prevent the corporate Special Interests from gaining complete domination of our state's political system.

The most powerful tool we have at our disposal in this battle is US. If we get ourselves together and get involved, Washington's 500,000 union members have the power to defeat the Enron Agenda. But it will take thousands of union volunteers to make this work.

So do yourself a favor. Help protect your job and your family from the Enron Agenda. Sign up today to participate in the Labor Neighbor program.

Labor Neighbor is a grassroots political program for union members. **Labor Neighbor** is organized by the Washington State Labor Council to build a strong voice for working families in the political arena.

On a **Labor Neighbor Days** day, hundreds of union volunteers walk the districts and work the phones to let other union members know about Labor's issues and the candidates that support our agenda.

**ATU 587
Labor Neighbor Days
Sunday, October 20th
Tuesday, November 5th**

This weekend has been designated for an ATU 587 Labor Neighbor Days. ATU members will join together with members of other unions to participate in the Labor Neighbor program. Exact times and locations are still being determined.

**To get involved call (206) 979-1280.
Or e-mail: mauerbach@wslc.org.**

If these dates do not work for you, there are plenty of other opportunities to participate, so please get in touch.

For more info on Labor's legislative agenda go to the Washington State Labor Council Web site: <http://www.wslc.org/legis/index.htm>

Letters to the Editor...

ARG Compliance

Dear Editor:

I was recently called in by my chief to confront a "Performance Report" alleging my failure to call out stops as per the Americans with Disabilities Act (ADA). Apparently, some Metro "mole" had ridden my Route 169 bus from the Kent Park & Ride to the Renton Transit Center to check up on me. I say "mole" because the person never identified her/himself or let me know she/he would be basically ride checking me.

At first, I was shocked — I was sure I'd called out the stops required. But I was informed that not only the "landmarks" had to be called out (such as "South Renton Park & Ride") but also the street location of the landmark (Grady & Shattuck). This seems to me like requiring a New York City train conductor to add the street address when calling out "Grand Central Station".

So I was very interested to read the letter by sister Ilene Weber (*News Review*, August '02), explaining that she'd refused to accept the George Turner Award for her service to the disabled community. Demonstrating a severe lack of a sense of either tact or the ridiculous, Metro had stapled her award to a notice of a "PR" regarding her own alleged failure to comply with the ADA call-out rules.

But those who try to abide by these rules may find this difficult to do. My route 169 Announcement Reference Guide (the acronym "ARG" seems very appropriate) contains several errors. The first thing that supposedly must be called out when leaving the Kent Park & Ride is...The Kent Park & Ride! (My route 128 and 181 ARGs also list their starting terminals as the first stop to be announced, so it would appear this peculiarity is a feature of all ARGs). Since no driver I know (or can imagine) wants to be any more confusing than necessary, I'm betting very few drivers actually call out the terminal where all their passengers just got onto the bus.

The ARG next lists the "intersection" of Central Avenue &

State. The trouble is, these streets do not intersect—it's Smith Street that crosses first Central and then State when heading eastbound.

So what is the driver supposed to do? Announce Central Avenue AND Smith and State? (Even though Smith isn't listed on the ARG at all.) Would the driver get "extra credit" for calling out Smith? My having called out 4th and Smith and the Regional jail didn't help any.

The third intersection listed is 104th Avenue SE and SE 156th for the Virginia Mason Clinic. But, SE 156th would put you somewhere in Renton. The actual cross street for this Virginia Mason Clinic is SE 248th. This makes the Route 169 ARG "0-for-3" for common sense and accuracy. So if the driver skips the initial Kent Park & Ride announcement then corrects the next two, she/he has technically "missed" 5 of the 20 announcements listed on this ARG. Thus the driver is already down to 75% compliance. (Don't miss another!)

I will do my best to abide by the ADA rules—that is, when they make sense, the ARG information is accurate, and the announcement of stops does not constitute a hazard to safe driving. (Good luck to those who work the board and/or at night!)

Are Sister Weber, myself, and a handful of others the only drivers who feel this way about the enforcement of the ADA rules? If not, more drivers need to speak up and protest the situation.

