



And so you asked

By Jon Hunt • ATU Local 757 President

We have just completed one of the most anticipated election cycles in years. Although the nature of all elections is that some people will be pleased with the outcome and some will not, I believe that both as a union and a nation we are ready to unite and move on.

I want to thank everyone that joined us in volunteering this year. I know how difficult juggling the many obligations of our work and home lives can be and I really appreciate that so many of you were able to contribute. I encourage all of you to find a way to stay involved. A union that demonstrates solidarity and has an active membership is virtually unstoppable.

Recently, several of our members were

called into managers' offices without union representation. I want to remind all of you that you are protected by your Weingarten Rights. This means every member has the right to have a union officer with them when being questioned by management. You have the right to speak in private with your union officer before your meeting and you may also stop the meeting at any time to speak in private – or caucus – with your officer. If at first you do not want a union officer but later decide that you do, you still have that right.

You cannot refuse to meet with management even if management refuses to honor your request for your officer to be present, as refusing to meet with your manager consti-

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Officer Reports



TriMet Salaried Employees

As reported by
JIM FOWLER

I would like to start off by wishing everybody a very merry Christmas and a Happy New Year. It seems impossible that this year is almost over, time seems to be flying by. It's also time to remind everyone to party responsibly. If you must drink, don't drive. If you lose your CDL due to a DUI you will lose your job. Since we're talking about your CDL, you can also lose it if you're involved in an accident and you have no proof of insurance. Please be sure those premiums are paid.

Field Operations is in the process of hiring and training 15 new supervisors: 9 rail and 6

bus. I believe we now have 5 new dispatchers and are about to train 4 new controllers. Congratulations to all of you who have chosen a new career path.

At Step 3 grievance hearings in November the ATU was arguing that when we have a major service disruption at Rail we feel rail supervisors should be brought in on overtime to help cover the District when the regular supervisors are covering the incident. You may remember last spring when an auto drove into the tunnel to the zoo station. We only had 2 supervisors on duty and of course they were busy throwing switches and helping passengers. Our managers feel it isn't necessary to bring in additional supervisors to cover the vacated areas. Of course we disagree.

Also, on another grievance involving
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VP's Report

By Sam Schwarz • ATU Local 757 Vice President

Our jobs' effect on health Pt 2

Last month I touched a little on health problems suffered by driving a bus for a living. I would like to conclude and list some of the major health issues. A large percentage of bus operators suffer from illnesses such as colon cancer, asthma, high blood pressure, IBS and Shy Bladder Syndrome.

Our dispatchers and supervisors who don't always get to take their regularly scheduled bathroom breaks and eat at regular intervals also suffer from bladder conditions and high blood pressure. As a group we must lobby the Districts for more adequate breaks and a better release from pressure.

When you read this article I with the help of your executive board officers have re-

duced the members' arbitration expenses by over two hundred thousand dollars. President Jon Hunt entered into an agreement in 2006 that made it possible for me and the E Board officers to Mediate/Arbitrate many of our scheduled arbitrations inhouse. We have been successful in winning a majority of these and with everyone's continued assistance I believe we will continue to prevail.

Some of our retirees have shared their concerns over rumors that are being circulated regarding their health insurance and retirement. I am getting together with the president of the retirees Bill Wimmer to discuss the issue.

Happy and healthy holidays to everyone!

Santa Claus is visiting the Union!
Saturday, Dec. 20, 10 a.m. to 2 p.m.
 at the **Salvation Army Rose Center for Seniors**
211 NE 18th Ave., Portland
(intersection of 18th & Sandy Blvd., adjacent to the ATU office)

Santa and Mrs. Claus will be handing out presents to all your children and grandchildren, 16 and under. Come join us for a cup of hot cocoa and cookies. Santa will be picking the winning tickets for the 50-50 drawing for Labor Community Services (which helps out members in time of need) and COPE, the Committee on Political Education.
 Contact your Union officer for more information.

Amalgamated Transit Union - Division 757

Representing working men and women in Oregon and Washington at:

TriMet • Lane Transit District • Rogue Valley Transportation District • Portland Public Schools • Lamar Advertising Company (formerly Obie Media) • Valley Transit Association • Laidlaw Transit Services, Inc. (TriMet Lift, Portland) • American Medical Response Northwest (Josephine County) • Laidlaw Transit, Inc. (Portland Public Schools, Corvallis School District, Corvallis City Transit) • MV Transportation, Inc. • C-TRAN/C-VAN • Salem Area Transit • WHEELS • Northeast Coalition of Neighborhoods, Inc. • Tillamook County Transportation District • ATU Retired Member Chapter



What IS this?

The four outside pages are news from and about your Union. The other pages are produced by the Northwest Labor Press, and are about the labor movement as a whole.

November Meetings

Charter

Charter members meet 7:30 p.m. Monday, December 15th, at the Salvation Army, Rose Center for Seniors, 211 NE 18th Ave, Portland (18th & Sandy Blvd, adjacent to the ATU office.) Charter day members meet 10 a.m. Tuesday, December 16th, at Schoppert Hall, 1801 NE Couch, Portland.

