

TWU EXPRESS

TRANSPORT WORKERS UNION OF AMERICA, AFL-CIO • UNITED INVINCIBLE • WINTER 2016 • VOL. 68 • NO. 4



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MOVING FORWARD

Transit Contracts & Negotiations

Airline Industry Victories

Railroads in a New Administration

Trade Policies Affecting Workers

What Does It Mean for TWU?





What's Next?

The end of the year brings many of us together for holiday celebrations with family, friends, coworkers, and neighbors. It's a time to reflect on the past 12 months and make plans for the next; a time to give thanks for each other, to evaluate what we accomplished together, and to assess where we hope to be when we find ourselves together again at the holidays next year.

Here at TWU, 2016 was a monumental year. We organized a record number of new members into our union, bringing union representation to working people in the airline, transit, and service sectors. We launched the TWU app, offering real-time updates and news alerts to our members on-the-go, and increased our presence on social media and through our monthly e-newsletter, Shop Talk, because you told us you wanted more information from your International union. We successfully bargained and ratified new contracts in all of our divisions, including for some of our largest locals, including Local 556 (see page 19) and Local 234, ending a transit strike in Philadelphia just before Election Day (see page 14). We held more trainings for our International staff and local officers and invested new resources into growing our training program, so we can ensure TWU has a deep bench of talent for many years to come. And we mobilized two of the largest strategic campaign efforts this union has ever seen under the direction of our International Campaign Unit: the "Today We Unite" internal organizing campaign at American Airlines, which continues to support our brothers and sisters at the bargaining table with the company, and helped them win an interim wage agreement that included increases for all of our members at the airline. And our Election 2016 "get-out-the-vote" campaign, which produced an unprecedented effort from TWU members around the country, knocking on doors, making phone calls, meeting with candidates, and volunteering on campaigns to get pro-labor candidates elected at the local, state, and federal level.

I have been proud to be a member of this union for most of my adult life, and I've been proud to be its International President for the last three years. But I've never been more proud to be a part of something as big as TWU than I was this year. We are finally doing what we set out to do three years ago at our convention, where we promised big change and real action. I see it every day in the commitment and enthusiasm from you, our members, and I am inspired to keep working toward making TWU the fighting, militant powerhouse our founder intended us to be.

We won't win every battle we fight—the presidential election certainly taught us that. In this movement, we get back up and keep fighting, because there are too many people counting on us. My hope for 2017 is that we enter each battle stronger, more unified, and ready to have each other's backs. Let's get to work.

United, Invincible

Harry Lombardo
International President

"In this movement, we get back up and keep fighting, because there are too many people counting on us."



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Election 2016: Members Mobilize



TWU members mobilized for this election in record numbers, knocking on hundreds of doors, making thousands of phone calls, and logging thousands of volunteer hours on campaigns and candidate events from coast to coast. It was the union's largest effort in years.

From ballot measures in Ohio and New Jersey, to new members of Congress from Nevada, Illinois, and Florida—around the nation, TWU members were instrumental

in making a difference at the local, state, and federal levels.

Not every race went TWU's way, but the union's get-out-the-vote efforts, member-to-member communications, and labor-to-labor phone banking ensured that the voices of working people were heard on election day.

On the following pages you will see the results of key victories, including state ballot measures that focused on the transportation

industry and the new allies TWU has in Congress. You will also find a forecast on some of the legislative issues debated on the campaign trail and what they mean for the labor movement and all Americans. And, you'll see photos of members hard at work to get union members out to vote. Even when things don't go the union's way, TWU members are United Invincible.

TWU Members Got Out The Vote All Over The Country!



The Election is Over. What's Next in Washington?



Photo by Flickr user Bill Dickinson

No one knows for certain what will happen when President-elect Trump takes the oath of office in January and the new Congress convenes. While Mr. Trump's policy statements on the campaign trail were vague, the union is ready to observe and listen to see just how the direction of this administration and the new Congress will affect TWU members. The union will do what is necessary to protect its members' rights and livelihoods.

Here's an initial look at some of the laws that may be passed, amended, or abolished in the coming months.

Labor Rights

Expect to see a rollback of labor rights for every American worker. This could include attempts to expand right-to-work laws that allow free riders to take advantage of the benefits and protections of union membership without paying dues. If right-to-work efforts succeed, it will become more difficult to organize workers, form unions, hold union elections, and protect the rank and file worker from abuse by greedy bosses, and will ultimately cut down on union membership across the board, making it tougher for unions

to exist overall. TWU will fight against these attacks on every front.

Free Trade

As outlined in a separate article (see page 11), the Trans-Pacific Partnership (TPP) free trade pact is dead. This is a huge victory, and it comes because of years of hard work by unions and other allies who opposed this corporate deal. It is yet to be seen what types of trade deals will be brokered by the incoming administration.

Infrastructure

President-elect Trump has pledged to spend \$1 trillion on infrastructure investments. The spending plan outlined during his campaign would use federal tax credits to encourage private companies to invest in infrastructure projects. There are still many questions about what this would look like. Hopefully, the plan would encourage investments in public transit, airports, and railroads around the country. Some elected leaders have pledged to work for an investment plan that hands over infrastructure to private companies, which would expect to receive

toll income to repay the private payments. Mr. Trump's willingness to invest in the nation's infrastructure is welcome but TWU will fight any unfair plan that tries to privatize large parts of public infrastructure, like transit, highways, bridges, and water systems.

Amtrak

As a native New Yorker, the President-elect understands the importance of Amtrak and the Northeast Corridor service, both to the traveling public and the nation's economy. However, his top transportation transition team advisor strongly supports Amtrak privatization. It is unclear right now whether the new administration will focus on investing in passenger rail or cut spending and possibly eliminate thousands of Amtrak jobs.

Airline Bankruptcy Reform

TWU has seen in recent years that airline management and creditors abuse bankruptcy protections to gut hard-won labor agreements that protect union members. These laws are unlikely to change under the new administration, based on past

corporate practice and the make-up of the new president's cabinet (which will not be confirmed until January). TWU will stand up to any measures that will again take advantage of or even gut workers' pensions and workplace rights.

Medicaid

Medicaid provides health insurance to 70 million people, including payments for about two-thirds of nursing home residents. The President-elect and Republican congressional leaders have expressed support for proposals that could cut health care coverage to millions of the most vulnerable Americans.

Medicare

Medicare is the federal single-payer health care system that provides benefits to about 55 million people, most of whom are senior citizens. House Speaker Paul Ryan is expected to attempt to increase the Medicare eligibility age and replace the current system with private insurance vouchers, which would dramatically reduce health care coverage for people who worked for decades to pay into the system.

Affordable Care Act

The Republican Party is united in its

support for repealing the Affordable Care Act (Obamacare). But before doing so, they will need to solve complicated problems like whether to guarantee coverage for people with preexisting conditions and young adults who have aged out of their parents' health care insurance. A complete repeal would take coverage away from about 22 million people who were previously uninsured before the health care law went into effect. It remains unclear what a replacement law would look like, but regardless, under a repeal, many current beneficiaries are likely to lose their health care coverage, leaving them exposed to serious illness and mounting debt from medical bills.

Social Security

President-elect Trump promised to save Social Security during the campaign. However, his transition team includes advisors who have spent their careers pushing Social Security privatization, which would force Americans to move their retirement funds into risky investment accounts that don't guarantee retirement security. The Social Security Act was passed during the Great Depression expressly to ensure that retired Americans could live out their lives with a stable income.

Money in Politics

The Republican Party strongly supports campaign finance laws that permit big corporations and wealthy individuals to "pay to play." This system has damaged the democratic process and continues to exploit government regulations that attempt to level the playing field and allow qualified candidates to run for office at any level. This attack on the democratic system won't change if the Supreme Court is packed with justices who believe that money is free speech and corporations have the same rights as people. Billions of dollars will continue to pour into political campaigns, drowning out the voices of working people.

As the nation moves forward with a new administration and a new Congress, TWU will remain vigilant in holding elected officials accountable for what was promised during their campaigns: standing with working people and creating an economy that truly works for everyone. TWU will continue to collaborate with any elected official who has the backs of working people and by harnessing the power of TWU activists, the union will not back down from any fight.

