

TWU

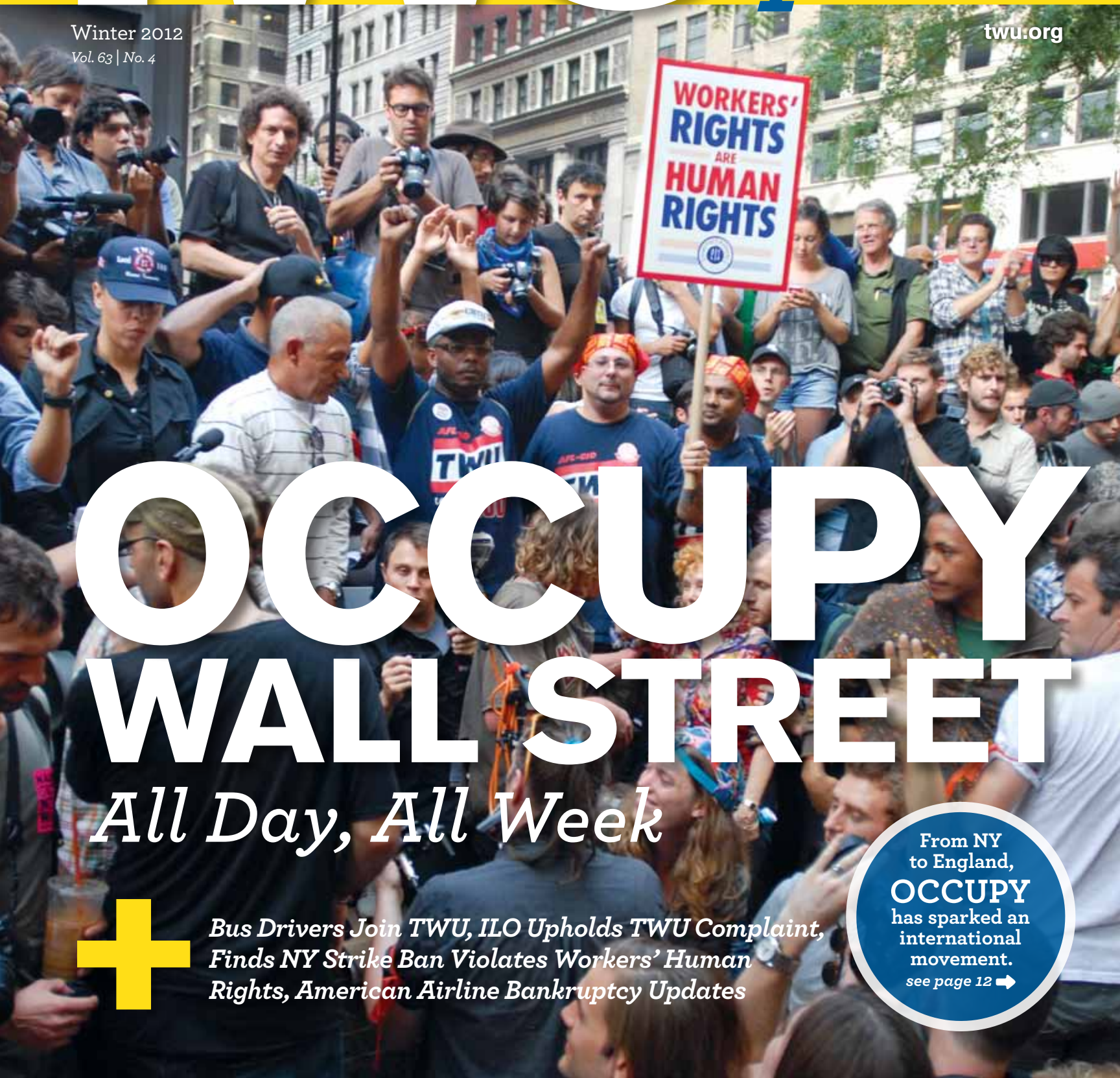
The Transport Workers Union
of America *United Invincible*

Express

Winter 2012

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OCCUPY WALL STREET

All Day, All Week



*Bus Drivers Join TWU, ILO Upholds TWU Complaint,
Finds NY Strike Ban Violates Workers' Human
Rights, American Airline Bankruptcy Updates*

From NY
to England,
OCCUPY
has sparked an
international
movement.
see page 12 ➔

ohio points THE WAY

by *International
President*
James C. Little

As we move toward the New Year and the important election of 2012, I see some signs

for optimism.

On Election Day, Ohio voters repealed a union-busting law by a landslide margin of 61-39%. This outcome, together with the Occupy movement, the effort to recall Governor Walker in Wisconsin and other struggles nationwide, shows that voters support workers' democratic right to have a voice on the job. In the parlance of the people in the Occupy movement, they are fed up with policies that take rights, benefits and jobs from the 99% only to benefit the 1%.

Come election time, we're going to remind politicians in Congress and state houses about the message sent by voters in Ohio. We're going to tell them that they can't respond to unemployment, budget crises and voter anger with phony solutions that demonize workers just trying to make a living.

By rejecting a hastily-passed state law limiting public employees' right to bargain collectively, Ohio voters showed they understand what is going on. As AFL-CIO President Richard Trumka says, "Cutting taxes for millionaires and billionaires, scapegoating working Americans and their unions and downsizing Social Security and cutting Medicare may get you a standing ovation from the 1%, but the voters who decide elections will not be fooled."

Here are some other lessons from the Ohio vote:

In the 2010 mid-term elections, people were voting for change, but the change voters wanted was a solution to the economy and the jobs crisis — not political maneuver and overreach.

Voters in the Buckeye state said the anti-

worker law "was not the kind of change Ohio was looking for in 2010," according to a post-election survey conducted by Hart Research for the AFL-CIO. I think it's telling that the Hart poll found that Ohio voters perceived the law as a political maneuver by Gov. Kasich and state Republicans to weaken labor unions rather than a genuine effort to make state government more efficient.

We also know that the Ohio vote wasn't a fluke. As President Trumka puts it: "Voters in other states (also) rejected right-wing overreach, defeating a Maine law prohibiting a same-day voter registration law that had been in effect for almost 40 years and recalling the state senate president in Arizona, who had championed the state's anti-immigrant law."

Thanks to the Occupy Wall Street movement, voters in 2012 will be even more critical of politicians who are catering to the 1% while average folks pay the price. Fifty-six percent of Ohio voters in the Hart survey agreed that Kasich and his allies "are putting the interests of big corporations ahead of average working people."