Salem Transit/WHEELS

Salem members meet 7:30 p.m. Tuesday, December 16th, at the West Salem Branch Public Library 395 Glen Creek Road, Salem.

Lane Transit

Eugene members meet 7:30 p.m. Wednesday, December 17th, and Eugene day members meet 10 a.m. Thursday, December 18, at the Woodworkers Local Lodge, 1124 South A St., Springfield.

Corvallis Laidlaw City Transit/Schools

Corvallis members meet 7:45 p.m. Thursday December 18th, at Woodstock Pizza, 1045 NW Kings Blvd, Corvallis

Rogue Valley Transportation

Medford members meet 7:30 p.m. Thurs-

day, December 18, at the Hampton Inn, 1122 Morrow Rd., Medford.

Portland and Laidlaw School Bus Drivers

Portland School Bus members meet 6 p.m. Thursday, December 18th, at Rigler School, 5401 NE Prescott, Portland

C-TRAN/C-VAN

Vancouver members meet 7 p.m. Sunday, December 21st, at the Laborers Hall, 2121 NE Andresen, Vancouver, WA.

Tillamook County Transportation District

Tillamook members meet 1:00 p.m. Sunday, December 21st, at 212 Main Street, next door to Beach Pancake House in Tillamook.

AMR Northwest Josephine County, LAMAR Advertising and Valley Transit

See your liaison officers.

PLEASE NOTE: ATU members are invited to attend any of the above-listed meetings.

Legal notice

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and may be purchased by the challengers. If challengers do not purchase a copy of the transcript, a copy shall be available for inspection by the challengers at the International headquarters during normal business hours.

f. The arbitrator shall have control over all procedural matters effecting the arbitration in order to fulfill the dual needs of an informed and an expeditious arbitration. The arbitrator shall set forth in the decision the legal and arithmetic basis for the decision, giving full consideration to the legal requirements limiting the amount objectors may be charged.

g. The parties to the arbitration shall have the right to file a post-hearing statement within fifteen (15) days after both parties have completed submission of their cases at the hearing. Such statements may not introduce new evidence nor discuss evidence not discussed in the arbitration. The arbitrator shall issue a decision within forty-five (45) days after the final date for submission of post-hearing statements or within such other reasonable period as is consistent with the applicable AAA rules and the requirements of law.

h. The decision of the arbitrator shall be final and binding on all findings of facts supported by substantial evidence on the record considered as a whole and on other findings legally permitted to be binding on all parties.

i. Upon receipt of the arbitrator's award any adjustment in favor of the challenger will be made from the escrow account.

9. Any Section 18.1 of the ATU Constitution and General Laws, each local union will be responsible for collecting and transmitting to the International Union each month from those who have made an objection the amount of the per capita tax certified as due under these procedures. In addition, each local will be responsible for developing a system covering local union fees that will meet the legal requirements relative to the objectors and the local. If the local union affirmatively opts to

adopt the International procedures concerning fee objections on an integrated basis, no multiple notice (other than providing its independent auditor's report to nonmember employees represented by the local union), objection, challenge or appeal procedures will be necessary. If, however, the local union adopts an independent system covering local union expenditures, other than per capita tax, such arrangements must, by law, be included in the local's procedures. The local's procedures must, further, at a minimum: (1) establish record-keeping methods sufficient to permit an accurate calculation of the percentage of the local's total expenditures that are chargeable to objectors; (2) provide for an independent audit which will enable the local union to verify annually the chargeable portion of the local's total expenditures, the amount of the reduced fees payable by objectors, and the appropriate escrow amount; and (3) provide objectors a single expeditious review of the calculation of the chargeable expenditures before a neutral person not selected by the local. Under either an integrated or independent system governing local union fees, each local union is responsible for collecting only those fees as may be certified as properly due to the local union.

10. The provisions of this procedure shall be considered legally separable. Should any provision or portion hereof be held contrary to law by a court, administrative agency or arbitrator, the remaining provisions or portions thereof shall continue to be legally effective and binding. If, after consultation with each other, the International President or the local union Business Agent determines that modifications in this procedure are necessary to maintain compliance with applicable law, such modifications may be made in accordance with the Constitution and General Laws of the International Union or the bylaws of the local union, as applicable.

NOTES

1. ATU-represented public employees in Illinois, Minnesota, Montana, or Oregon who are not members of the union are automatically consid-

ATU Local 757 Officers

President-Business Representative.....JONATHAN HUNT
 Vice President-Assistant Business Representative.....SAM SCHWARZ
 Financial Secretary-Treasurer/Recording Secretary.....EVETTE FARRA

Executive Board Officers

TriMet Center Maintenance.....CHAD MATHER
 TriMet Center Transportation.....SANDY GUENGERICH
 TriMet Powell Maintenance.....DAVID KAY
 TriMet Powell Transportation.....ROSE JORDAN
 TriMet Merlo Maintenance.....JEFF HUNT
 TriMet Merlo Transportation.....BRUCE HANSEN
 TriMet LRT Maintenance.....MIKE CONNER
 TriMet LRT Transportation.....MICHAEL T. OLIVER
 TriMet Monthly Rated Employees.....JIM FOWLER
 Lane Transit District (LTD).....BRIAN PASQUALI
 Portland Public Schools.....RANDY SHAW
 First Student.....ANNA TOMPTE
 C-TRAN.....ROY JENNINGS
 Salem Area Mass Transit District.....KEN RICHINS