Transportation Funding Wins Big

There were dozens of transportation-related measures on ballots this year. When the votes were counted, the message was clear: Americans are willing to raise taxes in order to fund better mass transit systems and provide more transportation options.

Nearly three dozen taxes-for-transit ballot measures were passed to raise \$170 billion for train, subway, light-rail, and bus projects around the country. Higher sales, income, and property taxes were approved, in addition to bond issues earmarked for transit. TWU locals in several states actively

campaigns on these measures and were instrumental in getting them passed.

Both presidential candidates campaigned on investing in the nation's infrastructure, and TWU members know better than most just how crucial that investment will be.

In Franklin County, Ohio, voters were asked to renew a 0.25-percent sales tax for 10 years which would raise \$62 million a year for the Central Ohio Transit Authority. Local 208 President Andrew Jordan issue a public letter on behalf of the local expressing full support for the measure. The measure passed by a 72 percent margin.

The New Jersey state ballot had an amendment to the state

constitution requiring all revenue raised by the state's fuel taxes be dedicated solely to funding transportation system upgrades. Previously, only a portion of the fuel tax was required to be spent on transportation while the rest could be redirected by the state legislature. Locals 229, 1400, and 2001 supported the amendment and worked hard to mobilize members to vote for it. The measure passed handily.

"TWU doesn't just work at the federal level to get funding for our locals' transit agencies or employers," said Government Affairs Director Brendan Danaher. "Having our members active at the state and local level is essential to protecting our jobs and way of life."

Election 2016: TWU Success Stories

Although most headlines focused on pro-labor candidates' losses and the uphill battle facing the labor movement with the new administration, some TWU allies did win in federal, state, and local races around the country.

Here are a few of the newly-elected representatives who have pledged to stand with labor and who won on November 8, sorted by state.

Arizona: Tom O'Halleran (D) U.S. House of Representatives (1st District)

In his response to TWU's campaign questionnaire, O'Halleran wrote, "Representation for the American worker is a critical part of building a successful middle class that has access to a livable wage and decent benefits. I strongly believe we must fight to protect collective bargaining agreements and work to strengthen the voice of the American worker."



Delaware: Lisa Blunt Rochester (D) U.S. House of Representatives

Blunt Rochester is the former State Labor Secretary and ex-CEO of the Metropolitan Wilmington Urban League. She affirmed her strong support for Amtrak when she addressed TWU's Rail Division in October (left).



Illinois: Tammy Duckworth (D) U.S. Senate

Duckworth is a longstanding ally of TWU's locals in the Chicago area and has been on a first name basis with many TWU activists for years. During the campaign, she reaffirmed her support for labor rights in the union's campaign questionnaire, "I will continue to co-sponsor and vote for legislation that would protect the right to organize and engage in collective bargaining."

California: Kamala Harris (D) U.S. Senate

Harris will replace Sen. Barbara Boxer, who is retiring in January. Harris was California's first female Attorney General, elected in 2011. *The Washington Post* has described her as "a crusader for the down-and-out."

California: Rob Bonta (D) California State Assembly (District 18)

Bonta has been a close friend and partner with TWU's California State Conference for years. He has a strong commitment to justice and equality in the California Assembly.

California: Hillary Ronen (D) Board of Supervisors San Francisco (District 9)

Ronen is true progressive who spent her career fighting for issues important to the working families of San Francisco. A longtime MUNI rider, she understands the issues that impact public transit workers in San Francisco.

New Jersey: Josh Gottheimer (D) U.S. House of Representatives (5th District)

In October, Gottheimer appeared with New Jersey State Conference Chair Steve Hamm (rear) and Local 1400 Vice President Patrick Reynolds (right) at a railroad safety press conference after the train crash in Hoboken.



**Illinois: Brad Schneider (D)
U.S. House of Representatives
(10th District)**

Schneider, who served one term in Congress from 2012–2014, will return to Washington. He knows TWU well and has enduring relationships with TWU’s Chicago locals, who worked hard to send him back to Capitol Hill.

**Florida: Stephanie Murphy (D)
U.S. House of Representatives
(7th District)**

Murphy beat longtime Rep. John Mica (R), who was one of TWU’s biggest adversaries in the House. While Chairman of the House Transportation and Infrastructure Committee, Mica made it harder for airline and railroad workers to organize and fought unsuccessfully to make massive cuts in transit spending and eliminate thousands of Amtrak jobs.

**Florida: Darren Soto (D)
U.S. House of Representatives
(9th District)**

Soto opposes anti-labor “right-to-work” laws and supports giving the National Labor Relations Board stronger enforcement powers to protect against unscrupulous anti-union employer tactics.

**Florida: Val Demings (D)
U.S. House of Representatives
(10th District)**

In a statement to TWU, Demings wrote, “We must restore and strengthen labor standards and make sure all workers are treated fairly. This includes ensuring equal pay for equal work and raising the minimum wage to \$15. In addition, we have to strengthen the ability for workers to form and join unions and advocate for their rights.”



Illinois: Raja Krishnamoorthi (D), U.S. House of Representatives (8th District)

Krishnamoorthi (center) will replace Tammy Duckworth in the U.S. House. He had strong

support from the union and TWU members even appeared in his TV ads. Check out Rep. Krishnamoorthi’s ad on YouTube: <http://bit.ly/2g6XRyC>



**Texas: Victoria Neave (D)
Texas State House**

Neave’s (center, in t-shirt, with Dallas labor leaders) victory was

an important step in helping to change the political makeup in the Texas statehouse. She is a close ally of TWU and the labor movement in the Dallas area.

**Florida: Charlie Crist (D)
U.S. House of Representatives
(13th District)**

Crist, who was endorsed by the Florida AFL-CIO, served as Florida governor from 2007–2011. He defeated incumbent Rep. David Jolly (R).

**Nevada: Jacky Rosen (D)
U.S. House of Representatives
(3rd District)**

Rosen was a member of the Culinary Workers Union when she waitressed during college.

**Nevada: Ruben Kihuen (D)
U.S. House of Representatives
(4th District)**

Kihuen, who grew up in a union family, wrote to TWU, saying, "I understand firsthand the importance of organized labor and the impact it has on working families. I am proud to have fought back against reckless Republican efforts to eliminate collective bargaining, overtime pay and prevailing wage. I will continue to be a staunch advocate of workers' rights in Congress."

**New York: Thomas Suozzi (D)
U.S. House of Representatives
(3rd District)**

Suozzi, who will replace retiring Rep. Steve Israel, has promised to focus on increasing federal infrastructure funding during his time on Capitol Hill.

**New York: Latrice Walker (D)
New York State Assembly
(55th District)**

Many members of Locals 100, 101, and 501 live in Walker's district. She worked closely with TWU to pass the Transit Cleaner Assault Bill (A10048B) and other state legislative initiatives.

**Ohio: Jim Hughes (R)
Ohio State House (District 24)**

Hughes stood with TWU and the labor movement during the 2011 fight against anti-labor "right-to-work" laws and is a strong voice for Local 208 members at the Central Ohio Transit Authority.



**Texas: Chris Turner (D)
Texas State House (District 101)**

Turner (far left), who has served six years in the Texas State House, has a 100 percent labor voting record and has met with the Texas/Oklahoma State Conference and Local 513 members many times.



Nevada: Catherine Cortez Masto (D), U.S. Senate

Cortez Masto (center) has served two terms as Nevada's Attorney General. She will replace retiring Sen. Harry Reid. Cortez Masto was one of several Democratic

candidates in Nevada who won because of strong union support and statewide campaigns to get out voters before Election Day, led by the Nevada/Arizona/Colorado State Conference and Local 721 (above, with the other successful Nevada candidates).



**New York: Adriano Espaillat (D)
U.S. House of Representatives
(13th District)**

Espaillat's victory is particularly satisfying for members of Local 100, who have worked closely with him during his long tenure in the New York State Senate and State Assembly. In Washington, he hopes to focus on creating jobs and protecting labor rights.

"Today We Unite" Campaign Continues

As reported in the last issue of the *Express*, TWU's International Campaign Unit (ICU) is working actively with the union's members at American Airlines to support the negotiating teams as they continue bargaining with the country's largest airline. Led by International Vice President; Administrative Assistant to the International

President; and Transit, Universities, Utilities and Services Division Director Jerome Lafragola, the campaign has continued to spread, and International staff continue to visit shop floors and tarmacs like never before.