It's also encouraging — and a good sign for 2012 — that it wasn't just public employees and other union members who voted against Ohio's anti-worker law. According to the Hart poll, they were joined by definitive majorities of voters from households with no public employee, workers without union representation and independents, as well as 30 percent of Republicans and 36 percent of conservatives.

I'm also hopeful that the myth of the pampered public employee has been put to rest. Those of us who represent public employees know that our members are far from wealthy, and even their relatively good benefits have been eroded in recent



years. What public employees have is a union that helps them maintain standards in the workplace — standards that have been dramatically lowered in the private sector.

Perhaps the biggest lesson from Ohio is one we constantly need to be reminded of: When working people stand together they will win. The corollary is also true: When we allow ourselves to be divided, we lose ground, as we see from horrific legislation passed by state legislatures in Alabama, Michigan and elsewhere. Public employees were joined in the fight by private sector workers, union and non-union, who realized this was their fight too. "Worker to worker, neighbor to neighbor, the message spread, and what began as an attempt to divide workers flopped famously," says Trumka. "In the end, working people's solidarity was the message." We'll be using that solidarity next year to convince politicians to do the right thing for the 99 percent — creating jobs, investing in America's future, safeguarding Social Security and Medicare and requiring the rich to pay their fair share of taxes. If we stand together, we can win the fight to make America a better place for working families.

Let me take this opportunity to wish you and your loved ones a wonderful holiday season and a Happy New Year.

OCCUPY WALL STREET

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TWU ATD Working Women's Committee



TWU's Air Transport Division (ATD) Working Women's Committee (WWC) received a bit of a history lesson from a TWU member, the grandson of a Brotherhood of Sleeping Car Porters member this past October.

TWU Local 513 member, Joe Tolbert spoke to the WWC, composed of men and women, about his grandfather, a sleeping car porter and member of the Brotherhood of Sleeping Car porters, Samuel Strait.

Tolbert recalled the image of his grandfather coming home from work dressed in his porters uniform and how porters only slept for four hours a night.

"We had to be very quiet while my grandfather caught up on sleep," said Tolbert.

He also explained that when any item came up missing or broken, the cost of that item was taken out of the porters' paychecks. Porters were also not called by their name, but by George, as he referenced the movie "10,000 Black Men Named George," a movie about A. Philip Randolph's efforts to organize the black porters of the Pullman Rail Company in the 1920s.

Tolbert also brought along his grandfather's passport, a rare item for blacks to have then, but necessary for his grandfather to have because of the traveling he did.

The committee also learned about the

recent legislation regarding the Voter ID Bill, which is a main obstacle TWU is fighting against. They also discussed the Volunteer Member Organizing and developed team skills through building a structure and assigning roles to each team member while discussing the obstacles they encountered while building it.

Updates were also given from the Veterans Committee and collecting items for women in the military., Union Plus benefits and TWU's Pension.

The WWC will meet again in late February in Hurst, Texas.

The WWC was formed to give women a forum to express workplace concerns and issues pertinent to their lives focusing on issues that will support, inspire, motivate and affect positive change within the workforce.



Top: WWC in late October; Bottom: Joe Tolbert from Local 513 with a picture of his grandfather.

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ILO upholds **TWU COMPLAINT**

Finds NY Strike Ban violates workers' human rights.

James C. Little, President of the Transport Workers Union of America, AFL-CIO (TWU), announced on Nov. 16 that the Committee on Freedom of Association of the International Labor Organization (ILO) has found that the New York law banning and penalizing public worker strikes violates fundamental workers' rights protected by international law. This decision upholds a complaint filed in 2009 by Little and former Local 100 President (now International Vice President) Roger Toussaint.

The Committee found that the outright ban on public sector strikes under New York's Taylor Law, as well as the punishments it imposes on "illegal" strikes (including fines, loss of dues check off and imprisonment of union leaders), violates the Freedom of Association protected under ILO Conventions 87 and 98.

The Committee recommended that the U.S. government: Take steps aimed at bringing the state legislation, through the amendment of the relevant provisions of the Taylor Law, into conformity with freedom of association principles so that only (1) public servants exercising authority in the name of the state and (2) workers of essential services in the strict sense of the term may be restricted in their right to strike.

The Committee also urged the Government: To take measures without delay to ensure that the union is fully compensated in respect of the sanctions and the withdrawal of check-off and to take steps


for the compensation of Mr. Toussaint for his ten-day detention and the additional sanctions imposed against the striking workers.

"This ruling from the ILO, which pertains to the critical New York City transit sector, could become a spearhead for the American labor movement's defense of the rights of public sector workers, and eventually spur re-shaping of U.S. law in this area," said President Little.

The complaint was based on New York's response to TWU Local 100's 60 hour strike in December 2005. At that time, New York's MTA had a \$1 billion surplus, but was insisting on concessions that included divisive two tier pensions and health care proposals. These concessions, which the strike prevented, would have tripled employee contributions, with the result that workers would have lost tens of millions of dollars in earnings by now and hundreds of millions over the long run. New York State courts responded to the strike with an array of penalties, including a \$2.5 million fine on the union, a penalty of an additional day's lost pay for each day each worker was out on strike, personal fines on the top three officers, and jail time for the Local President. Most harmfully, the courts ordered an end to Local 100's automatic dues check off. This last penalty, which ultimately lasted 18 months, struck observers as nothing less than an effort to break Local 100, intimidate the entire labor movement and eliminate the threat of any public sector strike in the future. But TWU's flagship Local was not so easy to kill.

The ILO, a tripartite (governments, employers and unions) agency of the United Nations, has long held that the right to strike is an essential element of the Freedom of Association and the right to collective bargaining protected by core Conventions 87 and 98. (They are called "core" Conventions because, since 1998, the ILO has found that they are "fundamental to the rights of human beings at work.") The ILO Committee on Freedom of Association has repeatedly ruled that, as a founding member of the ILO that has agreed to follow the ILO Constitution, the United States is bound by the principles of these Conventions. In other words, even though the U.S. has failed to ratify Conventions 87 and 98, they simply elaborate the key principles of freedom of association and collective bargaining already contained in the ILO Constitution, by which all ILO member states, including the U.S., are bound. The ILO Constitution is a treaty obligation of the U.S., and under the Supremacy Clause of the U.S. Constitution, federal and state courts are bound by it, even if state laws, such as the Taylor Law, contradict it.