Liaison Officers

TriMet Merlo Extra Board.....STEVE ECKLES
 TriMet Center Extra Board.....CHRIS DAY
 TriMet Powell Extra Board.....KHRIS ALEXANDER
 TriMet Ruby Junction.....DOUG "SPUD" HENDERSON
 TriMet Ruby Junction Maintenance.....JOE RUFFIN III
 TriMet Elmonica.....C.J. HENDERSON
 TriMet Elmonica Maintenance.....VACANT
 SAT Maintenance.....DON ELZNIC
 LTD Chairman.....DEB BITTERLICH
 LTD Secretary.....TOM SHACKELFORD
 LTD Maintenance.....LEE LASSE
 LTD Extra Board.....OPEN POSITION
 Rogue Valley Transportation District.....THOMAS HENNEY
 Valley Transit.....NICK NOTARAS
 AMR Southern Oregon-Josephine County.....TRAVIS HAMLIN
 First Student (Portland School Bus).....DANIEL OTTO
 First Transit (TriMet Lift).....LES GREEN
 Laidlaw (Corvallis City Transit).....BOB MCGUIRE
 Laidlaw Education Services (Corvallis Schools).....CHRIS GROOMS
 MV Transportation, Inc.....DENNIS TONG
 C-TRAN.....SCOTT MILLER
 C-VAN.....JIM COLLELL
 WHEELS.....JOHN HARVEY
 Tillamook Cnty. Trans. Dist.....PATRICIA OSTRANDER-NICE

Retirees' Corner

The following retirees will celebrate birthdays in December: Gregory M. Barber; Bobby D. Bell; Barlar E. Boothe; Betty J. Boyce; George L. Buckley; Bobby L. Burden; Ben W. Butler; Thomas H. Chambers; Larry L. Chartier; Ronald W. Davis; Timothy W. Dennis; David Dent; Larry M. Douglas; Kenneth L. Ellis; Etta M. Epling; Sally L. Erickson; Howard P. Glidden; Carole D. Graves; Charlene M. Green; James N. Harlan; Jerry Harper; Duane E. Howell; Legrande A. Jackson; Cheryl K. Johnson; Henry C. Jones; Donald E. Klippstein; Mary J. Lewis-Pierce; Arline F. Link; Karen D. Maloney; W. David Miller; Paula M. Montpelier; Leonard W. Mummert; Brad J. Norman; David O. Pettyjohn; David Pfeiffer; David S. Pickrell; Lew W. Pollan; Joseph G. Riordan; Chester H. Stauffer; Elvin K. Stratton; Marcia L. Weese; William A. White; Jackie D. White; Ronald L. Willems; **Lois E. Wilson**; John D. Wood; Henry B. Zenk. The name of the 50-year member is in bold type.

Next month's regularly scheduled ATU 757 Retired Member Chapter meeting is Wednesday, Jan. 7, 2008, at 9:30 a.m. at Westmoreland's Union Manor, 6404 SE 23rd Ave. Coffee and doughnuts will be served at 9 a.m.

ATU Local 757 Officer Reports

(From Page 1)

Wackenhut doing bargaining unit work, the panel agreed that Tri-Met and the ATU need to meet and come to an agreement on exactly what Wackenhut can and can not do in the field.

An ongoing issue is how we compensate our members when they need to be marked off for training classes. We can't seem to come to an agreement so it will have to be settled through the grievance process.

The coming year will be a busy one for our Union with the election of Union officers this summer and then the contract renewal in December. I hope all of you will make a resolution to become more involved in your Union this year as this could be the most important year in our history.



Laidlaw PPS
As reported by
ANNA TOMPTE

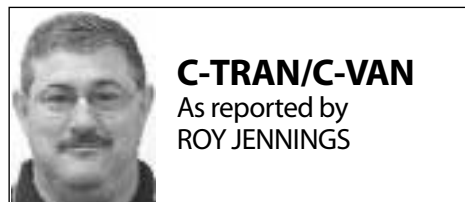
Hello my brothers and sisters. Happy Holidays to you and yours! It is my hope for each of us to enjoy this season and the changes that are coming with it.

We all have a new President Elect and I want to say thank you to all of those members in our yard that volunteered their time and gas to help in the effort that elected change for our country. I know that we too have been hit hard with time off, six days over Thanksgiving and two weeks over Christmas, plus the Company seems to be nickel and diming us to no end. To this end we have moved forward with an unfair labor claim with the Company over the ever growing list of new rules that have not been negotiated or even discussed.

Again we were presented with a letter to verify your information. Good grief Charlie Brown, don't fall for Lucy and the football again! But yes we did or at least many of us did. I have said in the past that each time they ask for this type of verification and you provide it you give them the opportunity to learn more about your background and your medical history and your credit bureau information. Just do not sign it, they already have your information!

