

AMALGAMATED TRANSIT UNION

Division 757



Schoppert Hall
1801 NE Couch St, Portland OR 97232-3054
Phone 503-232-9144 • FAX 503-230-2589

Jonathan J. Hunt
President-Business
Representative

Sam F. Schwarz
Vice President-Assistant
Business Representative

Evette D. Farra
Financial Secretary-Treasurer
Recording Secretary

December 7, 2010

Neil McFarland
General Manager
Tri-County Metropolitan Transportation District
4012 SE 17th Avenue
Portland, OR 97232

TELEFAXED ONLY

Re: Outstanding Arbitrations

Dear Neil:

The parties currently have 73 pending arbitrations. I write to suggest that certain of these grievances would be appropriate to take through the mediation/arbitration process. Specifically, I believe the parties should submit the following to that mediate/arbitrate process:

Grievance #	Topic	Grievance #	Topic
6432	Fixed Vacation Weeks Rescinded	7453	Denied Lunch Break
6917	Denied Funeral Leave	7389	Work Out of Classification
7086	Denied Pay	7554	Bus Dispatch System Policy
7161	Unsafe Buses (2100 Series)	7624	Denied OT
7191	Denied OT (Grand Floral)	7681	Time Loss Letter
7233	Denied OT	7716	Denied Overtime

I look forward to reading your thoughts on this proposal. Thank you for your time and attention.

Very truly yours,

Jonathan J. Hunt
President-Business Representative

ATU

JAN 19 2011

RECEIVED



January 18, 2011

Mr. Jon Hunt
President – Business Representative
Amalgamated Transit Union #757
Schoppert Hall
1801 N.E. Couch Street
Portland, Oregon 97232-3054

Re: Outstanding Arbitrations

Dear Jon:

Thank you for your December 7, 2010 letter to Neil regarding pending arbitrations. We currently have the following grievances at the arbitration level that have been scheduled for mediation this month: Grievances 7144 and 7146 (scheduled for mediation January 19, 2011) and grievances 7249 and 7250 (scheduled for mediation January 27, 2011).

With respect to grievance 6432, our records indicate this grievance has been closed. As for the other grievances listed in your letter, we believe those are appropriate to proceed to arbitration rather than mediation.

Sincerely,

A handwritten signature in black ink that reads "Shelly Lomax". The signature is written in a cursive, flowing style.

Shelly Lomax
Executive Director Operations

cc: Evelyn Minor-Lawrence



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February 14, 2011

Neil McFarlane, General Manager
TriMet
4102 SE 17th Avenue
Portland, Oregon 97202

Dear Neil:

I haven't heard back from you concerning Shelly Lomax's' recent letter to the Union wherein she announced TriMet's intention to process all pending arbitrations through the traditional arbitration process.

As you know, with more than 91 grievances currently pending arbitration, the cost to TriMet using the traditional arbitration process could cost taxpayers over two million dollars. These expenses would represent arbitrator, court reporter and legal representation costs to TriMet alone. This makes no sense for an agency that claims it is financially impaired.

The parties have two options available to reach resolution to these current outstanding disputes. The mediation/arbitration process, which has already been mutually agreed to by the parties, or the expedited arbitration process as provided for in the parties' collective bargaining agreement.

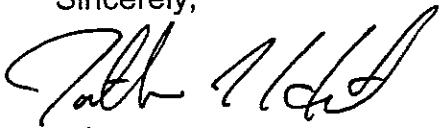
Some TriMet managers in the past have argued against using either process, claiming that the outcome would be too important and pose an adverse precedent for future grievances. Don't fall for that claim, for it is bogus.

Both the mediation/arbitration and expedited arbitration procedures provide that "no decision by an arbitrator shall be deemed to establish practice or any precedent for future proceedings." That means the claim that an adverse decision to TriMet could cause adverse implications to the agency in the future, is simply not true.

While TriMet continually states that it is looking in all areas to reduce taxpayer's cost to operate the agency, it is a "no brainer" to resolve these outstanding issues by the lowest cost means available, while at the same time, protecting both sides from any precedent setting action that may implicate future cases. As stated previously, termination cases would be excluded from the mediation/arbitration and expedited arbitration process unless the parties mutually agreed.