Plainly put, the right to strike is an element of the Freedom of Association, which is the highest law of the land. The Taylor Law's ban on and penalties for strikes, as applied to TWU Local 100 and its members in 2005, violated this Freedom.

Little added, "It is now up to U.S. courts and government agencies to rectify this wrong. TWU will be there every step of the way to help make sure they do. 

transit ACTION DAYS

Members from New York, Ohio, Texas, Pennsylvania, Nebraska, New Jersey, Michigan and California lobbied on Capital Hill Sept. 13 to show congressional members they are the faces of workers whose very own livelihood, as well as those unemployed, is in jeopardy if funding was cut or eliminated from transportation and infrastructure.

"It's more than just roads, they need to understand our plight," said TWU Member Harry Wills of New York.

As they wore shirts reading "Didn't You Say," a response to congressional members regarding their promise to robust transportation investments for our future, members spent the day visiting over 40 congressional members' offices to tell them the importance of supporting the investment in transportation to maintain and create jobs.

Placed into 7 teams, members walked into congressional members' offices announcing who they were and what they wanted. They were armed with their own stories about what they could lose and the devotion to creating jobs for others explaining that now is the time to support Obama's Jobs Plan of investing \$50 billion in transportation.

A member from Ohio told Steven Perrotta, staffer to Sen. Richard Burr (R-NC), how imperative it is to support

transit because of the high ridership and the importance of creating good jobs, when America's unemployment rate is 9.1 percent.

Other TWU members, Delisa Brown and Trent Robinson of Local 171, also had the opportunity to speak to congressional aides and took a lot away with them after lobbying.

"It was good to speak to someone in person," said Robinson. "It puts our point across."

As of Sept. 13 the House passed a 6-month extension for the Surface Transportation Reauthorization Bill.

Following the "Didn't You Say" action day, TWU members rallied on the steps of capitols and in the streets across the country to tell Congress "Don't X Out Public Transit."

As part of a coalition composed of public transit advocates and allies, such as Amalgamated Transit Union (ATU) and American Public Transportation Association, members participated in events throughout the day at transit stations and stops in San Francisco, Philadelphia, Houston, Miami and New York as Local 171 members released a joint statement with the Ann Arbor Transportation Authority (AATA) system highlighting the importance of reliable public transportation.

The message was the clear — to take a stand against Congress' threat to cut more than a third of federal funding for public transportation while making the nation know how they will be affected by such drastic cuts.

"We are making the traveling public and transit users aware that without proper funding bus services will be dramatically cut," said International President James C. Little. "This would prevent workers, or those with no other available transporta-

tion, from getting to work."

Not only are public transportation services in jeopardy, but the careers of those who work for public transportation and those unemployed as funding would increase job growth.

"It's more than just roads, they need to understand our plight."

— HARRY WILLS, NY

Sen. Barbara Boxer (D-CA), chair of the Environment and Public Works Committee, is in agreement that if this proposal is agreed upon around 141,000-500,000 transit jobs, 360,000 highway and construction jobs across the nation will be lost. This is would be devastating to the nation's economy at a time when people and families are already struggling.

Now is the time that any proposal made must include public transportation that is dependable and accessible. We should build our transportation infrastructure, instead of cutting it and embrace clean, efficient transportation technology.

It is essential to retain and continue to train transit workers to provide the consistent services and safety assurance that the public relies on every day from public transportation.

TWU will continue to hold our elected officials accountable as part of our "Didn't You Say" campaign, a response to congressional members regarding their promise robust transportation investments for our future, and supporting the Obama's Administration's Jobs Bill as we continue to tell Congress Don't X Out Public Transit.



Bottom, left: TWU Transit members from across the country on Transit Lobby Day, "Didn't You Say." Top, right: Local 234 in Philadelphia.



rail division **UPDATES**



ACELA high-speed rail major work program begins at Amtrak's backshops at Bear and Wilmington, Delaware

Given the history of the Acela equipment overhauls since introduction of the Acela service, including extremely difficult disputes with Amtrak and their contracting-out this work on two previous occasions, TWU was confronted with extremely difficult challenges to get this phase of overhauls into Amtrak's shops. However, subsequent to quite intense negotiations we were able to reach a special agreement that paved the way for the first train set to arrive at the Bear shops (coaches) and Wilmington Shops (Power Cars) on Nov. 2. In all, 36 Mechanical department employees, including TWU Carmen have completed an extensive 12 week training program and been certified to perform the overhaul work.

The first train sets will receive a COT&S and train sets arriving thereafter will receive an extensive overhaul. Although it was initially expected to be a three-year project, at this point it appears that the project will go beyond three years.

The agreement and ultimately getting the overhaul work into Amtrak shops was made possible by a focused Railroad Division Team, Local 2015 having the knowledge of operations at the Wilmington and Bear shops in Delaware and Locals 2001 and 2054 bringing the High-Speed operation expertise to the table, that resulted in a true and successful team effort that has opened the door to new work at the shops. Without such an effort it would not have been possible to achieve our ultimate goal to secure this new work.

NATIONAL (FREIGHT) TENTATIVE AGREEMENT

After nearly two years of difficult bargaining, including direct negotiations, mediation, a Presidential Emergency Board (PEB), its report to President Obama and returning to the bargaining table, a tentative agreement was reached mirroring recommendations of the PEB 243 on Nov. 14.

The tentative agreement has solid wage gains-20.1% over 6 years and a 1% bonus combined delivering in the range of \$30,000.00 in additional straight time compensation, improved supplemental sickness benefit beginning with the July 1, 2012 wage increase and its levels will be increased proportionately every time there's a wage increase and freezing the \$200.00 contribution far outweighs any increased costs to employees from the plan design changes.

On Oct. 6, the White House announced the appointment of five-member Presidential Emergency Board (PEB) to investigate and make non-binding recommendations in the dispute involving TWU and 10 other rail labor unions and the National Carrier's Conference Committee, which represent the freight railroads.

The President issued the executive order, under the Railway Labor Act (RLA), after the National Mediation Board (NMB) notified him that the disputes would interrupt the transportation services essential to America.

The PEB appointments: Ira Jaffe, Chairman; Roberta Golick, Member; Joshua Javits, Member; Gil Vernon, Member; and Arnold Zack, Member.

WORST GOVERNOR EVER

After a historic month long online election, at www.worstgovernorever.com, involving thousands of voters, Americans elected Gov. Rick Scott of Florida as the Worst Governor Ever on Sept. 6.