Again from your representative, liaison and shop stewards to you, Happy Holidays and Happy New Year!!!

The stewards and I are here to serve you – just ask!



C-TRAN/C-VAN
As reported by
ROY JENNINGS

On Nov. 7, 100 percent of the paratransit dispatchers voted to ratify their contract! Among other things the paratransit dispatchers are now able to accrue over the maximum sick leave of 1,024 hours (128 days), however, effective January 1, 2009, any sick leave hours accumulated during the prior calendar year in excess of the 1,024 hour maximum will be paid at the employee's regular rate of pay with the January 6, payroll. I would like to thank Scott and Jill for

the outstanding job that they did on behalf of the members.

From time to time I hear about members telling other members that they don't need union representation when they go in to see a supervisor, manager or director. I will be the first to tell you; yes it's your right not to have representation. Just as it's your right to have Union representation. As a coach operator I've found myself on the hot seat a few times myself and I can tell you that it's easier to be at those meetings as a Union officer than as a coach operator. The problem with not having a Union officer at these meetings is that management can, without you having a witness present, not only violate your rights, but also misinterpret what you say or don't say.

We had a member a while ago who was not only a good operator and well liked by all, but a friend. Now, this operator did not want union representation when she met with C-Tran. The Union did everything short of hog-tying her, but in the end she had the meeting and was later terminated for basically what she said at that meeting. To this day I strongly believe that if she would have utilized the Union from the beginning, she would still be employed with C-Tran today.

Along with the Thanksgiving turkeys, all three Union Safety Officers will be voted on at the Dec. 21 union meeting. I want to wish each and every one of you a Merry Christmas and a Happy New Year!



Lane Transit District
As reported by
BRIAN PASQUALI

Hello again brothers and sisters. With the condition of the economy being as it has, it's hard to say we have had much to celebrate. Well, that is, up until November 4th of this year. "The end of an error" as one bumper sticker I saw so eloquently put it.

I have never been as involved in an election as I had been in this one, but the time and energy I put into it is dwarfed when I compare it to that of what a couple of my union brothers gave for the cause. For the last few months our union officers Tom Shackelford and Lee Lasse, while on their own time- on their weekends, on nights and in between- were out there, canvassing, calling and contacting, getting the message of the worker out. That message: We're back and we're reclaiming what is rightfully ours-The American Dream. These types of actions, this brand of activism, was what made the difference nationwide. Nice job fellas.

I have just returned from a benefits convention in San Antonio. The event was useful and gave me a lot of valuable training regarding pension plans, medical benefits and other related material. Apparently while I was away, the District submitted part of the proposed service cuts to the board, getting approval for the elimination of a few routes. It is still my contention that our GM need only to look into his own backyard for a nice chunk of these missing dollars as an overfed administrative branch continues to run through cash. I will be spending a majority of my time over the next few months looking into the District's numbers and making it known

to all just why our service is being scaled back at a time when ridership is off the charts.

Question: If you were a CEO of a Fortune 500 company, and if your business was higher than ever, yet somehow you report to your shareholders that the numbers were way in the red, how long could you expect to retain your job title?



MV Transportation
As reported by
KATHLEEN BROWN

To begin with I wish to thank all the operators that elected me into this position. Your help and support is greatly appreciated. For those operators whose vote I have not yet earned, I will do my utmost to gain your trust, for we always work best as a team, especially in times leading up to the negotiation of a new contract. I look forward to hearing from all of you in regards to your ideas and suggestions. My primary responsibility is to be your representative.

I hope to address more specific issues in next month's Labor Press. A special thanks to my predecessor Dennis Tong, and shop stewards Andy Brown and Cassie Senoa for their service with the ATU.

A reminder that there are two positions open for Shop Steward posted in the union board. So, until next month, have a safe and happy holiday season.



TriMet Light Rail Transportation
As reported by
MICHAEL T. OLIVER

Edward R. Murrow has been quoted as saying, "We must not confuse dissent with disloyalty." Some people in this Local believe that if you are not for them you are against them. Narrow minds create narrow paths and it's so easy to fall off a narrow path. Democracy demands dissent and dissent improves democracy so think twice about the criticism that is reigning down and come to your own, independent decision about the way things are. With a new and improved administration things may really be on an up-swing but prepare for the worst. Make life-style changes, stop smoking, save money, use alternate transportation rather than your car; bike, take a bus or a train. If you have any extra money send it to Amy Hewitt at Elmo or Cheryl Sheppard at Ruby. These two ultra-fine ladies are going to buy bicycles for kids with Spina-Bifida for the holiday season. Dig deep and let the kids know we love them.

December's E-Board meeting is on Friday the twelfth, if you want to appear call Melissa at 503.232.9144 Ext 3 to make an appointment. The Charter Meeting will be on Monday night the fifteenth at 7:30 pm at the Salvation Army hall at 18th and Sandy. The Continuation Meeting is at 10 am the following Tuesday morning. This is a critical time for us and we need your participation.