While the internal organizing continues, so too does the bargaining with American Airlines management.

The TWU-IAM Joint Association continues to meet almost weekly with the company to try to settle the outstanding articles. "Getting the interim wage agreement was a huge step forward," said Air Division Director Mike Mayes. "Now we're hammering out the rest of the contract articles." The wage agreement was reached in August and



members began seeing the increased pay in November.

Negotiations have taken longer than expected, but it took time to reconcile the two complex contracts to pull out the best elements of each. Those items have been folded into the proposals being exchanged between the Association and the company.

Said one Local 513 member about the protracted bargaining efforts, “Make sure you guys fight for every benefit we deserve. It’s time to fight for our rights.”

On the Fleet Service side, 22 tentative agreements (TAs) have been reached but there are several sticking points, such as overtime and vacations, which are extremely

important to the membership. While TAs on those articles haven’t been reached as of press time, the number of outstanding issues has been reduced. On other issues like sick time and holidays, the company has been engaged in stall tactics and refuses to respond to TWU proposals.

For the Mechanics & Related/Stores members, the bargaining team has reached 30 TAs and is still wrangling over several others. The sides are far apart on overtime and the union is standing strong against mandatory overtime and overtime pay issues.

TWU won’t rest until the union gets the best possible contract for its nearly 30,000 members at the company. “We are prepared

to escalate our efforts,” said ICU Director Lafragola. “The members know we mean business and we’ll hold the company accountable for dragging out the negotiations. The more members we reach with the campaign, the stronger we are.”

A Local 502 member nearing retirement sent the following to the ICU team, in response to a mailing: “I’m getting close to the end of my career but hope you can get a solid future set up for the younger guys coming behind me! Please fight a good fight.”

That’s what TWU is doing, today and every day, for its members at American Airlines and across the union.

Working People Defeat The Trans-Pacific Partnership

The Trans-Pacific Partnership (TPP) is dead.

This is a major victory for union members and millions of other citizens who organized and educated their friends, families, and colleagues against the TPP.

While the labor movement cannot deny the unrelenting push by the Obama administration for the TPP during the 2016 election, it can take solace in knowing that President-elect Donald Trump did not derail the TPP—people power united across the country did.

Had union members not fought so hard for so long, the TPP would have expanded and locked in a failed globalization model that has already caused real damage to working people. Previous trade agreements like NAFTA have failed to live up to their promise and instead pushed down wages, increased income inequality, and undermined policies on which all Americans rely for safe food, a livable planet, access to affordable medicines, and so much more.

The TPP died because working

people were tired of the short, sharp end of the stick from trade agreements that are drafted by—and for—corporate interests. And that’s why so many working Americans, regardless of political party, united against the TPP from the very beginning, six years ago.

Activists protested, signed, and emailed petitions. They called their elected representatives and stood up to corporations, Wall Street, Congress, and the President of the United States.

This success of this work became

apparent when the TPP's potential for passage became unlikely last year, and Fast Track authority for the pact was passed by the narrowest of margins in Congress. Even the president acknowledged that a vote on the TPP would be an even more grueling fight.

Soon, the battle over free trade became about more than an individual candidate's position. It became a referendum on the horrible history of free trade agreements and the views of average citizens. "TWU members stepped up to the plate when it truly mattered," said International President Harry Lombardo. "Every division had a role to play in defeating the TPP and our locals spoke loud and clear."

For the first time in years, the voice of working people proved stronger than the golden handcuffs tying elected officials to corporate power. In the months ahead, TWU must again harness the power that killed the TPP as the country adjusts to

life under a new administration and Congress that have yet to give details (as of press time) on how they plan to fix existing trade agreements.

"The coalition that stopped the TPP is powerful and united," continued President Lombardo. "We will continue to fight for our members' livelihoods in the Trump Administration and beyond."

*If you have photos of
TWU members taking
action on political
issues, share them
with us!*

@transportworker



Mourning a Friend, Activist, and Brother

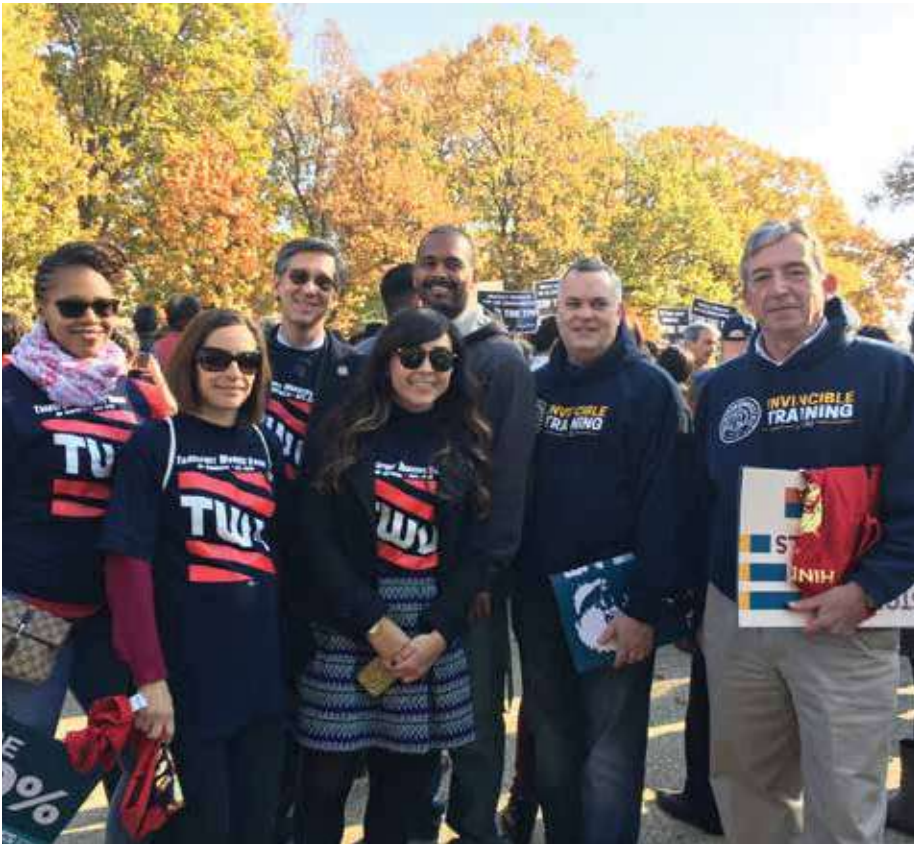
The TWU family was shaken on November 1 upon learning of the sudden death of Local 101 President and International Vice President Michael Conigliaro, 58, who died of a heart attack at his home early that morning.

"Mike Conigliaro was a brother and an ally to every working person, every TWU member, and a close personal friend of mine," said TWU International President Harry Lombardo. "We are shocked and saddened by his passing, and hope we can honor his legacy by bringing his spirit and commitment to our work every day."

Conigliaro was elected Local 101 President in September 2012, after serving nearly 20 years as Vice President and previously, as Recording Secretary. He was elected International Vice President at the TWU Convention in 2013 and served on the union's Executive Council.

Local 101 represents workers at National Grid and HomeServe in New York. As Vice President and later President of the local, Conigliaro steered his union through two tumultuous corporate takeovers of the venerable Brooklyn Union Gas Co., first by the Keyspan Corporation in 1998 and then by National Grid in 2006. Conigliaro skillfully resisted efforts to marginalize the workforce, and protected their contracts and benefits against demands for major givebacks. He took on the company to protect the public as well. When National Grid hired more contractors for job sites than there were TWU-represented inspectors to safeguard them, Conigliaro testified in front of the City Council about the dangers of "self-inspecting" when dealing with natural gas lines which could put the public at risk.

Local 101 shares office space with Local 100 in Brooklyn and



TWU International staff with Administrative Vice President and Rail Division Director Gary Maslanka (right) at a rally to celebrate the demise of the Trans-Pacific Partnership.

both locals were deeply affected by Mike's death. Local 100 President and International Executive Vice President John Samuelsen said, "Mike's passing is an incredibly sad moment for Local 100 and the entire labor movement in New York City. He was a tremendous leader for his members in Local 101, and was like a brother to me and well loved by everyone here in Local 100."