Let's move ahead today Neil. I look forward to hearing from you within the week so that we can begin resolving these outstanding issues, while at the same time saving taxpayers millions of dollars.

Sincerely,

A handwritten signature in black ink, appearing to read "Jonathan J. Hunt". The signature is fluid and cursive, with a large initial "J" and "H".

Jonathan J. Hunt
President-Business Representative

c: TriMet Board



February 22, 2011

VIA: FAX & Regular Mail

Jonathan J. Hunt
President – Business Representative
Amalgamated Transit Union 757
1801 NE Couch Street
Portland, OR 97202

Re: Arbitration List

Dear Jon,

Neil asked me to respond to your February 14, 2011 letter regarding those grievances currently at the arbitration level of the process. As I reviewed our grievance files, it took a little more time to determine the current posture and status of the outstanding grievances than I had originally anticipated.

As a starting point, the District's list of open grievances at the arbitration level is 75 rather than 91. I've enclosed a list of the grievances the District has in its files and have attempted to articulate both the specific status of the grievance and what we think the appropriate next steps might be ("Attachment A"). Please let me know if you have others so that we may clearly identify all outstanding grievances.

Below, I have outlined a brief narrative explanation of the District thought process in creating Attachment A. I have provided the page number for easier reference:

PAGE 1 – Attachment A

1. Of the 75 grievances, 15 are the "Green Line Grievances," which have been consolidated for a single arbitration scheduled for April 19-22, 2011.
2. Of the 60 remaining grievances, the parties are arbitrating the Paul Cooper (#7614) and Brian Christeson (#7643) terminations. The Cooper arbitration is scheduled for May 11-13, 2011 and the Christeson arbitration will be scheduled soon.
3. Of the 58 remaining grievances, seven should not be arbitrated for the following reasons:
 - a. The ATU and District had prior agreements to close three (Grievance #6548, #7162, #7282).

- b. The ATU and District have agreed to stay one pending the outcome of the grievant's civil suit (Grievance #7319).
- c. Grievance #7845 was untimely filed, so we do not consider this an outstanding grievance.
- d. The District's understanding is the ATU wants to move one grievance to arbitration even though the Step 3 Grievance Committee unanimously denied it (Grievance #7730).
- e. With respect to Grievance #6882, the District has a proposal for resolution that was sent to the ATU for review.

PAGE 2 - Attachment A

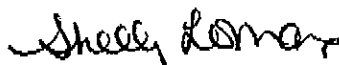
- f. Of the 51 remaining grievances there are five that I would be open to discussing with you in person to see if some compromise might be reached. I would include the appropriate District Director and I imagine you might want to include the applicable Executive Board Officer. These are indicated on Attachment A. If you are interested in discussing a possible resolution of these five items please let me know.
- g. Of the 46 remaining grievances, 36 involve terminations or other issues we think appropriate to submit for regular arbitration, again, as indicated on Attachment A.

PAGE 3 - Attachment A

- h. There are four Assistant Supervisor grievances that we would recommend combining for a single arbitration (Grievances 6947, 7055, 7438 and 7439).
- i. As for the remaining 10 grievances, we agree that six of these would be appropriate for the expedited arbitration as set forth in the Working and Wage Agreement. These are indicated on the enclosed list.
- j. The last four grievances include three HR grievances and one Customer Service grievance.

I would be happy to discuss the status of the grievances outlined in Attachment A. I do agree that this backlog of grievances must move toward resolution in a timely manner. Both parties have qualified people within their organizations to achieve resolution in an economical and expeditious manner.