We will sign-up for Christmas, New Year's Eve and New Year's Day the week of December 1st, 2008. The following week, the 9th and 10th

of December, we will sign for MLK Day and then take a break until January. For the contractual holidays people who are on RDO's and want to work must sign the Holiday Book. They are then put into seniority order and blended with the list of people who are required to work. For non-contractual days, such as New Year's Eve, people who want to work their RDO's must sign the Request Book. They are then put into seniority order and sign after those who are required to work. Confusing? It can be, but it works for the majority.

Congrats to one of our own! Greg Donovan, former LRO was promoted to Assistant Manager and maybe we shall see him back at Rail in the future. Keep those checks coming to mt-gbo2002@msn.com



TriMet Center Transportation
As reported by
SANDY GUENGERICH

Hi everyone. So, you all may be wondering what happened to me. I was in an accident and I was injured. Right now you may also be wondering who your e-board officer is. You are welcome to still call me with any questions, but as far as grievances are concerned, you should call Rose Jordan-Fairley. If you need help remember that your officers are there for you.

I hope everyone has a great Thanksgiving and thank you for everyone's get well cards.



TriMet Merlo Maintenance
As reported by
JEFF HUNT

We had no new pre-filings or grievances at Step 3 this month. There were 4 grievances heard before the panel in maintenance. Of these, 2 were settled and the others were splits. The splits came down to a contracting out issue that should not have been difficult to fix. Management would not resolve it because their yearly evaluations were coming up and they were afraid it would make them look bad if they agreed with us.

I would like to tell you about something I was involved with at Light Rail. I received a frantic phone call from a member stating that 3 other members were in a meeting and had been told they could not have a union officer in the meeting. That is absolutely untrue. Our Weingarten Rights, which state every union member's right to have a union representative present during an investigatory interview, address this directly.

This manager began the meeting without an officer. I was able to make it to the meeting while it was still going on. When I arrived I was greeted by the rail manager and supervisor pointing to the conference room and telling me that I needed to get in there. I heard yelling from the room but it stopped as soon as I walked in. I asked the manager if he was aware of our Weingarten Rights. He said yes, but when asked to cite them was unable to do so. I stayed for the rest of the meeting and afterward we met with President Jon Hunt to discuss the situation. The

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LEGAL NOTICE

To: Employees Represented by ATU Locals in U.S. Bargaining Units Who Are Subject to Union Security Arrangements

Employees working under collective bargaining agreements which contain a union security clause are required, as a condition of their employment, to pay monthly dues or fees to the union. Regardless of the specific wording used in such a clause, however, formal union membership cannot be, and is not, actually mandated. Those who are members of the ATU pay monthly union dues. Nonmembers, or “agency fee-payers,” meet their obligation through the payment of an equivalent “agency fee.”

Nonmembers subject to a union security clause also have the additional legal right to file objections to their funding of certain expenditures with which they may disagree. More specifically, in a series of judicial and agency decisions it has been determined that objecting nonmembers may not properly be charged for union activities and expenditures which are “unrelated to collective bargaining, contract administration, or grievance adjustment” and/or are otherwise “nongermane to the collective bargaining process.”

When considering these matters, individuals should remember that the union security clause included in their labor contract was negotiated and ratified by their fellow employees based upon the principle that everyone who benefits from the collective bargaining process should share in its costs. Simply stated, the well-being of all bargaining unit employees is improved immeasurably when the union obtains higher wages, better health care and retirement benefits, fairness in the discipline system, and the many other improvements realized in contract negotiations. But it would be difficult to provide such

effective representation at the bargaining table without the influence earned through the “nongermane” political and ideological activities of the trade union movement. It is, after all, our political and legislative work on behalf of working families that has led to the likes of the Family Medical Leave Act. And our community activism was key to the recently concluded election which brought us the hope of a Barack Obama Administration and the promise of a more worker-friendly U.S. Senate and House of Representatives.

Any individual thinking of electing objector status also needs to keep in mind the considerable benefits of union membership that must first be surrendered. As a nonmember, a fee objector relinquishes many valuable privileges, including the right to attend and participate in union meetings; the right to run in local union elections and to otherwise nominate and vote for any candidates for union office; the right to participate in the formation of ATU bargaining demands; the right to vote on contract ratification questions; and the right to enjoy the many benefits of the Union Privilege Benefits Program, which offers low-interest credit cards, legal and travel services, prescription drug cards, and life insurance.

The Notice of Statement of Law and Procedures which appears below sets forth the specific means by which an individual who decides to become a nonmember agency fee-payer notwithstanding the above considerations may lodge and perfect a request for a reduction in the amount of his or her monthly International per capita fee obligation. (This notice applies only to the International Union expenditures and to

the per capita tax portion of local union dues except where – as it is typically the case – the local union has, by voluntary and affirmative action, adopted this Notice and Statement for application to the local union’s total fees in order to comply with the dictates of the applicable law in this area.) First implemented two decades ago, this detailed process has been carefully tailored to satisfy the objectors’ rights to financial support “nongermane” activities while still requiring them to share in the full costs of union representation.