Mike went above and beyond for the union, his friends and his family. "Whatever you needed, whenever you needed it, however you needed it. That was our 'Mikey,'" said International Vice President Curtis Tate, who is also the International Representative for Local 101.

As spelled out in Local 101's by-laws, Secretary-Treasurer Constance Bradley was elevated to president after Conigliaro's death. President Lombardo sent a message to the local on behalf of the International leadership, pledging support. "We stand ready to provide any and all assistance to President Constance



Left to right: International President Harry Lombardo, former Local 101 Vice President Josephine Arroyo, Local 101 President Michael Conigliaro, and International Vice President and Transit Division Director Jerome Lafragola.

Bradley and Local 101 during this very difficult time," he wrote.

Conigliaro is survived by his wife, Tina, three children, Michael Jr., Jaclyn, and Steven, four

grandchildren, two sisters and six brothers.

And many broken-hearted TWU family members.

TWU Cleans Up at 2015 ILCA Awards

TWU members know that the International's Communications team produces smart, funny, and sometimes even moving videos, magazine stories, and blog posts. And their hard work in 2015 paid off yet again with a number of awards presented by the International Labor Communications Association, announced in mid-October.

"In restructuring the TWU International staff after the 2013 convention, I wanted to build out our communications team," said International President Harry Lombardo. "Our members can see from these awards that those efforts have paid off for the entire union."

Five videos created by Interactive Media Producer Mary Matthews were among the winners, as was a revitalized *TWU Express*, which took an honorable mention in the

General Excellence category.

One of the videos, "TWU Local 525 Memorial Beam" was also chosen for inclusion in the Woodstock Museum Film Festival in New York over Labor Day weekend. The museum not only celebrates its famous namesake festival from 1969, it is a "living museum" that enhances the culture of a living colony of the arts. This year's theme was "Reality," and the story of the memorial beam from the World Trade Center was a moving one, highlighting not just a piece of wreckage from one of the darkest days in American history, but the collaboration and cooperation of TWU locals across divisions which made the journey happen.

TWU's ILCA Awards

2nd Place: Electronic Media:

Best Longform Video: TWU Local 525 Memorial Beam

3rd Place: Electronic Media:

Best Promotional Video: TWU Attends 2015 AFL-CIO MLK Conference

3rd Place: Electronic Media:

Best News Video: TWU Local 100: GCS Call Center Workers Fight Back

3rd Place: Writing: Saul Miller Awards: Collective Bargaining:

With Solidarity Across the Union, Victory at Gray Line Is Near!

Honorable Mention: General Excellence: Print Publication: *TWU Express*, December 2015

Check out TWU's videos on YouTube, and read the December 2015 issue of the *Express* at TWU.org.

Local 234 Strikes in Philadelphia — And Wins

Just days before Local 234's contract with the Southeastern Pennsylvania Transit Authority (SEPTA) expired this fall, the members voted unanimously to go on strike.

The action was not taken lightly, and strike they did. For seven days, Local 234's bargaining team, led by President Willie Brown, went back and forth with SEPTA, facing down threatened court action and vocal public opinion from riders inconvenienced by the shutdown.

In a strong statement supporting the strike, International President Harry Lombardo said, "The best-case scenario is that negotiations succeed, and we bargain a contract that meets or exceeds our members' needs. But that didn't happen, and these members did what they had to do to protect their families and their livelihoods."

The contract expired at midnight on Oct. 31 and the strike began at 12:01 am Nov. 1. It was settled in the early morning of Nov. 7, the day before polls opened on Election Day. The local's executive board voted to ratify the agreement within hours and it was presented to the full membership for a vote, where the five-year deal passed overwhelmingly: 1,982 to 760.

"We worked day and night at the bargaining table in an attempt to finalize a new contract," said President Brown. "We ultimately prevailed because our members were determined and united from beginning to end."

United with them was the TWU International Administrative Committee (IAC), which relocated its monthly meeting to Philadelphia during the strike. President



Lombardo was joined by Executive Vice President John Samuelsen, Secretary-Treasurer Alex Garcia, and Administrative Vice Presidents John Bland and Gary Maslanka. The IAC conducted its regular business but also wanted to show solidarity with the striking Local 234 members. "The IAC met with our negotiating team," said President Brown, "and gave them quite a boost. I'm grateful the International took the time with us." Also on hand to lend assistance to the local were Transit Division Director and Assistant to the International President Jerome Lafragola and International Vice President Curtis Tate, who along with President Lombardo, spent some time directly at the bargaining table across from SEPTA management.

"Willie Brown and his bargaining team are experienced negotiators and we knew they would hammer out a deal that the members would support," said Lafragola.

President Lombardo spent most of the week at Local 234 and was indeed on hand, with Lafragola and Tate, at the opening of bargaining earlier in the summer, and during the intervening months as well.

As to the necessity of the strike,

Tate said "The local has been down this road before and certainly didn't want to adversely affect commuters. But sometimes drastic measures must be taken to get an employer's attention."

The biggest sticking point at the table was members' pensions, and in the end, the bargaining team was able to secure pension increases over the life of the contract, and a revised system for calculating them. Another key issue was health care, and while some cost sharing measures were necessary, overall, the local was able to maintain the best possible plans for its members. In addition, President Brown was able to go back to SEPTA and negotiate a new retiree survivor provision. Finally, the union secured a wage increase for each year of the five-year deal.

The new contract also provides job security for cashiers. Like many transit agencies nationwide, SEPTA is turning to new fare technologies that collect payment through swiping a card or tapping a smartphone. As the agency moves forward with this technology, cashiers will be trained for new positions, without loss of pay or seniority.

"I am proud of the contract we negotiated," said President Brown. "It solves a lot of problems and gives our members five years of stability and peace of mind. I can't thank our International leaders enough for their support," he said. "The fact that the International was with us during this fight and offered support and resources meant a great deal to me personally and to the entire membership."

*Check out more strike photos
on Instagram!*

@transportworker



Rail Division Hosts Young Trade Union Leaders



In mid-October during the Rail Division's regional meeting of local presidents, a group of union leaders and activists from Nairobi, Kenya and Tbilisi, Georgia came to TWU headquarters in Washington, D.C., to discuss labor issues within their countries and specifically, the role of young workers in the labor movement.

Each year, the AFL-CIO's Solidarity Center conducts an international exchange program for labor activists. This year, there were eight participants in the Exchange Program for Young Worker Leaders who specifically asked to meet with TWU's Rail Division to learn how the rail sector in the U.S. handles various issues in the workplace. They asked TWU about the challenges facing rail trade unions in recent years and the experience of young workers in the

union and on the job.

"We were only too happy to host these amazing young men and women," said International Administrative Vice President and Rail Division Director Gary Maslanka. "Our presidents shared their insights and experiences and learned a great deal about the issues facing rail industry workers in those countries."

The group was especially impressed by Ilia Lezhava, Vice President of the Georgian Railway Workers New Trade Union, which is only five years old. Lezhava was elected to his first post, Chairman of the Trade Union of the Locomotive Depot, in 2013.

Lezhava, through an interpreter, shared his story about the lack of—or unenforced—safety regulations for railroad workers in Georgia and his struggle with company management.

The conditions he described were remarkably similar to those faced by American workers in the earliest days of the labor movement, when TWU and other trade unions were founded to lift workers out of poverty, demand safer workplaces, provide rights and benefits, and a fair grievance process. Lezhava and the other young leaders hope their own activism, combined with what they learned while in the U.S., will raise the bar for workers in their home countries.

The Rail Division leaders were moved by Lezhava's story which allowed many of them to reflect on how far we have come in this nation.

"All of us could empathize with his struggle," continued Maslanka. "Ilia and the other young activists reminded us all of why we became trade unionists."

A Diamond Anniversary for Local 223

The United States had yet to enter World War II when Local 223 was officially chartered in 1941, but a small group of determined union organizers had already been fighting for the transit workers of Omaha, Nebraska.

On a warm September evening, Local 223 and representatives of TWU International gathered to celebrate 75 years of the small but powerful local.