Scott's Worst Governor Ever platform included the rejection of 2.4 billion dollars in high speed rail funding for Florida, which would have created 20,000 new jobs for the state that currently has one of the highest rates of unemployment in the country. His continuous attacks on teachers' unions and the middle class, while simultaneously creating tax breaks for the rich, proved a successful campaign strategy in the race for Worst Governor Ever.

Scott beat out an impressive group of nine governors: Gov. Scott Walker of Wisconsin, Gov. Tom Corbett of Pennsylvania, Gov. Chris Christie of New Jersey, Gov. Rick Snyder of Michigan, Gov. Rick Scott of Florida, Gov. John Kasich of Ohio, Gov. Rick Perry of Texas, Gov. Paul LePage of Maine, Gov. Jan Brewer of Arizona, who said she considered her inclusion as a "badge of honor."

Gov. Scott has yet to respond to his newly elected position, but will be inaugurated as Worst Governor Ever, officially kicking off his term as America's Worst Governor Ever.

The election has also received national attention from the media, such as Florida's Broward-Palm Beach New Times, The Orlando Sentinel and was featured on the AFL-CIO blog and Moveon.org.

Meanwhile, as people continue to voice their outrage nation wide toward governors through recall attempts and protests, this election provided them another voice as participants shared their vote with a governor through an e-mail and on Facebook as well as Twitter.

The online election for Worst Governor Ever, launched on Aug. 8 at www.worstgovernor.com in conjunction with TWU's Workers' Rights are Human Rights campaign.



TWU AA/AE **NEGOTIATIONS UPDATE**

Dear Sisters and Brothers,

Since the AA/AE bankruptcy filing on November 29, 2011, we have been working diligently to provide thorough information to you regarding the bankruptcy process, as our legal team continues to navigate through the various court proceedings. We will also continue to provide you up to date information on our newly created website: **<http://aa.twu.org>**.



The Company has announced that it will be presenting “new [CBA] proposals” to “seek further changes to its TWU agreements pursuant to Section 1113 of the Bankruptcy Code.” (The Company will be employing the same approach in seeking changes to its other collective bargaining agreements with its other unions.) Section 1113 of the Bankruptcy Code governs whether a debtor company may reject a CBA and sets forth various substantive and procedural requirements. A Section 1113 motion to reject a CBA is ruled on by the Bankruptcy Judge.

Over the last week we have received a number of inquiries regarding bankruptcy negotiations. The International Administrative Committee (IAC) in consultation with our legal and consultant team met with your Local representatives in connection with the following announcement regarding TWU negotiations: Given the extraordinary circumstances presented, as well as the fact that the negotiations will be conducted under Section 1113, the following negotiation structure will be implemented by TWU — your collective bargaining representative — before a bankruptcy code 1113(c) motion filing and after an 1113(c) motion filing to assure that you receive thorough and expert representation (for example, to avoid procedural missteps under Section 1113 which could risk implementation of unnecessary concessions on employees).

*While no one can be sure how any
bankruptcy case will eventually unfold,
you can be certain of one thing:
**the TWU, your union, will meet
these challenges head on.***

PRE-1113(C) MOTION FILING:

TWU will appoint a negotiating committee which will be assisted by and utilize the entire current negotiations teams for both the AA and AE systems; International staff will be assigned to assist, along with our economist, and our legal team.

Following this initial process, if the parties cannot reach an agreement, the Company will (accord to the information provided TWU) petition the court to reject TWU CBAs.

POST-1113(C) MOTION FILING:

The TWU-appointed negotiating committee will be assisted by your International staff assigned, economist, and legal teams. In addition, both the AA and AE current negotiating teams will select one representative if applicable from the following to serve on an advisory negotiating committee to a maximum of thirteen members; one Fleet Service, one MCT, one Auto/Fac, one Line AMT, one Base AMT, one Stock Clerk, one Ground School



Instructor, one Flight Dispatcher, and one Simulator Technician.

The TWU negotiating committee will be working under the relatively short Section 1113 time frame. The IAC is mandating that at the conclusion of these negotiations you will have the opportunity to vote on any final negotiated term sheet or the debtor's last offer.

The process of 1113(c) will likely move rapidly, but your International and your bargaining committee's intention will be, throughout this process, to protect your interests and to secure the best possible results in light of the circumstances. There is no guarantee that this process will result in an agreement that we can recommend to you or that you can accept. We will, however, make a good faith effort to provide a reasonable response to the Company's position and will seek to reach an agreement with the Company that affords you fair wages, benefits and working conditions.

In addition, if a retiree committee is appointed under Bankruptcy Code section 1114, we intend to seek to participate as a member of that committee on behalf of our retirees.

We will continue to apprise you of the proceedings in court and try to make the process as transparent as possible. As such, the International Secretary-Treasurers office has requested that all AA -AE Locals send in the most up to date contacts for our members in order that we can provide each one of you with the most direct communications during this process. And, again, visit our newly created website: <http://aa.twu.org>.

These are challenging times for you and your family. While no one can be sure how any bankruptcy case will eventually unfold, you can be certain of one thing: the TWU, your union, will meet these challenges head on. We will aggressively fight for you and your family in this case using an incredibly talented strategy and legal team. As I have said, our members have contributed much and sacrificed a lot to add value to this airline.



Text the word **TWU**
AMR to **30644** to
get mobile alerts.

In solidarity,

James C. Little

International President

Harry Lombardo

Int'l Exec. Vice President

Joseph C. Gordon

Int'l Secretary-Treasurer

On Behalf of the International Administrative Committee (IAC)

TEXAS AFL-CIO HOSTS LABOR LUNCHEON

Texas union members, officials and retiree's kicked off the Labor Day weekend early by joining AFL-CIO President Richard Trumka for an afternoon lunch Sept. 1st in Dallas hosted by the Texas AFL-CIO. Union members gathered to hear Trumka speak about the legislative challenges labor faces and the continued unemployment crisis in America.

That morning, President Trumka attended the President's Council on Jobs and Competitiveness Listening and Action Session at Southern Methodist University. He was joined by Jobs Council Members: Lew Hay, Chairman and CEO of NextEra Energy; Gary Kelly, President and CEO of Southwest Airlines; Matthew Rose, Chairman and CEO, BNSF Railway; Laura Tyson, Professor, Haas School of Business, UC Berkeley; and Robert Wolf, President, USB Investment Bank.