As noted, these procedures have been effectively imposed upon us. It remains our opinion that all of our organizing and all the legislative, litigation, and similar activities undertaken by the ATU – some of which tribunals have indicated may in part be ideological and, therefore, nonchargeable – are essential to improving the working conditions of all the employees we represent. Still, as a democratic and law-abiding union, we acknowledge and stand fully prepared to honor an individual’s freedom to choose not to participate as a full member of the ATU and to not support these essential union endeavors.

The rights are, of course, yours. But for only pennies more per day, you can enjoy the many advantages of union membership in the ATU.



Warren George
International President

The following ATU Statement of Law and Procedures concerning union security objections applies only to the International per capita tax charged to objectors as part of local union fees (unless this Notice and Statement has been adopted by the local union for application to the local union’s total fees.)

1. Any ATU-represented nonmember employee, whether publicly or privately owned, who is subject to a union security clause conditioning continued employment on the payment of dues or fees has the right to become an objector to expenditures not related to collective bargaining, contract administration, grievance adjustment, or other chargeable expenditures. A current ATU member who chooses not to tender the full periodic (monthly) dues and assessments uniformly required for the acquisition or retention of full membership in the union, but who instead opts to become an objector, must assume nonmember status prior to filing an objection through these procedures. An objector shall pay reduced fees calculated in accordance with Section 5.

2. To become an objector (1), an ATU-represented nonmember employee shall notify the International Secretary-Treasurer in writing of the objection transmitted during the month of January each year or within thirty (30) days after assuming nonmember status. Employees who were not subject to an ATU union security clause as of January in any given year must forward an objection within thirty (30) days after becoming subject to union security obligations and receiving notice of these procedures or within thirty (30) days after assuming nonmember status. The objection shall be signed and specify the objector’s current home mailing address, name the objector’s employer with which the applicable union security arrangements have been entered into, and identify the ATU local union member, if known. All objections should be mailed to the International Secretary-Treasurer, 5025 Wisconsin Avenue, NW, Washington, DC 20016-4139 or transmitted by facsimile to 202-244-7824 with a separate cover page directing such to the attention of the International Secretary-Treasurer and specifying the subject thereof to be the “Election of Fee Objector Status.” A person who wishes to continue an objection and a subsequent twelve (12) month period shall so provide notice of objection each January.

3. The following categories of expenditure are chargeable to the extent permitted by law:

- a. All expenses concerning the negotiation of a grievance, practices, and working conditions;
- b. All expenses concerning the administration of agreements, practices, and working conditions, including grievance handling, all activities related to arbitration, and discussion with employees in the bargaining unit or employer representatives regarding working conditions, benefits and contract rights;
- c. Convention expenses and other normal union internal governance and management expenses;
- d. Social activities and union business meeting activities;
- e. Publication expenses to the extent coverage is related to otherwise chargeable activities;
- f. Expenses of litigation before the courts and administrative agencies related to contract administration, collective bargaining rights and internal governments;
- g. Expenses for legislative, executive branch and administrative agency representation on legislative and regulatory matters closely related to contract ratification or the implementation of contracts;
- h. All expenses for the education and training of members, officers, and staff intended to prepare the participants to better perform chargeable activities;
- i. All strike fund expenditures and costs of group cohesion and economic action, e. g., general strike activity, informational picketing, etc.;
- j. All funeral or dismemberment benefits; and
- k. A proportional share of all overhead and administrative expenses.

4. Each December, the International Union shall publish these policies and procedures in the *International Transit* to provide to ATU-represented employees notice of their right to object and of the procedures for objecting. The International shall also send a copy of these policies and procedures to each person who objected the previous year to inform that person of his or her right to renew the objection for the current year.

5. The International retains an independent auditor who submits an annual report for the purpose of verifying the percentage of expenditures that fall within the categories specified in Section 3. Similarly, if the local union has adopted these procedures for application to its total fees, the local

union arranges for the audit of the records, enabling the local union to verify annually the percentage of its total expenditures other than the International per capita tax that is chargeable to objectors. The amount of the International and local union expenditure falling within Section 3 made during that fiscal year which ended in the previous calendar year shall be the basis for calculating the reduced fees that must be paid by the objector for the current calendar year(2). For each objector, an amount equal to the reduced fees paid by the objector shall be placed in an interest-bearing escrow account.

6. The report(s) of the independent auditor(s) shall be completed prior to the publication of these policies and procedures in December. The report(s) shall include verification of the major categories of union expenses attributable to chargeable and nonchargeable activities. Local unions which adopt these procedures shall provide a copy of their independent auditor’s report to each nonmember employee represented by the local union.

7. In the absence of an exclusive statutory procedure(3), each objector may challenge the legal and arithmetical basis of the calculations contained in the independent auditor(s) report by filing an appeal with the International Secretary Treasurer. Nonmember objectors in bargaining units covered by the National Labor Relations Act shall also have the right to seek a determination of any issues relating to these procedures by invoking the jurisdiction of the National Labor Relations Board. If such an objector chooses not to invoke the Board’s jurisdiction, or if the Board defers to the appeals procedures, the nonmember objector’s appeal shall be filed exclusively with the International Secretary Treasurer. Any such appeal must be made by sending a signed letter to the International Secretary Treasurer postmarked or transmitted via facsimile no later than thirty (30) days after the International Secretary Treasurer has forwarded a letter to the objector acknowledging receipt of the objection or the date the National Labor Relations Board affirmatively declines to assert its reviewing jurisdiction, whichever is later.