International President Harry Lombardo; International Vice President, Administrative Assistant to the International President and Transit Division Director Jerome Lafragola; International Vice Presidents Carl Martin and Curtis Tate, and International Representative Theotis James were all on hand to congratulate the local and honor its history. Local 171 President Delisa Brown traveled from Michigan to show her support.

Local 223 President Joe

Boncordo and the local's executive board—including Vice President Chad Olson, Secretary-Treasurer Phil Johnson, Tim Houlton (maintenance representative), and Don Humphrey (transportation representative)—played host for the evening which included guests from the William Brennan Institute for Labor Studies at the University of Nebraska and even Curt Simon, Executive Director of Omaha's Metro Transit, the local's employer.

A short documentary produced by TWU and presented as a gift by President Lombardo brought the colorful history of Local 223 to life.

"You really need to have a passion to help people to do this job, and I see so many of you embody that every single day,"



International President Harry Lombardo with Local 223 President Joseph Boncordo

said President Lombardo. "I know that being a member of TWU and Local 223 is about paving the way for the next generation to enjoy the same rights and benefits on the job that we all have today. That, brothers and sisters, is the true meaning of United, Invincible."

*Check out Local 223's anniversary video on YouTube!
[YouTube.com/transportworker](https://www.youtube.com/transportworker)*

Welcoming New Members with a Helping Hand

Nearly 200 employees at Orlando International Airport now have the benefits of workplace protection, courtesy of TWU. In an overwhelming victory, ramp workers employed by Swissport International voted for TWU representation in September and are now part of Local 525.

The workers approached TWU after years of struggling with low wages, long hours, and poor working conditions at the airport. They knew TWU's proven track record of fighting for its members in the aviation industry, having

worked alongside TWU members at American and Southwest Airlines in Orlando.

Just weeks after voting for representation, new Local 525 members Kevin Charles and Alexis Salgado were unloading a plane the evening of October 6 when the can-loader they were operating malfunctioned and engulfed both workers in flames. They had to jump from the belly of the plane to escape and were rushed to the hospital.

Local 525 immediately sprang into action on behalf of its union

brothers. President Kevin Smith set up an online campaign to raise funds for them, and of course, TWU generosity was swift, raising nearly \$4,000 within days. "Prayers from your Southwest Airlines family," wrote one donor. "TWU is here to help you and your family," said another. Smith wasn't surprised by the outpouring of support. "I knew they could count on their TWU brothers and sisters to be there for them," he said.

Brother Salgado has returned to work on light duty while he recovers from his burns, but Brother Charles faces a much longer road before returning to the tarmac. Thanks to TWU, he can focus on that recovery and not on lost wages.

Local 100 Opens Negotiations



Thousands of Local 100 members, joined by representatives from TWU International leadership, flooded the streets of Manhattan on a chilly November night, as the local prepared to open negotiations with the Metropolitan Transportation Authority (MTA).

An estimated 7,000 members armed with signs, songs, and chants made their voices heard loud and clear in front of MTA headquarters—even projecting their demands on the building itself: workplace respect and safety, wages, pensions, and enhanced training. These issues and more were on the table as negotiations opened, and Local 100 is fighting for its members every step of the way.

But it's not just the city and people of New York that have their eyes on this fight. When International President Harry Lombardo addressed the crowd, bringing greetings from all the locals and divisions of the union, he remarked that "every local in the TWU family is watching this fight closely. Why? Because every local in our great union, especially our TWU transit locals, is affected by the outcome of this negotiation.

In fact, every transit local in the country is watching this negotiation closely." President Lombardo spoke of the recently-settled Local 234 strike in Philadelphia (see page 14) and commended International Executive Vice President and Local 100 President John Samuelson as he introduced President Samuelson to the fired up crowd.

Samuelson declared that it's time for transit workers—who toil in a dangerous environment—to be fairly compensated for their work at a time when the MTA is carrying a surplus, and on-the-job injuries and assaults have been increasing. He also spoke of the power the union has built in New York.

"Without us, the city grinds to a halt. We make this city go, and we can make it go in the other direction too," he said, calling for an agreement before the current contract expires on Jan. 15. "There is no economic calamity this time. The MTA is actually working with a slight surplus. We demand a fair contract. We demand that they negotiate in good faith so that we get that agreement by Jan. 15. No more waiting. We want an on-time

contract."

Lombardo and Samuelson were joined by International Vice President and Transit Division Director Jerome Lafragola, who spoke as well. "I look out into the crowd and I see the strength of this union. As always I am proud to be TWU," said Lafragola.

The crowd roared and were buoyed by the other speakers during the evening, including supportive New York politicians and public advocates.

Labor support came in the form of strong statements from Danny Cassella and Mark Henry, who represent other transit locals in New York, as well as from New York State AFL-CIO President Mario Cilento and New York City Central Labor Council President Vincent Alvarez.

At the conclusion of the rally, Samuelson and a delegation of top officers walked into the lobby of the MTA building where officials were waiting to formally accept the union's bargaining demands, kicking off Local 100's "contract countdown."

Visit TWU.org or follow the union on social media for the latest on contract negotiations.

From the Shop Floor: Odds & Ends from TWU

Expanding its protection of contract workers in Florida, **Local 525 has reached agreement** with Collier Area Transit (CAT) in Naples.

After a lengthy and contentious campaign, Local 525 members employed by CAT overwhelmingly ratified a contract in October. It was the fourth attempt at ratification over the course of six months.

The biggest hurdle in the process was the wrangling

over health insurance at the bargaining table. While in the end, the premiums were higher than expected, TWU was able to get the company to pay for one of two supplemental hospitalization policies to reduce any out-of-pocket losses for members.

The contract will be in force for one year, with the flexibility to extend it, but the only negotiable item would be wages increases for each year of the extension.

In a **legal victory for Local 556**, a court in Texas ruled that two members who had withdrawn from the union as “agency fee objectors” were required to pay an initiation fee after they asked to be reinstated. They reluctantly paid but then the members appealed to the TWU International Committee of Appeals, claiming that Local 556 had violated its own bylaws and sought an exemption from paying. The Committee ruled against them, declaring that Local 556 had violated neither the TWU Constitution nor its own bylaws.

The members sued the local, claiming that having to pay the fee twice (once when they initially joined and then on reinstatement) was retaliation for withdrawing their support in the first place and that the local was violating its own bylaws.

The U.S. District Court for the Northern District of Texas sided with Local 556 and ruled the initiation fee was valid. (*Martin, et al., v. Transportation Workers’ Union, No. 3:15-CV-00556, ND TX, 2016*)

On August 14, **reports of gunfire at JFK International Airport** caused a stampede, as panicked travelers evacuated two terminals and much of the airport was locked down.

While the gunfire proved unfounded, the incident exposed the lack of evacuation and safety protocols, from the New York New Jersey Port Authority and American Airlines, that put both passengers and TWU members at risk.

The following month, TWU was invited to meet with other labor leaders and the New York State AFL-CIO to hear a report from the state labor secretary about the incident; officials from Locals

100, 501, and 570 attended.

As a result of that meeting and follow-up testimony from Local 501 officers who were at the terminal during the incident, Gov. Andrew Cuomo accepted all the recommendations made and has instituted new safety training protocols that all terminal employees will receive, in order to protect themselves and better assist the traveling public during an emergency.

The leadership and collective clout of the TWU locals on this issue were instrumental in bringing about these positive changes, including the first active shooter drill to be held at the airport.

When FDNY Battalion Chief Michael Fahy lost his life battling a fire in New York in September, **members of Local 100 at the Kingsbridge Depot** lowered the facility’s flag to honor his service, after New York Mayor Bill de Blasio ordered the flags lowered on all city buildings.

But MTA supervisors at the depot ordered the workers to raise the flag back up saying they didn’t have permission from agency officials to follow the mayor’s order. The TWU members were threatened with suspension if they didn’t comply.

With the backing of International Executive Vice President and Local 100 President John Samuelsen, the workers refused to raise the flag, and a tense stand-off ensued. As word got out, TWU members at other New York depots and even locals outside the city began lowering their flags in solidarity with Local 100 and out of respect for Chief Fahy. Local 101 in Brooklyn lowered its flag. So did Local 501 at JFK Airport and Local 513 in Dallas. And Local 525 at the Kennedy Space Center—which counts firefighters among its members—followed suit.