Sincerely,
Michael Spence, #2396
South Base

Shepherd Report

Editor's Note: Members still ask about the welfare of former member Bill Shepherd, who is nearing the end of his sojourn at the Monroe Honor Farm after an unfortunate encounter on the streets of our fine city. Bill had been out and about on his day off, and tangled up with a citizen with whom he had a disagreement about right of way in a

crosswalk. Bill recently checked in with us again and sent these words to the membership.

Dear Boys & Girls of Metro:

Well, Good Golly Ms Molly,...by the time ya read this...only 8 months to go, single digits finally! As we say around here, your final year is obviously the shortest, and of course, every date that passes since 6/7 will not be repeated at this address.

Doing all kinds of interesting things up here at Green Acres—they let me have my very fine handmade Gibson (1913) A4 Mandolin and my 1952 handmade 000-18 Martin guitar—both fine wine indeed. No Cajun or Zydeco accordions or bagpipes, but oh well, it ain't long now. Also making longtime friends with the wild crows from the mountains and rivers around here!

...I did have some grandiose plans about becoming large and strong again, but find that my ego is my worst enemy in the weight room and I'll tell ya what...if you're an older person planning to exercise...baby exercises for the first many months! No kidding...otherwise your (my) tendons will protest mightily and your progress will be slower than a mole's ass in January. A hard lesson to learn, because one's ego doesn't give up easily. Be careful out there.

Also, writing stories and songs; been elected to rep for a long time now, and serving on our Activity Committee. And lots of the old friends I've made here over the last 26 months have returned to the free world—and of course anybody I make friends with is a trustworthy soul and will no doubt be okay. Miss them though. Miss you all too. See you all next June.

Bill Shepherd

SEATTLE CHAPTER of the LATINO CAUCUS

WILL MEET ON
OCTOBER 3, 2002
(just before the Charter meeting)
7:00 p.m.

IBEW Main Auditorium
2700 First Avenue
between Cedar and Clay

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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Views and
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articles are those
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Local 587

ATU LOCAL 587
WOMEN'S COMMITTEE
Presents
2nd ANNUAL
"DANCIN' TO BEAT CANCER BASH"
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Critical Incident Stress Management (CISM)

By Jim Busby, Mechanic at Ryerson Base and CISM Team Member

“**C**RITICAL INCIDENT STRESS Management Team Peer Support Person” —how’s that for a title? I was once told you could tell how important one was by how long one’s job title was. I hope that is true. I had the honor of joining a small, dedicated group of individuals that represents Metro’s CISM Team at a training provided by the CISM International Foundation. The Foundation, a non-profit group, got its start in 1989 by emergency services personnel, dedicated to the prevention and mitigation of disabling stress. Somewhere along the line, someone figured out that operating a city transit coach can be very stressful and should be included along with firefighters, police, medical and other emergency responders.

When you think about it, a pilot has a copilot, crew and locked door while operating the

plane. A boat captain has a crew and trains have support personnel. A transit operator has a vehicle that’s up to 60 feet long, 12 feet wide and must operate in areas so congested that most folks don’t even like driving a small car. In doing so, the operator has the best and, sometimes, the worst society has to offer in that bus. If there’s trouble, it’s highly possible that the operator will be temporarily alone for a while, depending on the circumstances.

The CISM services are free of charge and totally confidential to all transit service workers. Transit personnel, supervisors and chiefs are capable of identifying personnel in need and recognizing significant incidents that may warrant a debriefing. In addition, operators or any transit employee may personally request a debriefing following a traumatic event. A debriefing is

most effective some 24 to 72 hours after an event but the professionals say any time can be helpful. A request should be made, as soon as possible after the incident. One may call the CISM Team hotline any time at (206) 263-3761.

On September 5th through the 8th, with financial help from the union and Metro, our team was able to continue our ongoing educational requirements at the Annual CISM Conference in Wenatchee. It was four days of very intensive, hands-on classes, workshops and seminars. It felt like a week’s worth of course work squeezed into a very tight schedule in four days. Some of the courses included were: Neurobiology of Fear, Life in the Emergency Department, Violence in the Workplace, Compulsive Behavior, Adapting CISM for School Trauma, CISM in Native American Communities,

CISM Peer Support and Field Therapy. This was a lot to take in during the four-day conference. The instructors were firefighters, peace officers, nurses, EMT’s and psychologists that have served the public at Hurricane Andrew, the Oklahoma City bombing, the TWA flight 800 disaster, the shootings at the Colorado high school and the World Trade Center Towers in New York.