The council's guest speaker was Secretary Ray LaHood, Department of Transportation; followed by Tom Donohue, President of the U.S. Chamber of Commerce; and David Cohen, Executive Vice President, Comcast Corporation.

The council discussions included ideas designed to improve our nation's infrastructure while creating jobs and providing economic growth for the future. Attending the SMU session were administration officials, business and union leaders. They concluded that the transportation industry is rife with opportunities considered key to jump starting job creation, rebuilding the country's crumbling infrastructure with improvements in air, rail and transit jobs.

During the labor lunch, President Trumka thanked those attending for the warm Texas welcome and asked for support from locals and members in fighting back against the relentless attacks on labor legislation, unions and working families. Trumka forcefully reiterated the point, "corporate cash dominates politics right now" and the fight we have.

"We have a fight on our hands against the corporate powers, and we got in to the labor movement to fight for the American dream, so that others can share in that same dream."



TWU Texas State Conference Builds Political Strategy

TWU members and retiree's attended the TWU Texas State Conference meeting this week hosted by Local 555 in Dallas, Texas to prepare for the ongoing political struggles and hear from featured guest speakers Texas State Senator Wendy Davis (District 10) and Texas AFL-CIO Vice President John Patrick.

Senator Davis spoke of the political battles targeting those who can least afford the financial cuts and elimination of health and human services, particularly the elderly, unemployed and children who are unable to fight back against these attacks. Senator Davis reminded everyone of last year's drubbing in the mid-term elections when democratic candidates lost badly. Voters were stirred up for change - change that was fostered by voter anger, distrust and ample Tea Party rhetoric. Senator Davis said that elections have consequences, which are being played out today in Washington and statehouses across the country.

The Republican House "super majority" is seeking to redistrict the very few democratic strongholds in Texas and Senator Davis's district is on their hit list. She won the 52 percent Republican majority district in 2008 and since taking office has stood firm on her commitments to her constituents. Republicans in Austin want to see Davis gone, but her constituents support her and she has done a remarkable job standing up against Republican led cuts.

Through the state conferences, TWU is able to get boots on the ground at a moment's notice, when and where they are needed, and many TWU members and union labor activists came to Austin during the last legislative session to make oral statements before the legislature voicing

their displeasure against District 10 redistricting attempts and in favor of Senator Davis. The final verdict on the redistricting may have to be settled through the court system.

John Patrick, a retired United Steel Worker and currently serving as Vice President of the Texas State AFL-CIO, recognized the conference attendee's recent accomplishment in blocking Texas House Bill 2986 that squarely targeted a labor unions' right to collect dues through payroll deductions. The bill also limited members from lobbying and other forms of political activism. Patrick echoed strong support for the State Conferences and their ability to network, communicating effectively and focusing political activists from around the state.

TWU members also provided updates on events at their locals, Thom McDaniel Local 556 President spoke to the seniority integration challenges between Southwest Airlines and Airtran employees, as did Robert Bettinger TWU Local 555 district 5 representative from Houston. Several American Airlines members reported on their stalled contract talks with the company and International Representative Jose Galarza updated the conference on the upcoming divestiture of American Eagle Airlines by AMR Corporation.

TWU Cope Field Assistant Gwen Duniwent, who chairs the Texas State Conference meetings, reminded the audience to call their legislators over the debt ceiling gridlock and the FAA Reauthorization Bill shutdown.

The next Texas State Conference is tentatively scheduled for late September in Austin, Texas.

GAME'S ON for 2012

by COPE
and Political
Field Director
Alex Garcia

Being involved in politics, I'm always looking ahead to the next election. Like the Boy Scouts say, "Be prepared." We must be ready to mobilize our people and resources well before the campaign season gets underway. That's the only way we can be an effective voice for working people.

Even so, I'm surprised by how much the 2012 election is already dominating the news. A slew of Republicans are running for President and seem to be debating each other every other day.

Even President Obama, while concentrating on steering the economy during challenging times, is already positioning himself for a difficult and nasty campaign. Important House and Senate races will soon be taking up their share of the news cycle.

TWU's COPE and Political Field operations are also ready to take the field. We have been mounting COPE drives at locals around the country and more will be scheduled in the weeks and months ahead.

Nurturing our State Conferences is another high priority. I continue to attend meetings of our state conferences, including a session in New York where Local 100, our union's largest local, is joining with other TWU locals in the New York City area to form what should be a powerful State Conference.

Although big business will once again outspend labor by a wide margin in 2012, we're motivated by the belief that your vote can make the difference in state after state, especially when we combine our efforts with like-minded groups. It's an important election and there are plenty

of challenges, but we can win if we prepare and stay focused.

One challenge is that unemployment figures are likely to remain high throughout 2012. That fact doesn't bode well for an incumbent president or for maintaining a middle class & labor-friendly majority in the U.S. House. President Obama took an important step with his jobs creation plan and we must help him turn as much of that as possible into real legislation.

"We've got our work cut out for us, there is no doubt about that," says former AFL-CIO Political Director Steve Rosenthal, who now heads a grass-roots activist organization. In 2008, Obama swept the election with his 365-173 electoral victory, surpassing the 270 needed. An estimate earlier this year by the Cook



to the \$1.2 billion corporations and conservatives spent.

Although we can never match those dollars, it's important to contribute as much as possible to our COPE fund so we have a voice in the process.

The middle class, of course, has a "secret weapon" the big corporations lack: people power. That's why we continue to build our State Conferences and will soon be recruiting volunteers for

It's an important election and there are plenty of challenges, but
***we can win if we prepare
and stay focused.***

Political Report saw the Democrats in 2012 winning 221 electoral votes, Republicans with 219 and 98 electoral votes up in the air, Rosenthal said. The numbers will change as we go along, but the election is sure to be a close one.

Making the battle tougher is the fact that corporations and conservatives will be bankrolling labor's enemies of the 99%. In 2010, Rosenthal said, the \$77 million labor spent on elections paled compared

important field work during the elections.

Our country is in a very volatile period making it impossible to predict what will happen next month, much less next year. But, we know for sure that working men and women will continue to be under attack. That's why we must make a difference in the 2012 election. It won't be easy, but now is the time to mobilize and get members ready for the fight. The game is already on.



“OCCUPY WALL STREET!”

ALL DAY, ALL WEEK!