After supervisors raised the flag, Local 100 members lowered it again and stood guard to keep it that way. After several hours, the MTA finally backed down, blaming the controversy on a “miscommunication” at the depot level.

According to President Samuelsen, “This incident was the result of the disrespectful decisions of brainless bureaucrats at NYC Transit, but when workers stand shoulder to shoulder, we win.” And a hero is honored.

Air Division Continues to Ink New Contracts

While TWU is in a full-court press against American Airlines (see page 10), the rest of the Air Division isn't sitting on the bench.

Other locals throughout the division are busy negotiating new contracts, getting them ratified by members and signed by leadership and the companies.

As October came to a close, the Southwest Airlines flight attendants of **Local 556** voted to ratify a new contract after three years of negotiations. The ratification marked a massive victory for the local, which, together with TWU's International Campaign Unit, launched a nationwide campaign to survey, educate, and communicate with members about the ongoing negotiations. This led to nearly 90 percent turnout to vote.

The agreement secures wage increases and provides a ratification bonus and additional work rule changes. The contract is amendable in two years, allowing the Local 556 negotiating team to return to the table to build on these industry-leading advances.

"We're happy that we have a ratified contract that recognizes our flight attendants' contributions to the continued success of Southwest Airlines," said Local 556 President Audrey Stone. "While this vote shows that most members supported the tentative agreement, it's clear that we still have a great deal of work to do on quality of life issues."

TWU International vowed to continue supporting Local 556 in its effort, and congratulated the local.

"This union is always going to have your back," said International President Harry Lombardo. "A good contract is a great first step, and we'll keep fighting to make sure all of our members at Southwest Airlines are recognized for the work they do to keep that company moving."

After nearly five years in negotiations, the last three in mediation, **Local 540** and Frontier Airlines reached an agreement for the aircraft dispatchers at the airline.



Believing they were at an impasse, in November TWU requested the National Mediation Board proffer binding arbitration on the outstanding issues. If either the company or the union denied the arbitrator's decision, then under the Railway Labor Act, the union would be able to strike.

"We are pleased that we were able to hammer out an agreement that recognizes the critical work the dispatchers perform on behalf of Frontier Airlines," said TWU International Vice President Gary Shults. "It has been a challenging time for our members and we believe the agreement is something they can be proud of and a foundation on which to build." The agreement passed overwhelmingly in early December.

Members of **Local 548** have also ratified new contracts for flight simulator engineers, flight crew training instructors, and simulator instructor pilots at American Airlines.

The flight simulator engineers ratified their new contract by an overwhelming majority with nearly 100 percent of the work group participating in the election.

The joint contract also covers members formerly employed at US Airways, all now represented by TWU at the merged company.

Local 548 was also able to negotiate—and the members approved overwhelmingly—a new contract with flight crew training

ground instructors and simulator instructor pilots at American Airlines. The two groups have always been represented by TWU.

"These new agreements recognize the critical skills, experience, and dedication Local 548's members bring to the new American Airlines," said Local 548 President Chris Turner. "These jobs require serious training, and our members deserve top-notch contracts to protect them on the job."

Members of Local 548 perform work that is critical to the safety of air travel but is often overlooked. For example, flight crew training instructors train new pilots on ground activity as well as provide the "refresher" training needed by pilots to retain their license.

TWU is also currently in negotiations for a first contract for the flight attendants at Flight Services International (FSI), which staffs Atlas Air. The FSI flight attendants voted for TWU in January 2016 and have been in negotiations since the spring. TWU is also in the process of training the flight attendants to act as representatives in disciplinary meetings.

TWU mourns the passing of former Local 501 President Louis Merlino in October. He was a crew chief in Fleet Service at American Airlines and a U.S. Army veteran. We extend our condolences to his family.

Independent Auditor's Report

To the International Executive Board
and International Executive Council
Transport Workers Union of America
501 3rd Street, NW
Washington, D.C. 20001

We have audited the accompanying schedule of Calculation of Chargeable Expenses (modified cash basis) of Transport Workers Union of America (a nonprofit organization) for the year ended August 31, 2016, and the related notes to the schedule.

Management's Responsibility for the schedule of Calculation of Chargeable Expenses

Management is responsible for the preparation and fair presentation of the schedule of Calculation of Chargeable Expenses in accordance with the modified cash basis of accounting; this includes the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of the schedule of Calculation of Chargeable Expenses (modified cash basis) that is free from material misstatement, whether due to fraud or error.

Auditors' Responsibility

Our responsibility is to express an opinion on the schedule of Calculation of Chargeable Expenses (modified cash basis) based on our audit. We conducted our audit in accordance with auditing standards generally accepted in the United States of America. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the schedule of Calculation of Chargeable Expenses (modified cash basis) is free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the schedule of Calculation of Chargeable Expenses (modified cash basis). The procedures selected depend on the auditors' judgment, including the assessment of the risks of material misstatement of the schedule of Calculation of Chargeable Expenses (modified cash basis), whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation and fair presentation of the schedule of Calculation of Chargeable Expenses (modified cash basis) in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. Accordingly, we express no such opinion. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the schedule of Calculation of Chargeable Expenses (modified cash basis).

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.

Opinion

In our opinion, the schedule of Calculation of Chargeable Expenses (modified cash basis), referred to above presents fairly, in all material respects, the chargeable expenses of Transport Workers Union of America as of August 31, 2016, in conformity with the Transport Workers Union of America Agency Fee Policy.

Basis of Accounting

We draw attention to Note 4, which describes the basis of accounting. The schedule was prepared by Transport Workers Union of America (a nonprofit organization) utilizing the modified cash basis of accounting, which is a basis of accounting other than accounting principles generally accepted in the United States of America.

Other Matter

Our audit was conducted for the purpose of forming an opinion on the schedule of Calculation of Chargeable Expenses (modified cash basis) of the Transport Workers Union of America. The supplementary information; schedule of main office expenses, schedule of servicing, negotiations and grievance expenses and schedule of salaries and related expenses on pages 8, 9 and 10 is presented for purposes of additional analysis. Such information is the responsibility of management and was derived from and relates directly to the underlying accounting and other records used to prepare the schedule of Calculation of Chargeable Expenses (modified cash basis). The information has been subjected to the auditing procedures applied in the audit of the financial statements (modified cash basis) and schedule of Calculation of Chargeable Expenses (modified cash basis) and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the financial statements or to the financial statements themselves and other additional procedures in accordance

with auditing standards generally accepted in the United States of America. In our opinion, the information is fairly stated in all material respects in relation to the financial statements as a whole.

Woodbury, New York
November 30, 2016

SHALIK, MORRIS & COMPANY, LLP

Certified Public Accountants

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TRANSPORT WORKERS UNION OF AMERICA AGENCY FEE POLICY SCHEDULE OF CALCULATION OF CHARGEABLE EXPENSES (MODIFIED CASH BASIS) YEAR ENDED AUGUST 31, 2016

	TOTAL	CHARGEABLE	NON CHARGEABLE
Main office expenses	\$ 3,659,404	\$ 3,358,923	\$ 300,481
Servicing, negotiations and grievance expenses	2,341,834	2,341,834	—
Political expenses	1,272,175	—	1,272,175
Organizing expenses	272,336	—	272,336
TWU Express:			
Non-political information	121,686	121,686	—
Political information	9,032	—	9,032
Donations, tickets and advertisements	68,100	—	68,100
Salaries and related expenses	10,521,670	9,034,409	1,487,261
Social events, non-political	49,610	49,610	—
Quill scholarship	118,911	—	118,911
Insurance	131,714	131,714	—
Convention	108,109	108,109	—
Investment expenses	106,209	106,209	—
Totals	\$ 18,780,790	\$ 15,252,494	\$ 3,528,296
Percentage to total	100.00	81.21	18.79

See notes to schedule of calculation of chargeable expenses.