I would like to stress the fact that we are not counselors, but are available as “peer support” for union and Transit personnel. When I was first accepted as a CISM Team member, one of my team mates stated, “If I can make one person’s day a little bit better, I have achieved my goal”. I might suggest that is the mentality of our whole group. We especially want to thank all the members of Local 587 for helping make these services possible.

Phone Calls and Tidbits

...from the desk of the Recording Secretary

- No matter how old the picture we print, someone always comes up with additional information to correct, clarify or expand. The June *News Review* ran a picture of a couple Local 587 picketers. The caption said we were unsure as to whether it was the strike of ‘41 or ‘56, nor could we identify either party in the picture. Several folks called in to inform me that the picture had to be of the 1956 strike, given that the vehicle in the background was a Buick circa 1952-54. Brother Vern Grove called in last month to report that the short fellow on the left was Brother Jimmy Runyan. Brother Grove stated our members walked the picket line for nine days, and settled the strike for .09¢ per hour increase in pay. When he started in 1951, the hourly wage was \$1.69 per hour, so .09¢ was a big deal. Vern reported he had left a \$1.48/hour job in order to come to Seattle Transit to work. Next question I would like an answer to is: “Does anyone know what happened to Brother Runyan?” Just curious.

- The following is a public service announcement from the Financial Secretary. There is a new scam that involves a fictitious IRS form 9095. **All members need to know that there is no such official IRS form.** In an attempt to steal your identity, these forms ask for information such as social

security number; mother’s maiden name; financial institution information (such as account numbers and opening dates, etc.); address; phone number and other details that should remain secure. Then when the perps contact your financial institutions, they appear legit. If you have received and completed one of these forms, you should IMMEDIATELY notify ALL financial institutions you do business with, call the fraud department of each of the 3 major credit bureaus to report your identity has been stolen, file a police report (keep a copy of the documents you file), and contact the IRS hotline to report the incident. I would not have remembered Financial Secretary Griffin’s warning on this scam, but while on vacation with my mother, I noticed her AARP magazine also carried an alert about this scam. Beware!

- The International is looking at going truly international. Your International ATU officers are looking into the feasibility of accepting as an affiliate a union that represents subway workers in Bucharest, Romania. The Romanian union, Uniunea Sindicatilor Librere Metrou (USLM), was founded immediately after the 1989 government overthrow, with help from the AFL-CIO. Today they have 5,200 members, earning \$200 per

month, which constitutes twice the national average for Romania. USLM President Ion Radoi has been at the last two ATU International Conventions, studying the American labor movement and exploring the idea of an international affiliation. While there are many differences between the way the USLM conducts their business and how we conduct ours, many of the same management threats and issues are the same. Privatization is as big an issue in Romania as it is in the U.S. Look for further information in both this publication as well as your In Transit magazine, as things develop.

- And in the smoke and mirrors department, it has come to our attention that we have met the terrorist enemy... and they are us! Our fearless leader and slayer of terrorist dragons, GeeDub, has threatened to

veto legislation that would create a new federal Homeland Security department unless it does away with the rights of federal employees at the agency to unionize and to keep civil service protections. Claiming that the security of the nation depends on preventing workers from organizing, The

continued on page 6



Congratulations! Much hard work and study went into the effort that has culminated in Brothers David Jones, Piero Procaccio and Arvin Vulliet graduating from the mechanic apprentice program. There were a total of nine people in this program. As these three have graduated, three new people have been selected to enter the program. Pictured here at the graduating ceremony are George Stites, Fleet Engineering Supervisor, Arvin Vulliet, David Jones, Piero Procaccio and Bellevue Maintenance Supervisor Elie Kourdahi, former Apprentice Program Administrator.