On Saturday Sept. 17 people from all over the nation and world came to Zuccotti Park, once called Liberty Plaza, transforming New York’s financial district into Occupy Wall Street, a leaderless movement based on the one thing all the people involved have in common: they are the 99% standing up to the 1%.

“Occupy Wall Street! All Day, All Week!” is just one of the many chants echoed throughout Zuccotti Park as Occupy Wall Street has inspired solidarity actions across the nation from North Carolina, Arizona and Michigan and internationally to Belgium, Denmark, Ireland, England and Canada.

This movement is composed of students, activist, the unemployed and employed, citizens and the underrepresented 99 percent who want to separate money from politics and repair America, a message TWU stands behind.



"It is important for labor to be involved," said President Little. "We have been fighting this fight for over one hundred years. We fight at the bargaining table to improve the welfare of our people and it continues to be tougher and tougher."

On Oct. 5, TWU has pledged its support to Occupy Wall Street and similar actions across the nation calling on all Locals in all Divisions to support it and encouraged emphasis be placed on corporate greed, creating jobs and the impact on working families.

That's why on Oct. 13 the TWU International donated a generator to Occupy DC. The generator is for their media center to charge computer batteries and to run stovetops among other things to keep their movement alive so they can continue their peaceful grassroots movement inspired and based on Occupy Wall Street and Occupy Together.

It's about working families, our future, our economy," said International President James C. Little as he thanked Occupy DC protestors. "This is making

people aware and I'm very proud to say TWU will be standing behind and supporting all of these activities."

Meanwhile, TWU Local 100 amped up its alliance with Occupy Wall Street (OWS) on Oct. 5 by joining the largest demonstration since OWS kicked off last month.

Shoulder to shoulder, nearly 15,000 union members, activists and students united in Foley Square for Community Labor March that day where they heard from numerous labor leaders and activists and then marched in solidarity to Zuccotti Park to join the OWS participants.

Members from Communications Workers of America (CWA), Amalgamated Transit Union (ATU), United Federation of Teachers and many others also spoke about the need to invest in America's jobs and to focus on corporate greed's impact on the nation and the ever-growing financial inequalities.

The labor march followed Local 100's injunction against the NYPD for commandeering four local buses to help transport arrested protestors on Oct 4. The court rejected the injunction.

Local 100 executive board voted unanimously to support OWS and their goal to reduce inequality and support every American's right to a decent job, health care, and retirement security.

OWS is now a national and international movement supported by numerous organizations, such as MoveOn, AFL-CIO, AFT, TWU and other labor and activist organization.

TWU will continue to support Occupy Wall Street and similar actions across the country where there is a focus on corporate greed and job creation instead of bailouts for the wealthy.

"This message has to be heard, be continuous and cannot be stopped," said James C. Little.



PATSY MARMO AN ACTIVIST FOR ALL



TWU Local 100 stalwart Patsy Marmo, the first TWU Pension Consultant and former Director of the TWU local 100 Retirees Association has passed away. He was one of only three living members of the TWU group that accompanied Dr. Martin Luther King, Jr. on the historic 1965 March from Selma to Montgomery, Alabama.

Marmo and 12 other TWU members marched with Dr. Martin Luther King, Jr. that day for voting rights as they encountered bloodshed and violence.

"It was a thing I didn't expect," said Marmo in 2008 when he sat down with TWU recalling the encounter he faced with those opposing voter rights. "Two groups, different thoughts, they wanted to keep the south the way it was, but it had to change and you had to have a group to change it."

Marmo knew history was being made that day because the right to vote was given to people who were denied that.

Marmo entered the work force as bus mechanic joining TWU Local 100 in 1946 after serving with the 11th Airborne Division in the Philippines during World War II.

"Each veteran discharged got \$20 a week for a year and didn't have to work," said Marmo in 2008. "But I wanted to work."

Marmo was a union man from there on. He witnessed Michael Quill fight for fair pay without endangering the war effort with a work stoppage. Quill also secured Marmo and his brothers with a contract that guaranteed them a raise.

Marmo's dedication to the civil rights movement along with TWU will never be forgotten.



TWU MEMBERS REINSTATED



Nine Local 234 members, who work at the Hyundai-Rotem Co. railcar production facility in Philadelphia, have successfully won back-pay and reinstatement for being discriminated against by management as union members.

TWU Local 234 members were victorious on Aug. 10 after the National Labor Relations Board (NLRB) approved a settlement, brought by Local 234, of unfair labor practice charges against the Hyundai Rotem and Philadelphia L.L.C. as well as more time to negotiate a labor contract.

"I'm happy the NLRB and TWU stood behind us," said James Serratore, one of the reinstated workers fired in December. "If we didn't have the union behind us we wouldn't of gotten our jobs back."


After the firings, the members teamed up and started petitions for the fired workers. Despite the length of time it took, they all stuck together handing out fliers and protests to give people a chance to understand that it could happen to any of them.

The members persistence helped them as the NLRB agreed with them that management had treated them unfairly, singling out only union members, by implementing unfair discipline and strict enforcement of attendance and rest-break policies.

"Nothing can divide us, this victory is the greatest thing for us," said Ivan McNeil. "We are ONE and we will be victorious. This union came to our lives and we are changed forever. We thank the International Union and the Local for supporting us. We are ONE."

Hyundai Rotem is to pay the nine workers nearly \$95,000 total, while the 54 others who were unfairly disciplined will have their records cleared.

The local's hard work and dedication to their brothers and sisters affected by management's unfair treatment showed the union has strength and that they will not back down.

The workers of Hyundai Rotem and TTA Philadelphia became members of TWU 234, which also represents workers at SEPTA, the public transit system in the greater Philadelphia area, last October after a long, hard fought campaign against management's intimidation tactics. 

BUS DRIVERS *vote to join TWU*

The newest members of Local 525 and 282.

Workers at Lakeland Area Mass Transit District (Citrus Connection) in Lakeland, Fla. and Colonial Intermediate Unit 20 in Pennsylvania will no longer be at will employees following their vote to join TWU locals 525 and 282 respectively.

COLONIAL INTERMEDIATE UNIT 20

The employees for Colonial Intermediate Unit 20 came out victorious on Oct. 19 after a 50-21 vote for a union.

The campaign win came after workers approached TWU because of the lack of benefits they had, such as no sick days and no holidays. The workers also faced numerous changes made by management, such as increasing work hours from 25 to 30 hours to receive benefits, which many are not meeting because of the route changes and unfair treatment from management.