Sincerely,



Shelly Lomax
Executive Director, Operations

Enclosure

c: Neil McFarlane
Evelyn Minor-Lawrence
Tom Nielsen
Rock Scott
Hayden Talbot

ATTACHMENT A

griev #	department	grievant	filing date	grievance_type
Green Line Arbitration Scheduled April 19-22, 2011				
6807	Rail Mow: Mow	Marshall, Rodney	11/13/2006	Contracting Out/Subcontracting
6915	Rail Mow: Mow	Mouser, Joseph	02/27/2007	Contracting Out/Subcontracting
7037	Rail Mow: Mow	Mouser, Joseph	09/28/2007	Contracting Out/Subcontracting
7117	Rail Mow: Mow	Mouser, Joseph	11/16/2007	Contracting Out/Subcontracting
7246	Rail Mow: Mow	Pucik, John	06/12/2008	Contracting Out/Subcontracting
7247	Rail Mow: Mow	Mouser, Joseph	06/06/2008	Contracting Out/Subcontracting
7248	Rail Mow: Mow	Mouser, Joseph	04/08/2008	Contracting Out/Subcontracting
7251	Rail Mow: Mow	Mouser, Joseph	07/31/2008	Contracting Out/Subcontracting
7280	Rail Mow: Mow	Mouser, Joseph	09/17/2008	Contracting Out/Subcontracting
7281	Rail Mow: Mow	Pucik, John	09/11/2008	Contracting Out/Subcontracting
7315	Rail Mow: Mow	Atu, 757	10/24/2008	Contracting Out/Subcontracting
7316	Rail Mow: Mow	Mouser, Joseph	11/06/2008	Contracting Out/Subcontracting
7354	Rail Mow: Mow	Mouser, Joseph	11/17/2008	Contracting Out/Subcontracting
7665	Rail Mow: Mow	Dyal, Michael	01/07/2010	Contracting Out/Subcontracting
7666	Rail Mow: Mow	Dyal, Michael	01/29/2010	Contracting Out/Subcontracting
Paul Cooper Arbitration Scheduled for May 11-13, 2011				
7614	Rail Trans: Operators	Cooper, Paul	11/25/2009	Discipline - Termination
Ready to Strike Arbitrators				
7643	Bus Trans: Powell	Christeson, Brian	01/25/2010	Discipline - Termination
Grievances ATU and TriMet agreed to close, but no closing notice received by TriMet				
6548	Bus Trans: Center Street	Everett, Robert	03/28/2006	Discipline - Termination
7162	Bus Trans: Center Street	Atu, 757	03/10/2008	Safety
7282	Rail Mow: Mow	Pucik, John	07/31/2008	Bargaining Unit Work
Grievance held in Abeyance by Agreement				
7319	Bus Trans: Center Street	Ballard, Laverne	11/21/2008	Discipline - Termination
Untimely Filed Issues				
7845	Bus Trans: Center Street	Cabine, Gerald	09/07/2010	Discipline - Suspension
Grievances Unanimously Denied at Step 3 Hearing				
7730	Bus Trans: Powell	O'Connor, Daniel	04/01/2010	Discipline - Termination
Proposals to Resolve Sent to ATU				
6882	Rail Mow: Mow	Hagel, Jack	12/08/2006	Pay - Inclement Weather

ATTACHMENT A

griev_#	department	grievant	filing_date	grievance_type
Issues to Discuss				
7240	Bus Maintenance: Center Gar	Atu, 757	08/05/2008	Training
7519	Fac Mgmt-Rail	Parashos, William	06/29/2009	Work Assignment - Out of Class
7624	Bus Trans: Powell	Alexander, Khris	11/13/2009	Pay - Overtime
7846	Bus Trans: Center Street	Morris, John	09/07/2010	Discipline - Reprimand
7640	Field Operations: Rail Operati	Levingston, Mark	11/24/2009	Pay - Overtime