President's Report, continued from page 1

and provision of service. They felt justified in their position based on language in Article III, Section 5 (b) of the labor agreement.

On January 25, 2000, after a vote of the membership approving the grievance go to arbitration, Sister Averill's grievance was put in abeyance and Local 587 filed an unfair labor practice. Ongoing discussions were held with Metro in an attempt to resolve the issue. On May 18, 2000, after numerous attempts to craft a mutually acceptable policy, Metro unilaterally issued a revised policy concerning solicitations and distribution of protected materials on non-work time and in non-work areas. The union objected to the revised policy on the grounds that it required obtaining permission from Metro management to distribute union related materials. It also suggested a difference in rights of individual employees based on representational status or union membership.

At about this same time, Local 587's officer elections were concluded and this issue was passed along to me by outgoing President Samet. Discussions with Metro continued to no avail. Sister Averill held steadfast in her belief that her rights to free speech had been violated.

Finally, on June 18, 2001 a public hearing on the Unfair La-

bor Practice was held before the Public Employment Relations Commission. Fourteen months later on August 28, 2002 the decision was rendered. Note this was almost three years and another full round of contract negotiations and ratification after that August morning in 1999 that Linda stood outside Central/Atlantic leafleting. Justice is sure, but not swift!

Order

The Commissioner found that, upon the basis of foregoing Findings of Fact and Conclusions of Law, and pursuant to RCW 41.56.160 of the Public Employees' Collective Bargaining Act, Metro/King County had indeed violated Sister Averill's rights to freely distribute information to her coworkers expressing her opinion of proposal being voted on. The order was rather long and legalistic and can be obtained in the office if any member wishes to review it. It is truly a major victory for the members of Local 587.

The order requires the County to cease and desist in maintaining and/or enforcing overly broad rules or policies prohibiting distribution of union-related literature protected by Chapter 41.56 RCW in non-work areas and on non-work time, in the absence of compelling circumstances required to maintain an orderly work envi-

ronment. It requires them to cease and desist in any other manner from interfering with, restraining or coercing public employees in the free exercise of their rights guaranteed by Chapter 41.56 RCW.

The County is further required to take a number of affirmative actions to remedy the unfair labor practices. They must rescind any and all policies relied upon or asserted by management in their directive to Sister Averill on August 4, 1999, as well as the revised policy issued on May 18, 2000. They must include provisions that will protect the rights of individual employees under Chapter 41.56 RCW in any replacement policy.

Further, they must rescind Article III, Section 5(b) of the collective bargaining agreement which they relied upon on August 4, 1999, or similar language relating to solicitation and circulation of protected materials that might be in our collective bargaining agreement, and bargain in good faith with the union concerning replacement provisions which do not infringe on the rights of individual employees under Chapter 41.56 RCW.

The County must enforce any policies and/or contract provisions concerning solicitation and distribution of materials in a consistent manner, without regard to representational status or union membership of the employees involved. The Commissioner pointed out that it was interesting that union

members could not distribute leaflets with information on a contract vote, but solicitation of donations to the Charitable Campaigns Contribution was a County-wide affair.

The County was ordered to post a notice outlining these violations. Many of you may have already seen such notices in your bullpens or bulletin boards. They were also required to read the notice into the record at the next public meeting of the King County Council, and permanently append a copy of said notice to the official minutes of that meeting.

Tenacity and Democracy

International President James La Sala has said that the ATU is the most democratic union there is. It is so at Local 587. Not only did this local stand up for the rights of free speech for one member, but did so despite the fact that the member was speaking against the recommendations of the local's officers. Despite that, and believing that Sister Averill had a full right to her dissenting opinion, then President Samet and subsequently this Administration, backed by the entire membership, fought for her right to do so. Sister Averill herself never flagged in her belief that she was in the right on this issue, nor did she lose faith that her union would stand behind her on it either.

And that, in the end, is what it's all about.

More Questions & Answers About Referendum 51

Editor's Note: *The Washington State Labor Council and the ATU Legislative Council have endorsed Referendum 51. The following information is for the purposes of informing Local 587 members about R-51, and is taken from the R-51 campaign Web site. Local 587 has not made a formal endorsement for or against R-51.*

In A Nutshell, What Is R-51?

