



ATU 1342 Newsletter

Volume 11, Issue 12

196 Orchard Park Road West Seneca, NY 14224 825-9217 Fax: 825-9243

December 2011

Metro Union Meeting

**December 14,
2011**

ATU Union Hall
196 Orchard Park Rd.
West Seneca NY

**10:00 AM and
7:30 PM**

Agenda

**Regular Order
of Business**

President's Perspective **By: Vincent G. Crehan—President/Business Agent**

I trust everyone had a nice Thanksgiving. This month we had four members faced with termination. Two drivers, when the facts were presented to them decided to resign. The third driver is in the process of resigning. The fourth member, a mechanic, was brought back to work with a final warning before termination. I realize I am not being very specific on why they faced termination, but it gets personal for them. The members themselves didn't believe they could get their jobs back through arbitration and they

wanted to clear their records.

An arbitration was concluded and briefs submitted regarding mechanical clerks being limited to work no more than 16 hours in a row. I expect a ruling by the arbitrator within 60 days. The arbitration regarding drivers who were paid 2 hours for showing up to work overtime at Babcock but not afforded the same benefit at all other locations is scheduled for January 4, 2012.

Regarding our members at Coach USA, we have one outstanding grievance that was voted to go to arbitration. However, the individ-

ual who wrote the grievance has voluntarily resigned. He is no longer a member of the Union; therefore we will close his grievance. As per our International Constitution, a grievance will be paid through an assessment to those members who fall under the contract that the grievance was generated. Simply put, the members who work at Coach would pay thousands of dollars to arbitrate for someone who no longer works there.

Not a lot of news regarding our contract. I had it out with an NFTA Board of Commissioner. It seems to me some of the Commissioners want to try

*Merry
Christmas*



Union Newspaper

ATU Local No. 1342 © All Rights Reserved

This Union newspaper is intended for the personal use of ATU Local 1342 members only. Any use or republication of its content is strictly prohibited without the express written consent of ATU Local 1342.



A Message From Charles Sikora Financial Secretary/Treasurer



The holiday season is upon us. I hope you all had a Happy Thanksgiving and received your \$50.00 Gift Card from the unions General Fund. If you haven't you will need to pick it up at the union office. On a separate note, other benefits provided by your Union come from the Special Purpose Fund. For those members who aren't sure what the Special Purpose Fund is, first and most important, it is financed by the commission the union receives from the vending machines at the various work locations. This money can only be used to benefit members of ATU Local 1342. We use the money to pay union dues for those members who have been out of work longer than six months due to a injury or illness at work or at home. We donate money on behalf of members who have lost a parent, spouse or child to a charity of their choice or a floral arrangement for the funeral. We purchase bibles and gift cards for those members who go on pension. The money has bought TV's and pays the cable bill every month for each location, and has been used to offset the cost of pool tables

at the various locations and if the pool table needs repair or new felt. We have donated money to the family picnic when it was held and to the various Christmas parties. When we have enough money we give out gift cards. As you can see the money we receive from the vending machines is very important. Without your continued support, we would not be able to provide you with the above-mentioned benefits.

Some people will not receive a ballot for the ongoing election because they are not members. Some people cannot attend union meetings or vote on contact issues because they did not join the union. Remember, we as a union cannot force anybody to join our union. All we can do is ask them if they want to sign up as a member. If they don't, they become what is known as a fee objector, (a fee objector is a person who doesn't join the union and sends a registered letter each year to the International saying they do not want to join the union.) If they do not register with the International each year they become what is known as a fee payer. All

fee objectors and fee payers must pay union dues and all assessments.

To become a union member a person must first complete a probation period. For Metro Maintenance and Clerical workers, the probation period is ninety (90) calendar days from date of hire. The probation period for bus and train operators shall run until the operator completed ninety (90) days of work for Metro after they have qualified as operators, i.e., (90) days' work after they have satisfactorily completed their training period. For Coach USA, the probation period is 500 hours worked and for GIT it is sixty days. If your not a union member and would like to become one please notify your union representative or call the union office. I try to send out letters to all who have completed the probationary period but since I must rely on the various companies to inform me as to who has completed their probation periods some people may not be contacted when their probation period is completed. For those who are missed please contact the union office or your Executive Board Member or Stewart.

I wish you all a Happy Holiday and a Safe and Prosperous New Year!