8. Except where state law provides an exclusive statutory review procedure as discussed in Note 3 below or when an objector precedes before the National Labor Relations Board as set forth in Section 7, all such appeals received by the union

within the time limits specified above shall be determined by expeditious referral to an impartial arbitrator appointed by the American Arbitration Association (AAA) under its rules for impartial determination of union fees and these procedures. The International Union will notify the AAA that challenges of its fees, which have been received by one or more individual employees, are to be determined by an impartial arbitrator and will include the names and addresses of the individuals who have filed the appeals challenging the union’s fees and who should be notified of the proceedings.

a. All appeals filed within any given forty-five (45) day period shall be consolidated. Appeals shall be heard as soon as the AAA can schedule the arbitration and shall be at a location selected by the AAA to be the most convenient for those involved in the proceeding.

b. Each party to the arbitration shall bear its own costs. The challengers shall have the option of paying a pro-rata portion of the arbitrator’s fees and expenses. The union shall pay the balance of such fees and expenses.

c. Challengers may, at their expense, be represented by counsel or other representative of choice. Challengers need not appear at the hearing and shall be permitted to instead file written statements with the arbitrator no later than the beginning of the arbitration hearing period. Post-hearing statements may be filed in accordance with the provisions of Section 8 (g.)

d. Fourteen (14) days prior to the start of the arbitration, challengers shall be provided with copies of all exhibits or a list of all such exhibits intended to be introduced at the arbitration by the union and a list of all witnesses the union intends to call, except for exhibits and witnesses the union may introduce for rebuttal. Where a list of exhibits has been provided, challengers shall have a right to receive copies of such exhibits by making a written request for them to the International Secretary Treasurer. Additionally, copies of all exhibits shall be available for inspection and copying at the hearing.

e. A court reporter shall make a transcript of all proceedings before the arbitrator. The transcript shall be the only official record of the proceedings

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ATU Officer Reports

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rights of the membership are the most important thing to Jon, who wanted to meet with this manager to impress upon him that violating his members' rights will not be tolerated. After a one and a half hour discussion about Weingarten Rights I do not think they will be forgotten in the future.

Congratulations to Doug Herb on passing his LME test and becoming a journeyman. More congratulations go out to Joseph Davis, Mark Hanks, Wade Lapp, Thomas Lowes, Tara Pugh, William Rattley and Rebecca Siplak for becoming journey diesel mechanics.



Merlo Transportation
As reported by
BRUCE HANSEN

This month I would like to talk about rumors. Rumors can be detrimental to individual employees and the Union itself. So please, if you hear a rumor first confirm whether it's true or not with the Union or your E-board officer before you spread the information any further. Rumors can be hurtful, deceitful, and harmful to all involved. At times even the names of people may not be accurate, which can harm innocent people's reputations. So please be considerate of others before spreading the rumors.

If you are having problems keeping to your schedules due to overloads or poor scheduling, please contact your E-board officer. There has been a grievance filed recently pertaining to scheduling. If you need assistance you can contact us.

We are approaching the holiday season. Please be mindful when attending holiday events that your CDL is your lifeline. So be responsible when attending holiday events and functions. Prepare yourself to not drink and drive. You can have a designated driver or use a taxi. Remember, with a CDL your blood alcohol level limit will be lower than with a regular license.

Be safe, drive the schedule, don't let the schedule drive you. Happy Holidays.



TriMet Powell
As reported by
ROSE JORDAN-FAIRLEY

I truly apologize for last month's lack of a report. But as I stated in previous reports, keeping you informed is what I intend to do. Powell has been very quiet with regard to grievances. Most of my time is being spent at Center, taking care of big and small issues, grievances, etc. I'm extremely grateful to our operators who voted for me to be Operator of the Month. Thanks to all.

You've probably heard of the ATU Caucus being held on Saturdays. We are very excited about what our future means to us. The next meeting is Saturday, November 29th 2008 from 4-6 pm at Reflections Café House on Killingsworth off MLK. There was a great turnout at the last meeting. Look forward to seeing you.

I again will continue to emphasize that you are not to be talking to management one on one without union representation. Use caution when

they approach you. Please continue to improve your attendance record and accidents.

We've just completed Thanksgiving sign up and are entering into Christmas and New Year's. Please remember to check your union boards for upcoming events.



Portland Public Schools
As reported by
RANDY SHAW

As most of you know I have been off work due to an on-the-job back injury, and have gone through minor surgery and therapy. I hope to be back to work before this issue of the Labor Press comes out, but we will have to wait and see. I keep in contact with our drivers, shop stewards, and management by phone, and stop by the yard whenever I am out, so I have been able to keep up with my Union work.