It's a statewide transportation plan to help fix the most dangerous roads and bridges, improve street safety near schools, relieve some traffic chokepoints and improve public transportation. R-51 can't solve all our transportation problems; instead it tackles the most urgent needs and holds government accountable for delivering results. The three cornerstones of R-51 are safer roads, traffic relief and accountability.

Which Dangerous Roads and Bridges?

There are thousands of overdue safety improvements awaiting attention all across the state. The Washington State Department of Transportation has identified 2,037 "High Accident" highway locations that require improvements to reduce the number and severity of accidents and save lives. Add to that, the 950 bridges that are in danger of sig-

nificant damage in the next earthquake that require retrofits. Of course R-51 can't fix all these problems, but it can and will help fix the most dangerous ones. And without it, we simply don't have the resources to even begin addressing the dangers. That's why the Washington State Patrol Troopers Association, Washington Council of Police and Sheriffs, and firefighters are all urging a yes vote on R-51.

How About Some Traffic Relief?

The Central Puget Sound is one of the most congested areas in the country. Rush hour drivers waste \$1,605 and 82 hours sitting in traffic every year. If you're not paying for it directly in the Central Puget Sound, you're still paying for it indirectly. The Blue Ribbon Commission on Transportation totaled the congestion related costs for the entire state at \$2 billion annually. Gridlock is a big problem for businesses and a huge obstacle to keeping jobs in state. The Washington Competitiveness Council says fixing our transportation system is the most important step we can take to attract and keep employers here. R-51 won't eliminate traffic, but it'll help complete highway and public transportation projects to provide some relief.

Which Public Transportation Improvements?

R-51 dedicates revenues to improve passenger rail, bus service, ferry service, vanpooling, park and ride lots, commute trip reduction programs and to complete HOV lanes. Public transportation advocates participated in the lengthy planning that went into developing R-51 and the vast majority of what they recommended was included in the measure.

Where Are Most R-51 Projects Located?

The high priority projects are in every part of the state. In fact the projects in R-51 were all identified by local transportation officials as priority needs for their areas. That's why you'll see more traffic relief projects in the Central Puget Sound and more rural bridge and road repair projects in less congested areas like Eastern Washington. In addition, R-51 provides revenues directly to every city and county in the state to assist in delivering overdue road maintenance and repairs.

Who Pays For R-51?

The very people who use the roads and bridges it's going to help fix. The \$7.8 billion R-51 dedicates directly to transportation improvements over the next ten

years will be financed through bonds and user taxes: a one-time 1% surcharge on vehicle purchases, a phased in weight fee increase for large trucks over 10,000 lbs (excluding pickups and recreational vehicles), and a 9-cent per gallon gas tax increase phased in over two years.

What Will the Gas Tax Increase Cost?

If you drive 12,000 miles a year and get 24 mpg, R-51's gas tax increase will cost you \$45 per year or \$3.75 per month. We all know that sooner or later we'll have to pay higher taxes to improve our transportation system. The longer we wait, the more expensive the improvements will be, and the more dangerous and congested our roads are going to get.

Can't They Cut Government Waste Instead of Raising Taxes?

The reality is that our transportation problems are enormous and there are simply not enough existing revenues to get the job done. If they cut all the inefficiencies in every arm of government, they still wouldn't have enough to fix the aging and structurally damaged bridges, make improvements to the most dangerous roads, improve street safety near our schools, or do much about traffic gridlock.

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Glen A. Travis

The Vice President's Report

Your Job Security At Stake!

Major legislative change will impact CDL

By Vice President Glen Travis

hicle. The ATU objected mightily, but to no avail.

The new penalties for non-CMV convictions are the same as the penalties for offenses committed while driving a commercial vehicle. Under the new rule, a CDL holder will be disqualified from using their CDL for **60 days** after a second conviction of a serious traffic offense involving a non commercial vehicle within a three-year period. It goes even further for a third or subsequent conviction, **120 days** of disqualification.

What constitutes serious?