Continued from page 1

and force you to pay part of your medical by negotiating through the media. I will not back down from them. You work hard and deserve every benefit you receive and every penny you earn.

As you are aware, we are fighting for our rights to go to arbitration. We have a revised court date of January 19, 2012. We needed more time to prepare court papers as well as the Holiday's and court schedule play a big part in the delay. I don't

want to rush it, yet take just enough time to give us the best chance of winning. As always, I will keep you updated.

Have a Merry Christmas and a Happy New Year! Stay Safe.



Metro Anniversaries



Abbarno, Joseph	28	Hunt, Joe-El	9	Rinard, Rodney	6
Barrante, Trudy Ann	3	Johnson, Reginald	5	Ross, Ronald	3
Biersbach, Mark	26	Johnson, David	3	Salunek, John	2
Bonner, Roderick	7	Johnson, Gwendolyn	19	Sambora, Stephen	1
Booker, Cheryl	11	Johnson, Anita	12	Samuel, Saidah	5
Branch, Valencia	8	Jones, Carieta	11	Schmitt, Lawrence	27
Brown, Clifton	10	Jones, Thomas	19	Semrau, Lee	32
Brown, Milton	6	Kennedy, James	18	Simmons, Tawana	9
Brownell, Ruth	3	Kline, Kevin	24	Staszcyk, Nancy	5
Carr, Robert	32	Kraft, Jonathan	14	Terrell, Sharae	3
Collana, Charles	28	Larson, Michael	10	Tew, Samuel	5
Cornelius, James	15	Latimore, Alonzo	33	Tomaszewski, Cynthia	28
Cotton, Classic	5	Lewis, Rico	8	Tronolone, Stephen	2
Curuth, Stevie	3	McAndrew, Christopher	7	Tucker, Lisa	5
Czaplicki, Chris	34	Mendola, Michael	37	Vassallo, Thomas	3
Daniels, Glenn	11	Morast, Deborah	10	Vitale, James	3
Doughty, Suzanne	12	Mucha, Linda	14	Wacker, James	23
Ehrig, Kathryn	37	Nelder, Linda	15	Weatherspoon, Chadd	4
Fafara, Michael	32	Niezgoda, Joseph	37	White, Barbara	11
Gidney, Donnie	2	Oleksy, Leonard	5	Wielbon, Jerry	16
Graves, Tiawan	10	O'Neill, Timothy	5	Williams Jr., McKinley	3
Hanna, Diane	32	Overton, Raymond	5	Witkowski, Jason	10
Hatchett, Consandra	15	Perkins Jr., Hugh	5	Wynn, Barbra	7
Hernandez, Misael	7	Pritchard, Thomas	2	Young, Kathleen	7
Holmes, Janine	5	Reed, Richard	23		
Hourihan, Terrence	19	Riehle, Brian	6		
Hughes, Terry	14				

Arcara, John
 Baylor, Stephania
 Beaman, Henry
 Bessinger Jr., Peter
 Bolt, Steven
 Canaday, Renata
 Cash, Josephine
 Cason, Michael
 Cole, Reginald
 Conmy, Kevin
 Cornelius, Willie
 Czuba, Andrew
 Dubose, Cynthia
 Dunning, Kyle
 Evancho, John
 Falzone, Joseph
 Finney, Richard
 Flood, Markeita
 Fuller, Christopher
 Geiger, Chris
 Giampola, Ray
 Hawke, Frederick
 Hixon, Friar
 Hoefler, Richard
 Holmes, Louis
 Horey, David
 Jackson, Angela



Jones, Samuel
 Jones, Gregory
 Kanalley, James
 Keigley, Richard
 Kilgore, Michael
 Kline, Kevin
 Korman, Andrew
 Lamartina, Gregory
 Leberman, Richard
 Lewis, Washington
 Lewis, Jeff
 Little, Mario
 Marquart, David
 Masters, Anthony

McDonald, Alice
 Meadows, Noel
 Mendola, Michael
 Mentel, Joseph
 Mooney, Frank
 Moore, Deborah
 Neal, Pernel
 Nelson, Tunita
 Ocasio, Ismael
 Pauli, Jacob
 Peczonczyk, Luba
 Pendelton, J.C.
 Perison, Donald
 Port, Vicky Lynn