TRANSPORT WORKERS UNION OF AMERICA AGENCY FEE POLICY SUPPLEMENTARY SCHEDULE OF SERVICING, NEGOTIATIONS AND GRIEVANCE EXPENSES (MODIFIED CASH BASIS) YEAR ENDED AUGUST 31, 2016

	EXPENSES		NON
	TOTAL	CHARGEABLE	CHARGEABLE
Negotiation expenses	\$ 657,780	\$ 657,780	\$ —
Legal fees	680,361	680,361	—
Transportation and facility costs	965,262	965,262	—
Reimbursement of Locals negotiating expenses	38,431	38,431	—
Totals	\$ 2,341,834	\$ 2,341,834	\$ —

See notes to schedule of calculation of chargeable expenses.

TRANSPORT WORKERS UNION OF AMERICA
AGENCY FEE POLICY
SUPPLEMENTARY SCHEDULE OF MAIN OFFICE EXPENSES
(MODIFIED CASH BASIS)
YEAR ENDED AUGUST 31, 2016

	EXPENSES		
	TOTAL	CHARGEABLE	NON CHARGEABLE
Rent and related expenses	\$ 2,061,020	\$ 1,876,884	\$ 184,136
Stationery and printing	62,038	48,245	13,793
Outside consultants	531,304	507,192	24,112
Telephone	196,997	176,031	20,966
Postage	41,263	37,970	3,293
Data processing expense	219,405	213,997	5,408
Equipment rental and maintenance	113,533	105,056	8,477
Newspapers and subscriptions	39,950	25,713	14,237
Accounting	140,575	132,723	7,852
Depreciation	88,911	79,701	9,210
Sundry expenses	164,408	155,411	8,997
Totals	<u>\$ 3,659,404</u>	<u>\$ 3,358,923</u>	<u>\$ 300,481</u>

See notes to schedule of calculation of chargeable expenses.

TRANSPORT WORKERS UNION OF AMERICA
AGENCY FEE POLICY
SUPPLEMENTARY SCHEDULE OF SALARIES & RELATED EXPENSES
(MODIFIED CASH BASIS)
YEAR ENDED AUGUST 31, 2016

	EXPENSES		
	TOTAL	CHARGEABLE	NON CHARGEABLE
Salaries	\$ 5,795,333	\$ 4,978,552	\$ 816,781
Pension and welfare expenses	3,991,771	3,390,228	601,543
Payroll taxes	416,067	365,666	50,401
Auto expenses	330,193	310,010	20,183
Insurance, workers compensation	(11,694)	(10,047)	(1,647)
Totals	<u>\$ 10,521,670</u>	<u>\$ 9,034,409</u>	<u>\$ 1,487,261</u>

See notes to schedule of calculation of chargeable expenses.

TRANSPORT WORKERS UNION OF AMERICA
POLICY ON AGENCY FEE OBJECTIONS

TWU's Policy on Agency Fee Objections, as amended, is based upon decisions of the United States Supreme Court.

1. Employees who are members of TWU are eligible to engage in a broad range of activities by virtue of their membership. This includes, for example, the right to run for and vote in Union elections, to vote on ratification of collective bargaining agreements, and to attend and participate in Union meetings and activities that are pertinent to their employment. Employees represented by TWU can elect to be non-members, but if they do, they lose these and other rights and benefits that go along with membership in good standing in TWU.

2. A TWU-represented nonmember employee who is subject to a union security clause conditioning continued employment on the payment of dues or fees—referred to as “agency fees” for nonmembers—has the right to object to expenditures by TWU or the employee's Local Union that are not related to collective bargaining, contract administration, grievance adjustment or other expenditures that are considered “chargeable” to nonmember objectors. A nonmember objector's agency fees shall be calculated in accordance with this Policy.

3. To become an objector, a TWU-represented nonmember employee shall notify the International Secretary-Treasurer in writing of her/his objection by mail postmarked during the month of January in the first year for which the employee elects to be an objector.

The written notification shall be signed by the employees and include the objector's current home address and TWU Local Union number, if known. The nonmember objector shall also mail a copy of this notice to her/his Local Union. A nonmember employee who first becomes subject to a TWU union security clause after January in a particular year and who desires to be an objector must submit written signed notification to the International Secretary Treasurer, with copy to the employee's Local Union, including the objector's current home address and TWU Local Union number, if known, within thirty (30) days after the employee has become subject to union security obligations and been provided notice of these procedures.

- a. A current TWU member who chooses to become an objector, must first resign from TWU membership before she/he can file an objection through these procedures. A member who resigns from membership during the course of the year shall have 30 days following resignation in which to elect to become an objector by utilizing the procedures set forth in paragraph 3 above.
- b. A TWU-represented nonmember employee, who provides notice in accordance with the procedures set forth in paragraph 3 above, will be considered an objector for each subsequent calendar year after the first year for which the employee elected to be an objector, unless and until the employee notifies the International Secretary Treasurer in writing that she/he no longer desires to be an objector.

4. Expenditures in the following categories are among those chargeable to nonmember objectors.

- a. Negotiation of agreements, practices and working conditions.
- b. 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. Conventions, Union business meetings, and other Union internal governance and related expenses.
- d. Social activities.
- e. Publications, to the extent related to chargeable activities.
- f. Litigation before courts and administrative agencies related to contract administration, collective bargaining rights or other chargeable activities.
- g. Legislative, executive branch and administrative agency activities on legislative or regulatory matters related to the negotiation or administration of contracts and working conditions.
- h. Education and training of members, officers and staff intended to prepare the participants to better perform chargeable activities or otherwise related to chargeable activities.
- i. Activities related to group cohesion and economic action of or by TWU-represented employees, e.g., demonstrations, general strike activity, informational picketing.
- j. Overhead and administration related to or reflective of TWU or TWU Local Union chargeable activities.

5. Expenditures in the following categories arguably are non-chargeable to nonmember objectors:

- a. Community service and charitable contributions.
- b. Affiliations with non-TWU organizations.
- c. Support for political candidates.
- d. Member-only benefits.
- e. Lobbying to the extent not chargeable as per paragraph 4.g. above.
- f. Publications, litigation and for overhead and administration to the extent related to arguably non-chargeable activities.
- g. external recruitment of new members.

6. The TWU Policy on Agency Fee Objections shall be reprinted in each December issue of the Express. The International shall also send a copy of this Policy to each nonmember who objected during that calendar year to inform such person of the right to elect to again object in a succeeding year. Any Local Union that is required by law to have an agency fee policy, but which has failed to adopt such a policy, shall be deemed to have adopted this “Policy on Agency Fee Objections” as its own, and such Locals shall be identified in the December issue of the Express.

7. The International shall retain an independent auditor who shall submit an annual report verifying the breakdown of chargeable and arguably non-chargeable expenditures (the “Report”). Similarly, if a Local Union has determined to apply this Policy for its expenditures, the Local Union shall arrange for an independent audit of the breakdown of the Local's chargeable and arguably non-chargeable expenditures. Any Local Union which fails in a given year to conduct an independent audit of expenditures shall be deemed to have spent the same percentage of its expenditures on chargeable activities as the International expended as reflected in the auditor's Report. The Report(s) of the independent auditor(s) for the International and, where applicable, the Locals shall be completed promptly after the end of the fiscal year. The most recent Report of the International's expenditures shall be reprinted in the December issue of the Express. The Local Union shall provide to the nonmembers it represents a copy of the Report of the breakdown of the Local Union's expenditures.

8. The fees paid by nonmember objectors shall be handled as follows:

- a. Nonmember objectors who pay fees directly and not by checkoff shall pay an amount equal to the full amount of agency fees reduced by the percentage of agency fees

ascribed by the audit Report(s) (described in paragraph 7 above) to arguably non-chargeable activities (the latter amount referred to hereafter as the “non-chargeable amount”). An amount equal to 50% of the non-chargeable amount shall be placed in an interest bearing escrow account.