"If you kick a dog long enough, he shows his teeth," said Matt Dees, a driver for the past 6 years who also credits his other co-workers for the successful campaign.

The drivers also lost pay after attending a breakfast meeting with a dispatcher and found out once they received their paychecks. However, the workers were able to receive their pay back after filing a complaint with the labor board.

"We have been treated so unfairly," said Marlow Wacik, a bus driver for 33 years and who was part of the in house organizing committee. "A union will have us all

treated equally."

Now, the workers are on their way to securing a legal and binding contract.

Bus operators, monitors, facility maintenance, mechanics and janitors for Colonial Intermediate Unit 20, which provide 13 school districts with services and programs for children, were the only employees that did not have a contract and will now have the same rights as the others.

"We got our hearts back. I like being a bus driver. I didn't like the fear that I couldn't speak."

— EVA MERSHAN


CITRUS CONNECTION

The success for the workers at Citrus Connection came after several long months of battling intimidation from a union busting firm hired by management and the handpicking of 15 workers to lay off, workers who supported unionizing.

"We got our hearts back," said Eva Mershan, a bus driver for 22 years for Citrus Connection. "I like being a bus driver. I didn't like the fear that I couldn't speak."

The workers approached Kevin Smith, President of Local 525, because of the lack of respect shown to them by management and the lack of raises. The pay for some of them is only entry level.

Union representation for the bus operators, parts clerks, mechanics, facility mechanics and bus fuelers will now help secure a collective bargaining agreement.

The success for all the campaigns was hard fought and achieved by the efforts of strong in-house organizing committees of workers from each company. 



Onward Wisconsin

TWU Workers' Rights are Human Rights activists from around the country joined forces with other labor unions and allies to help with the get out of the vote efforts leading up to the historical August 9 recall elections in Wisconsin.

Members from New York, Ohio and several other states, along with TWU International staff teamed up with We Are Wisconsin and hit the streets of small rural towns as they knocked on doors and handed out literature in 90-degree heat. They also phone banked in Madison reminding people to vote in one of the most watched elections America has seen.

"It went well and I was just so happy to be here at this pivotal time in our history," said Anita Clinton, out of New York, who is on the Workers' Rights are Human Rights team. "It should bode well for Ohio and perhaps lift some spirits in these tough times. I am proud to have been part of a campaign to show America what Democracy looks like!"


On the day of the election, TWU members stood amongst the hundreds of people who held home made signs with the fist representing Wisconsin. Others showed their support for the Wisconsin 14 as well as the six Senate candidates running against the six GOP Senators, the six who helped pass the bill eliminating collective bargaining rights from public employees, as they watched a live outdoor broadcast of MSNBC's Ed Shultz.

However, as the results came in and winners were announced, it was only Jennifer Shilling (D) and Jessica King (D) gaining a seat. The election narrowed the Republican majority from 19-14 to 17-16.

Wisconsin's recall election was not a loss. The victories represented incremental real progress, not only for the people of Wisconsin, but for people everywhere



across the nation. It showed that the tide had begun to turn against Republican politicians everywhere who attack transit workers, teachers and nurses while protecting tax giveaways to millionaires and big corporations.

This election was and is what democracy looks like and as of Nov. 15th, the Democratic Party of Wisconsin joined United Wisconsin and other grassroots allies across the state to collect 540,206 valid recall signatures, until Jan. 13, for the recall of Gov. Scott Walker. 

VICTORY IN OHIO

Ohioans came out in full force Tuesday night and proved that an attack on workers' rights was not going to happen and overturned Ohio's SB 5 law eliminating collective bargaining.

In what was one of the most watched elections the nation has seen, with an outcome that could have set a domino affect of attacks on workers' rights across the

nation, SB5 was defeated with 63 percent voting to repeal the law!


SB5 eliminated collective bargaining rights of some 350,000 public employees.

Those public employees and other Ohio union members and non union members demonstrated that a voice on the job was a right not to be taken away.

The opportunity to vote on issue 2 was the result of an incredible grassroots effort, coordinated by We Are Ohio, to overturn the bill which was rushed through Ohio's legislature this past March. In a matter of a weeks, nearly 1.3 million signatures, five times the number needed, were col-

lected to vote on a repeal SB5. Packed into a large semi, those signatures were then delivered on June 29th to the Ohio Secretary of State.

TWU members along with other union members, participated in the collecting of signatures as well as canvassing, phone banking and volunteering in Ohio to ensure SB5 would be defeated. As a sign of solidarity for workers' rights, people around the nation have also shown their support to repeal SB5 by writing letters and participating in numerous actions across Ohio.

The efforts by the people of Ohio and Tuesday night's victory marked a monumental moment for all workers and the 99% across the nation. They have a voice and will continue to have that voice heard. 



← TWU members working on the front lines with Sen. Brown and the Tri-county Labor Council in Akron, Ohio on Oct. 24. Rick Speelman, Treasurer, Local 1; John Anderson; Sen. Sherrod Brown (OH), Bernie Burkett, President, Local 1; Brad Rucker

TWU JOINS WITH AFA-CWA IN CONDEMNING NMB DELTA DECISION

Friday November 18, 2011 was a terrible day for workers' rights. The Association of Flight Attendants-Communications Workers of America and the Transport Workers Union join together in condemning the decision by the National Mediation Board denying charges of management interference by Delta Air Lines in the November 2010 union representation election. The NMB decision throws out 60 years of bargaining rights for the Northwest Flight Attendants and denies the Delta Flight Attendants any say over their working conditions. The decision ignores the outrageous interference of Delta management in the union election among 20,000 flight attendants.

Given the close margin of that election, Delta continues its determination to keep workers from having a union. This includes lobbying to shut down the Federal Aviation Administration by insisting that an anti-democratic voting standard for union elections be inserted in the FAA re-authorization. Delta seems to be more focused on its anti-union agenda than the performance of the airline, since it has bumped paying passengers to bring anti-worker lobbyists to Congress.

Given the close margin of that election, Delta continues its determination to keep workers from having a union.



TWU Meets with Japanese Government

A U.S. delegation of labor leaders, led by Transport Workers Union International Administrative Vice President John Conley, met with Japanese government officials at their embassy in Washington, D.C. on August 16th.

The delegation was comprised of labor leaders representing the International Brotherhood of Teamsters (IBT), Association of Professional Flight Attendants (APFA), International Association of Machinists (IAMAW) and the Association of Flight Attendants (AFA) — Communications Workers of America (CWA).