Price, Lanita
 Quick, Darlene
 Reid, Isiah
 Richardson, Jeffrey
 Rizzo, Salvatore
 Robinson, Lemar
 Rowe, Milton
 Scrivino, Joseph
 Seay, Kevin
 Smalls, Mark
 Tower, Jason
 Tronolone, Stephen
 Turner, Darlene
 Velazquez, Nancy
 Vossler, Carol
 Weatherspoon, Chadd
 Weber, Donald
 Wheeler, Jeffrey
 Wilbon, Treasta
 Williams, Deborah
 Williams Jr., Johnny
 Yanicki, Melissa

Deceased Members

Robert Johnson 11/02/11

Babcock Station Operator



Counsel's Corner



By: Joseph E. O'Donnell, Esq. (Reden & O'Donnell, LLP)

Workers Compensation Reminder

Due to the importance of the information below, I would like to remind everyone of the following: In the event you suffer a work related injury which prevents you from performing your job, **make sure you know your disability status** as determined by your treating healthcare professional. For example, if your doctor, and/or chiropractor, indicates that you are **totally disabled**, in addition to being eligible for the maximum Workers Compensation benefit, **you are not obligated to seek alternative employment.** Why? – because you're considered to be totally disabled.

However, if your doctor changes your disability status from **total disability** to **partial disability**, be aware of the following:

1. This will likely result in a reduction of your weekly workers compensation benefit.
2. You may be eligible for a light-duty assignment under the company's light-duty program (TRTW Program). In such case, you should call the union office for additional information.
3. If you make application for the TRTW Program, and the company is unwilling and/or unable to provide you with work within your restrictions, you may be eligible for New York State Unemployment Insurance Benefits and should make an immediate application.
4. It is important to know that in order to obtain, and maintain, New York State Unemployment Insurance Benefits you must be ready, willing and able to engage in employment within your restrictions and, more importantly, demonstrate that you have in fact looked for work both in and outside of Metro.
5. **If you fail to do so, you may not only jeopardize your eligibility for New York State Unemployment Insurance Benefits, but you will also jeopardize your eligibility for continued Workers' Compensation Benefits as the company will likely argue that by failing to look for work during your period of partial disability you have "voluntarily removed yourself from the workplace."**
6. **If you are ever asked at a workers' compensation hearing by a judge or an attorney whether or not you have looked for work during your period of partial disability, make sure you are able to say "yes" while providing specific examples of your job search.**
7. However, even though you should look for work during your period of partial disability, **do not actually start a job** unless you obtain the written consent of both the company and the union (see Section 8-5.3 of your collective bargaining agreement).

Given the complex nature of these matters you are encouraged to call the union office at 825-9217 with related questions.



ATU Local 1342 A Year In Review



January 2011: Newly elected officers are now in place. Executive Director Larry Meckler retires and Kim Minkle takes his place.

February 2011: Drivers license suspensions become an issue again. Two Metro members are suspended at least 30 days due to non renewal or failure to pay a fine.

March 2011: Channel 2 News reported a high rate of absenteeism the day after the Super Bowl. State funding for the current fiscal year will not be reduced. I wish I could say the same for this coming year.

April: Our expired contract lingers on. The union is still weighing our options and we are still hopeful of a settlement.

May 2011: Rail Cars are being rebuilt. The project was stalled for some time, but is now back on track (pun intended)

June 2011: The money center obtains a new money counting machine that would eventually lead to a person being displaced to another work location.

July 2011: After agreeing to talk to the union about our expired contract, the NFTA Board of Commissioners pulls the offer without even telling us. A letter Vince Crehan wrote to Everybody's Column calling for the Commissioners to be replaced infuriated at least one Commissioner. Too bad!

August 2011: The company adds new proposals for the contract calling for no raises for 2 years with active employees paying 20%, new retirees paying 50% of their medical premium.

September 2011: The union Executive Board as well as members attending the union meeting vote overwhelming to pursue arbitration for our expired contract through our 13 C rights.

October 2011: A settlement was reached during arbitration putting a driver back to work after an altercation with a passenger. A second driver with over 20 years of service received a 30 day suspension for the same thing. The ATU International agrees to pay for the legal bills regarding our legal battle for a new contract.

November 2011: It was reported a Commissioner went after Vince Crehan regarding our contract. After Vince walks out of the meeting, it was reported in the news.

December 2011: This month's news, contract fight continues. We are due in court on January 19, 2012. Three drivers resign with another suspended pending termination. All these cases have different sets of circumstances.

Happy Holiday's