The definition of serious covers a wide range of offenses. Serious violations include:

1. Speeding excessively (15mph or more over the posted speed limit).
2. Driving recklessly.
3. Making improper or erratic lane changes.
4. Following vehicles ahead too closely.
5. Violating State or Local law relating to motor vehicle traffic control (other than parking violations) arising in a connection with a fatal accident.

The disqualification period for a CDL holder convicted of a drug or alcohol-related violation committed while driving a non-CMV is **one year after the first conviction and life after a second conviction!** I hope that is crystal clear to all members. If you have a DUI already on your record, a second one could

cost you your CDL for life. The same penalties apply where a CDL holder refuses to be tested for any drug or alcohol-related offense.

No Masking of Convictions or Hardship Licenses

States will also be prohibited from masking convictions of, or issuing hardship licenses to, any CDL holder who has been disqualified or who has had his or her non-commercial driver's license or privileges revoked, suspended or cancelled. And if you aren't worried enough already, the FMCSA will also be allowed to disqualify, on any emergency basis, CDL holders who pose an imminent hazard, a condition that presents a likelihood of death, serious personal injury, or substantial danger to the public.

Rule Not Retroactive

While this new rule becomes effective on September 30, 2002, States will have until September 30, 2005 to amend their state licensing laws and regulations to trigger the new disqualification requirements. The new rule will not be retroactive, so CDL holders will not be further penalized under this rule for non-CMV violations committed before the effective date. In addition, drivers will not be penalized for violations committed before obtaining their CDL.

New Rule Opposed by the ATU International as Contrary to Federal Law.

This new rule was developed in

response to the Motor Carrier Safety Improvement Act of 1999 (MCSIA) (Public Law 106-159, December 9, 1999, 113 Stat. 1749). The Act provided for disqualification penalties on a CDL holder who commits a serious offense while operating a non-commercial vehicle, only after that person is **both convicted and has had his/her non-commercial driver's license revoked, cancelled or suspended by the state.** Despite the clear intent of Congress, the FMCSA is proposing strict penalties for numerous convictions which do not necessarily result in such State or Local restrictions on an individual's non-CMV driving privileges.

The ATU voiced its opposition to this rule in comments filed with the FMCSA last year. The ATU International is currently petitioning the Agency, along with the International Brotherhood of Teamsters, the Transport Workers Union and the Transportation Trades Department of the AFL-CIO, to reconsider the rule. Possible legislative fixes are also being investigated. We will be kept updated on any progress or developments regarding this issue.

Needless to say brothers and sisters, keep you drivers licenses valid and drive safe out there. **NO Tickets...don't Drink and Drive or be under the Influence of Drugs.** This new legislation could cost you your job. And dust off your copy of 1984 while you're at it. This over-legislation is beginning to sound familiar.

AS IF IT WASN'T HARD ENOUGH out there already! All employees required to have a CDL will now have a new reason to be concerned about keeping on the right side of the law. Big Brother has imposed another rule to live by. If you have a CDL (Commercial Drivers License) now non-CMV (commercial motor vehicle) convictions will have significant impact on your ability to keep your CDL safe and intact. In plain English, **convictions you have while operating your own personal vehicle on your own time could lose you your job.**

On September 13, 2002 this office received a memorandum from our International Union Headquarters outlining the new legislation issued by the Federal Motor Carrier Safety Administration (FMCSA). States will be **required** to disqualify a commercial driver's license (CDL) holder from driving a commercial vehicle if they are convicted of *certain serious traffic violations committed while operating a non-CMV.* This means you can lose your CDL for tickets issued while driving your own vehicle. Disqualification will also be required following any conviction for a drug or alcohol-related offense committed while driving a passenger ve-

Phone Calls and Tidbits, continued from page 5

President stated that to have union rules would prevent him from protecting the Homeland by saddling him with "a big fat bureaucratic rulebook." *Al contrario, Mario!* Texas AFL-CIO President Joe Gunn said Bush's position on the Homeland Security bill is an insult to the union workers who responded to the Sept. 11 attacks. "...Firefighters, police, medical personnel, construction crews called on for repairs and a wide array of other union members have never flashed union cards or cited contract provisions when the safety of the nation is at stake", said Gunn. "Organized labor has a long, honorable record of defending the U.S." Connecticut's Senator Joseph Lieberman accused The President of turning the national security bill into a labor-management dispute. GeeDub, on the other hand, questions our patriotism. "More and more people understand that being a patriot is more than just

putting your hand over your heart and saying the Pledge of Allegiance to a nation under God..." I think that means that workers should give up protections in the work place and living wage jobs and allow corporate profits to skyrocket in the name of national security. If I recall correctly, Mr. President, the last line of that pledge goes: "With liberty and justice for **all.**"