With the District's reorganization in transportation (due to budget cuts), we lost a safety training supervisor. This subject came up in contract negotiations and we asked why they needed so many non-Union positions in that department. Sorry, Dave, I know how you feel, if you remember the last time they reorganized, Dan Kelly and I lost our positions in safety training, it was no fault of ours just downsizing. When you built the department, you did a great job, you just went a little over board, so deep down I do not think it hurt you as much as it did us when the bubble burst. They say we learn from our mistakes and I wish you luck, and still consider you a friend (who loves you baby), call me some time, we will get together and smoke a cigar.

They have split Dave's duties and staff between routing and the driver supervisor. I have had a talk with John Appleton about the accident and appeal procedures. He is aware of the problem; I will set a date with the Union to complete this.

With the holidays coming up, do not forget to help another member if you can. Invite a member over for dinner or take something to a shut-in. There are all kinds of ways to help that do not cost a lot of money, but that let them know some one cares.

Call if you need me, or call just to say hi. I always enjoy hearing from you



Bend Area Transit
As reported by
VICTOR GILARDIN

Hi all: I'm sorry there was no communication from me last month.

We were really busy with trying to get this transit ballot on the roll. We did door hangers, spoke to the public; we even asked everyone to register to vote. Unfortunately, with everything we did, our measure still lost. Now we need to go to the city council for their decision on what is going to happen. We are going to meet with the transportation manager tomorrow. We still have four grievances pending. We received four new buses. Right now everything is up in the air! I will update you after the next City Council meeting on November 19.



Secretary-Treasurer's Report

By **Evette Farra** • Financial Secretary-Treasurer

At the time of this writing, I am representing ATU 757's side of Tri Met's pension board at the 54th Annual Employee Benefits Conference in San Antonio, Texas. When I look around me at the sheer mass of people attending this conference, I am humbled by the realization that this is roughly the same number of members I represent back home (about 4,300). Feeling lost in a sea of people makes me even more conscientious of the needs of smaller, outside properties who might get lost in the shuffle, and reminds me of the huge responsibility our executive office has to this membership.

The membership will always have the fi-

nal say, and they should demand to hear both sides of important issues. Democracy is an ugly, beautiful thing. It's not always a pleasant process and often times gets downright ugly. But in the end, when all voices are heard and the democratic process is upheld, it is a beautiful thing.

Please be safe during your holiday celebrations. Last year we lost some members due to DUIs, and I want to see all of you back for the new year. Also, I am looking forward to seeing the children of our parents and grandparents at the union office for Santa's visit on Dec. 20. Happy Holidays. I wish all of you happiness in the new year.

Legal notice

(From Page 2)

ered objectors and are not required to make a filing under the provisions of Sections 2 and 4 of this Statement of Law and Procedures. The collective bargaining statute applicable to New Jersey public employers (with the significant exceptions of New Jersey Transit and NJT-Mercer) has the same impact. Similarly, except where a more stringent union security arrangement was in place on January 1, 1970, and has been continued in accordance with the "grand fathering" prohibitions of state law, the Pennsylvania public employee bargaining statute only permits a fair share union security clause under which every nonmember is obligated to pay only a reduced fee based upon prior chargeable expenditures. Local unions representing such members shall forward the names of all such nonmember objectors to the International Secretary Treasurer, including the objector's current home address and employer.

2. In accordance with the applicable state laws, the reduced per capita tax owed by nonmember public employee objectors in Minnesota and New Jersey (except for those working for New Jersey Transit or NJT-Mercer) shall be computed utilizing either

the percentage of chargeable expenditures as verified by the report of the independent auditor retained by the International or eighty-five (85%) percent, whichever is lesser.

3. State statutes covering public employees in Minnesota and New Jersey (again, other than those workers employed by New Jersey Transit or NJT-Mercer) require that any person wishing to challenge the fees file an action with the state public employment board (Minnesota) or with a three-member board appointed by the governor specifically to hear fair share challenges (New Jersey). Where these statutes are applicable, any local union procedure must provide that the binding expeditious review be through the applicable state process.

Hunt

(From Page 1)

tutes insubordination, but you can refuse to answer management's questions if you can't have your union officer present. You do not have an absolute right to a union officer if management only wants to present your annual performance evaluation. If management wants to discipline you and wants to inform you of that discipline, or if management states that no discipline will result from the meeting, you have the right to a union representative only if you enforce it. As long as you think you might be disciplined, you can have an officer present. You must ask for a union officer. You should always ask for your regular union officer. If you don't ask for a union officer, you make the union weaker. Every time you ask for a union officer or file a legitimate grievance you make the union stronger.

As most of you probably already know, the U. S. attorney changed Tom Wallace's sentenc-

ing date yet again from November 10th to December 17th. The hearing will be held before Judge King at the United States District Court - Federal Courthouse at 10 a.m. I will be reading a victim impact statement on behalf of the union, based on interviews conducted with officers, staff and members. We do not know the reason for the various delays but we're hopeful that this process will bring some resolution to a very painful situation. It's been a long time coming.

I am still conducting property visits and distributing surveys. My goal, as it has been over the past six months, remains to visit every location and every shift. If, however, you missed me on my visit to your shop and would like to complete a survey, please call the union office and we will mail one to you.