Arbitration Recommended				
6966	Bus Maintenance: Center Gar	Cummings, Robert	06/12/2007	Pay - Overtime
7086	Bus Trans: Center Street	Jackson, Luerine	02/01/2008	Pay - Road Relief
7233	Bus Trans: Center Street	Jackson, Luerine	06/30/2008	Pay - Overtime
7088	Bus Maintenance: Center Gar	Atu, 757	02/04/2008	Filling of Positions - Appointed Pos.
7131	Pdx Streetcar: Trans Admin	Gonzalez, Pedro	04/07/2008	Bargaining Unit Work
7158	Rail Equip Maint	Ruffin, Joe	04/17/2008	Work Assignment - Apprentice Prog
7318	Bus Trans: Center Street	Guymon, Cindy	11/21/2008	Discipline - Termination
7329	Fac Mgmt-Rail	Douglas, Le'Alys	10/06/2008	Work Assignment - Other
7366	Rail Equip Maint	Atu, 757	11/17/2008	Work Assignment - Working Cond
7453	Field Operations: Rail Operati	Forrester, Anthony	03/20/2009	Benefits - Other
7489	Fac Mgmt-Rail	Waldner, Jerry	02/25/2009	Drug and Alcohol Testing
7554	Bus Trans: Merlo	Hansen, Bruce	09/04/2009	Policy Issue
7632	Field Operations: Road Operat	Varwig, Edward	12/04/2009	Pay - Holiday
7637	Bus Trans: Merlo	Mann, Sandra	01/18/2010	Discipline - Termination
7663	Facilities Mgmt	Benes, David	01/04/2010	Contracting Out/Subcontracting
7667	Rail Mow: Mow	Dyal, Michael	01/29/2010	Contracting Out/Subcontracting
7681	Rail Equip Maint	Nelson, Jeffrey	02/09/2010	Discipline - Time Loss
7709	Rail Equip Maint	Sturdavant, John	02/19/2010	Pay - Asst/Supervisor Upgrade
7716	Field Operations: Rail Operati	Atu, 757	02/25/2010	Pay - Overtime
7726	Bus Trans: Powell	Ome'Y, Kimberly	03/30/2010	Discipline - Termination
7732	Bus Trans: Center Street	Caver, Joseph	04/09/2010	Discipline - Suspension
7784	Bus Trans: Merlo	Coleman, Ken	06/02/2010	Discipline - Suspension
7804	Bus Trans: Powell	Qouchbane, Lahcen	07/19/2010	Discipline - Suspension
7808	Bus Trans: Center Street	Siaw, Gideon	07/23/2010	Discipline - Suspension
7854	Bus Maintenance: Merlo Gar	Hong, James	08/12/2010	Work Assignment - Out of Class
7861	Bus Trans: Merlo	Orlando, Criston	09/16/2010	Discipline - Suspension
7863	Bus Trans: Powell	Nations, James	09/20/2010	Discipline - Suspension
7864	Bus Trans: Merlo	Silva, Jaime	09/21/2010	Discipline - Suspension
7868	Bus Trans: Center Street	Dorn, Jason	09/28/2010	Discipline - Termination
7893	Bus Trans: Powell	Alicea, Victor	10/25/2010	Discipline - Termination
7911	Bus Maintenance: Center Gar	Atwood, Judy	10/21/2010	Filling of Positions - Bargaining Unit Positions (bid)
7937	Bus Trans: Powell	Eide, Michael	12/17/2010	Discipline - Termination

ATTACHMENT A

griev_#	department	grievant	filing_date	grievance_type
Assistant Supervisor Issues - Arbitration Recommended Combined in one hearing				
6947	Bus Maintenance: Center	Gai Atu, 757	05/22/2007	Pay - Asst/Supervisor Upgrade
7055	Bus Maintenance: Center	Gai Stensrud, Corey	12/10/2007	Pay - Asst/Supervisor Upgrade
7438	Bus Maintenance: Center	Gai Wanless, Brian	03/02/2009	Pay - Asst/Supervisor Upgrade
7439	Bus Maintenance: Center	Gai Brook, Gary	03/13/2009	Pay - Asst/Supervisor Upgrade

Expedited Arbitration Recommended				
7314	Rail Mow: Mow	Pucik, John	11/06/2008	Bargaining Unit Work
7387	Commuter Rail: Operations	Atu, 757	01/20/2009	Benefits - Floater/Holiday
7389	Field Operations: Road Opera	Schiermeister, Misty	01/22/2009	Work Assignment - Out of Class
7490	Commuter Rail: Operations	Atu, 757	05/18/2009	Bargaining Unit Work
7570	Bus Maintenance: Powell	Gai Atu, 757	09/01/2009	Pay - Other
7604	Operations Support: Training	Ulabarro, Denise	11/17/2009	Discipline - Suspension

Human Resources Benefits Related Grievances				
6330	Human Resources: Compens:	Atu, 757	07/06/2005	Benefits - Other
6976	Human Resources: Compens:	Robbins, Elaine	06/14/2007	Benefits - Other
7470	Human Resources: Compens:	Atu, 757	03/30/2009	Leave - FMLA

Customer Service Related Grievance				
7191	Customer Service	Atu, 757	06/30/2008	Pay - Overtime