• While we are on the topic, in August the International Association of Fire Fighters voted unanimously to boycott a national tribute to firefighters who died on Sept. 11, in an angry response to President Bush's rejection of a bill that included \$340 million to fund fire departments. The IAFF, the umbrella organization for the nation's professional firefighter unions, was more than a little offended by The President's rejection of a bill that included monies for equipment and training grants requested by some of the nation's

18,000 fire departments, as well as monies to improve the communications systems for firefighters, police officers and other emergency personnel and for long-term health monitoring of emergency workers at the Ground Zero site where New York's World Trade Center towers once stood. IAFF general president Harold Schaitberger said of Bush's remarks expressing sympathy and admiration for the firefighters who responded to the Sept. 11 attacks, "Don't lionize our fallen brothers in one breath, and then stab us in the back by eliminating funding for our members to fight terrorism and stay safe." R. Michael Mohler of the Virginia Professional Fire Fighters Local 774, who made the boycott motion at the IAFF's first national conference since Sept. 11, said "The president has merely been using firefighters and their families for one big photo opportunity. We will work actively to not grant him another photo op with us." Ouch.

• ...And on a somewhat less

global and more personal note: Got college age kids? Got kids planning on going to college **next year?** The first lesson we learned in my household is that scholarship deadlines come way before application and registration begins. For anyone who may not have noticed on the Web site or the bulletin board, the ATU 2002-2003 Bryan Guay Memorial Scholarship application forms are now available at the union office. The scholarships this year are in remembrance of Bryan Guay, one of four members from Local 279 who tragically lost their lives while working in the maintenance shop at O.C. Transport in Ottawa. The program will consist of five scholarships, each in the amount of \$2,000. Every little bit helps. In addition, a \$1,000 scholarship may be awarded to a vocational school applicant. For a form, please call staff at the union office at 206 448-8588, and ask them to send a copy of the ATU Scholarship application. **The deadline for submission is January 31st, 2003.**

Retirees' Corner

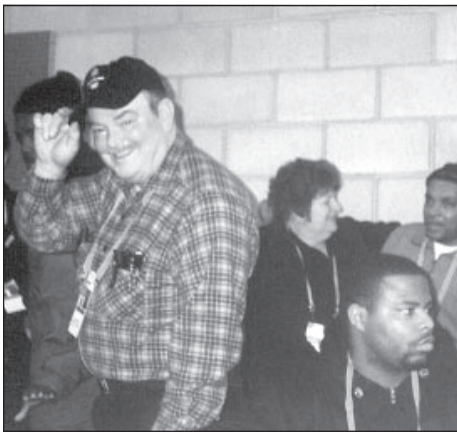
Uncle Miltie goes to the Olympics

By Milt Merkel

Editor's Note: Retired Metro/King County Transit Operator Milt Merkel, affectionately known as "Uncle Miltie" by his coworkers, signed up to drive bus during the Winter Olympics held in Salt Lake City this last winter. He sent in a short account and pictures of his experiences to share with the membership. Recognizing that everyone's experiences were different, if any other 587 member wishes to share theirs, we look forward to printing it. Pictures would be most welcome and can be returned upon request.

THIS IS A SHORT NOTE ON THE 2002 Winter Olympic Games in Salt Lake City, Utah.

There were 106 drivers and mechanics from Washington and when I got to the airport I think



Old friends and coworkers greet each other, happy to see a familiar face.

they were all there and I knew most of them.

We arrived in Salt Lake at the same time as 4 other flights, over 700 drivers and mechanics. They took us from the airport to the team processing center to have our drug testing, security check and pictures, for ID pass, our uniforms, all of which took five hours.