- b. With regard to nonmember objectors who pay agency fees by check-off, promptly following receipt of the checked-off fees, the non-chargeable amount, both for the International and the Local that is utilizing this Agency Fee Objection Policy, plus an additional 50% of that amount, shall be placed in an interest bearing escrow account. Promptly following each calendar quarter, the non-chargeable amount for the preceding calendar quarter, plus the interest accrued thereon, shall be paid to each such nonmember Objector.
 - c. The International shall bill each Local for the monies return to objectors from escrow in connection with the Local's arguably non-chargeable expenditures.
9. A nonmember objector may challenge the last audited breakdown of chargeable and arguably non-chargeable expenditures contained in the independent accountants' Report(s) by filing a challenge with the International Secretary-Treasurer, together with notice to the employee's Local Union, postmarked no later than thirty (30) days after mailing of the December issue of the EXPRESS that includes the Report(s).
- a. All such timely challenges shall be referred to an impartial arbitrator appointed by the American Arbitration Association (“AAA”) under its rules for impartial determination of Union fees. TWU will request that the AAA appoint an arbitrator to promptly consider and make a determination regarding the challenges in a single consolidated hearing to take place in Washington, D.C. TWU will provide the AAA with the names and addresses of the nonmember objectors who have filed timely challenges.
 - b. Challengers, the International and, if a participant, the Local Union(s) shall each bear its/their own costs related to the arbitration. The challengers shall have the option of paying a pro rata portion of the arbitrator's fees and expenses; if they decline that option, the Union parties to the proceeding will pay the full fees and expenses of the arbitrator and not just their pro rata portion 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 for their challenges to be considered. Challengers who elect not to appear at the hearing may file written statements with the arbitrator, provided they do so by no later than the beginning of the hearing before the arbitrator. Challengers who appear but elect not to present evidence or otherwise participate in the hearing may also submit written statements at or before the beginning of the hearing.
 - 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 that a Union party then intends to introduce at the arbitration and a list of all witnesses the Union party then intends to call, except for exhibits and witnesses the Union party may introduce for rebuttal. If copies of exhibits have not otherwise been provided, a challenger may request that the Union forward a copy to the requesting challenger(s) during this 14-day pre-hearing period. Copies of all exhibits shall also be available for review by challengers at the hearing.
 - e. A court reporter shall make a transcript of all proceedings before the arbitrator. This transcript shall be the only official record of the proceedings and may be purchased by the challengers. The parties shall be informed when the transcript is available for purchase and/or review. If challengers do not purchase a copy of the transcript, a copy shall be available for purposes of inspection by them at the Union party's/parties' headquarters during normal business hours.
 - f. The arbitrator may determine all procedural matters affecting the arbitration consistent with the dual objectives of providing for an informed and an expeditious arbitration.
 - g. Each party to the arbitration shall have the right to file a post-hearing statement by no later than fifteen (15) days after the parties have been provided notice that the transcript has been completed and is available for purchase or review. Neither challengers nor Union parties may include or refer in the post-hearing statements to any evidence that was not previously introduced and accepted by the arbitrator during the arbitration proceeding.
 - h. The arbitrator, taking account of the record presented, shall issue a decision on the challenges to the validity of the auditor's Report of the “chargeable” percentage of Union expenditures. The arbitrator's decision shall be issued 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 AAA rules and the requirements of law. The decision of the arbitrator shall be final and binding.
 - i. Upon receipt of the arbitrator's award, the escrowed funds, as referenced above, shall be distributed in accordance with the arbitrator's decision, with the remaining balance, if any, after any required payments to challengers, returned to the International's or Local Union's general funds.
10. The provisions of this Policy on Agency Fee Objections shall be considered legally separable. Should any provision or portion thereof be held contrary to law by a court or tribunal of competent jurisdiction, the remaining provisions or portions thereof shall continue to be legally effective and binding.

UNION MEMBER RIGHTS AND OFFICER RESPONSIBILITIES UNDER THE LMRDA

UNION MEMBER RIGHTS

Bill of Rights—Union members have:

- equal rights to participate in union activities
- freedom of speech and assembly
- voice in setting rates of dues, fees, and assessments
- protection of the right to sue
- safeguards against improper discipline

Copies of Collective Bargaining Agreements—Union members and nonunion employees have the right to receive or inspect copies of collective bargaining agreements.

Reports—Unions are required to file an initial information report (Form LM-1), copies of constitutions and bylaws, and an annual financial report (Form LM-2/3/4) with OLMS. Unions must make the reports available to members and permit members to examine supporting records for just cause. The reports are public information and copies are available from the OLMS Internet Public Disclosure Room at <http://www.union-reports.dol.gov>.

Officer Elections—Union members have the right to:

- nominate candidates for office
- run for office
- cast a secret ballot
- protest the conduct of an election

Officer Removal—Local union members have the right to an adequate procedure for the removal of an elected officer guilty of serious misconduct.

Trusteeships—Unions may only be placed in trusteeship by a parent body for the reasons specified in the LMRDA.

Prohibition Against Certain Discipline—A union or any of its officials may not fine, expel, or otherwise discipline a member for exercising any LMRDA right.

Prohibition Against Violence—No one may use or threaten to use force or violence to interfere with a union member in the exercise of LMRDA rights.

UNION OFFICER RESPONSIBILITIES

Financial Safeguards—Union officers have a duty to manage the funds and property of the union solely for the benefit of the union and its members in accordance with the union's constitution and bylaws. Union officers or employees who embezzle or steal union funds or other assets commit a Federal crime punishable by a fine and/or imprisonment.

Bonding—Union officers or employees who handle union funds or property must be bonded to provide protection against losses if their union has property and annual financial receipts which exceed \$5,000.

Labor Organization Reports—Union officers must:

- file an initial information report (Form LM-1) and annual financial reports (Forms LM-2/3/4) with OLMS.
- retain the records necessary to verify the reports for at least five years.

Officer Reports—Union officers and employees must file reports concerning any loans and benefits received from, or certain financial interests in, employers whose employees their unions represent and businesses that deal with their unions.

Officer Elections—Unions must:

- hold elections of officers of local unions by secret ballot at least every three years
- conduct regular elections in accordance with their constitution and bylaws and preserve all records for one year
- mail a notice of election to every member at least 15 days prior to the election
- comply with a candidate's request to distribute campaign material (at the candidate's expense)
- not use union funds or resources to promote any candidate (nor may employer funds or resources be used)
- permit candidates to have election observers
- allow candidates to inspect the union's membership list once within 30 days prior to the election

Restrictions on Holding Office—A person convicted of certain crimes may not serve as a union officer, employee, or other representative of a union for up to 13 years.

Loans—A union may not have outstanding loans to any one officer or employee that in total exceed \$2,000 at any time.

Fines—A union may not pay the fine of any officer or employee convicted of any willful violation of the LMRDA.



Labor Keeps Fighting

Most U.S. history books will tell you that at various points in our country's history, labor's enemies have counted us out. Our future is facing potential Supreme Court appointments that could gut our members' fundamental rights to join together and unionize, and many are speculating that our movement's demise is likely near.

But I've seen the grit and determination of working people in this country. I've seen the strategic power when we unite behind an issue. I don't deny that there's work to be done, and that we have to build some bridges even between ourselves. So now, brothers and sisters, is when we do just that. Now is when we rise above hateful rhetoric and distractions and we focus on the issues that truly unite us: protecting our livelihoods so we can provide for our families. Restoring our dignity, respect, and safety on the job. Investing in public transit, Amtrak, airports, and other infrastructure. Fixing the corporate bankruptcy laws that allow companies to use these laws to destroy workers' protections that we have fought for. Let's have the difficult conversations, find the common ground, and then work together to make this a country that truly lifts up the voices of working people, and challenges the notion that anyone with enough money can have access to power. If the labor movement cannot change and adapt—much like we all have, as our jobs and our careers have demanded it—then we will get left behind. And I know we are much too invested in this nation's future for that.

It's clear that politics and activism have become about much more than just one party, one candidate, or even one union. Over the course of the last year, TWU worked hard to educate our members on the issues that mattered most to working people in this election—the issues that would directly affect your income, your families, your jobs, and your everyday lives. As we move forward, I hope you will all stay engaged in that process, be it politics at the community level, or your local's own leadership structure. The power to effect change in your workplace starts with you—that's why we're in a union, and that's why we fight so hard to protect our right to a voice on the job.

Let's keep this momentum going, and keep working toward everything you read about in this issue: our legislative agenda, our latest contracts in negotiations, and our ongoing organizing campaigns. The work doesn't stop just because we had an election. In fact, now is when the real work begins.

In Solidarity,

Alex Garcia
Secretary Treasurer

“The work doesn’t stop just because we had an election. In fact, now is when the real work begins.”



@transportworker

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