After that they took us to our hotel in Evanston, Wyoming, tired, cold and hungry, at about 11:30 p.m.. They had sack lunches at the hotel for us.

Monday they took all of us to Park City maintenance center where they told us of the things to watch for and how to handle the passengers, etc. Then after that they took us into Salt Lake for a welcome dinner, which was really good. They had several speakers.

Tuesday they took us to Park City parking lot to drive buses on the route that we would be driving. Some drove the Park City route, some at Soldier Hollow where I drove out of, and others at different routes around and in Salt Lake City.

Wednesday some went to work and others had the day off. In the afternoon they took us that wanted to go to the dress rehearsal for the opening ceremony. It was beautiful, but cold. [The temperature was] six degrees and a wind.

It was awesome to see how

many people are involved in such a great event. There were 2,000 buses from all over the country, General Motors provided 5,000 vehicles for the Olympic Committee.

The security was tight but none of the passengers complained. In fact, they all were very friendly. Mike Balsiger, a guy from New York, a guy from Illinois, one of the ladies from Tennessee, and I had same days off. One day we went to Park City and while we were there we seen the running of the Olympic Torch.

One day we had off we went into Salt Lake City, 83 miles from Evanston. We [saw] the Temple

and went through the Tabernacle and heard the organ played for half an hour. It was beautiful.

I knew a lot of the drivers. Some from International Bus Rodeos, one guy hollered "Merkel!" when we got to the hotel lobby. I had met him at 2 different rodeos, he was from Boston.

All the drivers got to keep their uniforms, and when we left for home they gave all of us a watch and other things.

It was a wonderful experience and I am ready for the next one.

Milton M. Merkel.

Retired and loving it.



Uncle Miltie sits with friends during an informational meeting. See any other ATU members among this crowd?



Even management got invited to this party. Retired South Base Chief John Lamb figures prominently in this picture at a table with other Metro folk.

Referendum 51 Q&A, continued from page 6

What Happens if R-51 is Defeated?

"Without Referendum 51, we will not have enough revenues to complete the referendum's road safety projects. With Referendum 51, we can start fixing the most dangerous roads and bridges." - Paula Hammond, Chief of Staff, Washington State Department of Transportation

And How Can We Trust Government To Deliver Actual Results This Time?

R-51 doesn't force us to trust government. Rather than leave anything to chance, the referendum is full of checks and balances to make sure they spend our taxes right and deliver results. It provides a specific high priority list of transportation projects to receive new revenues and then tracks the revenues and the delivery of improvements from start to finish. New revenues must be deposited into transportation-only accounts. Further protection is provided by the state constitution, which requires every penny of gas tax revenues to be used only on transportation improvements. R-51 also requires mandatory audits

four times a year to track exactly how those revenues are being used, the progress being made on each improvement and the expected completion date. A full accounting of all of that information must also be made available to the public. Taxpayers have a right to know exactly what they're getting for their money. With R-51, they will know.

Who Is Supporting R-51?

A broad and growing coalition which includes the Washington State Patrol Troopers Association, Washington Council of Police & Sheriffs, Firefighters, Association of Washington Business, Washington State Labor Council, Parents, Public Transportation Advocates, Commuters and Taxpayers. Dangerous and congested roads affect all of us. We have an enormous job ahead. The longer we wait to get started, the more expensive and difficult the job will be.

For more information and a listing of projects to be funded with R-51 money go to: www.yesorr51.com.

RETIREE CHAPTER MEETINGS

Every Tuesday at 7 a.m.
Mr. Bill's Restaurant
N 130th and Aurora Avenue
In North Seattle
Charter meeting
1st Saturday of the month
Colonial Pantry
Firdale Village, Edmonds
7 a.m.

The Retiree Chapter would like to set up an additional meeting in the south end, to be held regularly at about 9 a.m. Need someone to find a no-smoking venue, a coffee shop or something that will accommodate at least 20. Preferably in the area of Tukwila or Kent, with easy access. Please send any suggestions to Retiree Chapter Chair Dave Carter at the Union office, or forward an email to the Recording Secretary at gil@atu587.com.