Embassy officials, Mr. Shigenori Hiraoka, Counselor Transportation and Ms. Kayo Rokumoto, First Secretary greeted the delegation.

The meeting with Japanese officials created a platform for the U.S. labor leaders to discuss the seemingly arbitrary dismissals of Japan Airlines cabin crew members, affiliates of the International Transport Workers' Federation (ITF), from the Japan Airlines Cabin Crew

Union (CCU). A focus was centered on the fact that older mature workers, as well as union leaders, were dismissed without proper negotiation, while failing to recognize the global affect on Japan Airlines.

TWU's Conley led the discussion group on behalf of the U.S. delegation, culminating in the presentation of the International Resolution supporting the plight of our Cabin Crew colleagues adopted during the recent ITF Joint Alliances meeting in Madrid.

"Mr. Hiraoka and Ms. Rokumoto both vowed to pass on the concerns of the delegations regarding the displeasure among global union members concerning the dismissals that have been characterized as arbitrary," said Conley.

The ITF is comprised of 779 unions representing over 4,668,950 transport workers in 155 countries. It is one of several Global Union Federations allied with the International Trade Union Confederation (ITUC).

Lack of Bathroom Breaks *Endangers Driver Health, Safety*

Cassandra Williams has been a bus operator in New York for almost four years and enjoys nearly every aspect of it, most particularly meeting and greeting her passengers. She picks a different route every day, driving through every neighborhood.

The phrase “enjoys nearly every aspect” of her job is used because, like many drivers, especially women, the dreaded topic of “bathroom breaks” just keeps coming up over and over again.

As some TWU members know full well, it is a problem that seems to be intractable, but with enlightened and compassionate management it really is not. Williams, a member of Local 100, said it has been degrading and puts women’s lives at risk when they have to seek out a somewhere to go.

“Women have to go to extreme measures to relieve themselves,” said Williams. “After 6 p.m. no business will allow us to use its facility, we are forced to hang off the back of the bus sometimes after everyone is off the bus at the end of our line.”

Bathroom issues vary from state to state. In New York, the transit agency contracts with stores to allow drivers (to use the facilities. But in some cases, the drivers must deal with irate passengers who are not sympathetic to the needs of their bus driver and probably don’t give a second thought to the health issues associated with “holding it.”

In Phoenix, the city administration locked the public restrooms that drivers once used — and even those left a lot to be desired in terms of cleanliness.

A HUMAN RIGHT

“Our Operators deserve and demand sanitary and accessible rest facilities, not the

Burger King three blocks from the end your route which may or may not have restroom that is open,” said Local 100 President John Samuelson. “Every transit worker has the right to clean facilities and management has the responsibility to provide them.”

Local 100 has made the issue of adequate facilities for operators a major contract demand on the agreement that expires on Jan. 15, 2012. It’s especially important for our women Operators. The problem is

acute at night where there are few or no bathroom facilities available (that might be open during the day) for them to use at the end of long runs.

Ed Watt, the director of Safety and Health for the Transport Workers Union of America, blames management for tightening up the schedules, allegedly to save money.

“There used to be enough time for a bathroom break,” Watt said, but now if you are running late (a decades-old issue in Manhattan, where buses get stuck in the middle of traffic of one million other vehicles per day) there is not enough time built into the schedules, leaving drivers to fend for themselves with their ingenuity.”

Dr. June Fisher, an associate clinical professor of medicine at the University of California (San Francisco) has studied the effects of transit work on the body and mind. Inadequate rest room time causes prostate problems, kidney failure and dehydration because drivers are afraid to drink too much liquid.

SERIOUS HEALTH ISSUES

“There is no doubt that there are serious health issues here,” Fisher said. “It shouldn’t be that difficult to fix,” adding that transit workers are already at high risk for cardio-

vascular diseases and hypertension.

In addition to the stress of ensuring public safety, meeting schedules, dealing with unruly passengers or fare beaters, the weather and traffic congestion, worrying about where and when you will be able to relieve oneself adds to the stress.

There are those who accept the health risks simply as the price drivers and their families pay in their line of work, but it is a huge price, indeed.

One model for civilized breaks can be found on the subways in New York. Some transit workers have keys to bathrooms at each station (bathrooms that were once open to the public for a fee of five cents). That takes care of trackwalkers, maintenance workers and token booth clerks, but it leaves out the engineer and conductor, some of whom can be in the train for up to 90 minutes.

However, bus operators, after 6 p.m., have no other option than to use Ziploc bags and to go between cars. These options put bus operators at a great physical risk, especially women.

BREAKS MEAN NOTHING WHEN YOU’RE LATE

As TWU grievance officers know, just because a clause (bathroom breaks or otherwise) is in the contract, doesn’t mean the employer will adhere to it.

The point is that transit employees should not have to resort to using their imaginations to deal with an issue that costs them their good health. And the insurance costs resulting from insufficient bathroom breaks will ultimately cost transit agencies far more than simply providing operators the time any human being needs for this.

The time has come to address the issue more aggressively.

Thank you to Jim Callahan who wrote the original story.



Local 563 remembers *Lance CPL* *Nickolas A. Daniels*

Lance CPL Nickolas A. Daniels, son of TWU Local 563 Member, Greg Daniels, Aircraft Mechanic American Airlines, died Nov. 5th while conducting combat operations in Helmand Province, Afghanistan. He was assigned to 3rd Combat Engineer Battalion, 1st Marine Division Expeditionary Force, Twentynine Palms, CA.

LANCE CPL Nickolas A. Daniels served with pride and honor. Giving his last full measure of devotion to our democracy, LANCE CPL Daniels made the ultimate sacrifice for our freedom and his memory will never be forgotten.

If you would like to help support our TWU family Member during this difficult time, we have established a "Nick Daniels Fund". Please forward your donations to:



TWU Local 563
C/O Nick
Daniels Fund
2720 S. River
Road Suite 40
DesPlaines,
Illinois 60018



TRAIN THE TRAINER

On Dec. 4-9, TWU Members from 514, 565 and 567 participated in TWU Train the Trainer Workplace Health and Safety sponsored by the National Labor College. The program is a six-day course about workplace health and safety using a particular popular education approach.

They learned about numerous topics, such as worker and union roles in workplace safety and health and an introduction to ergonomics. They also learned how to teach or facilitate classes on these topics for union members.



TWU LOCAL 514

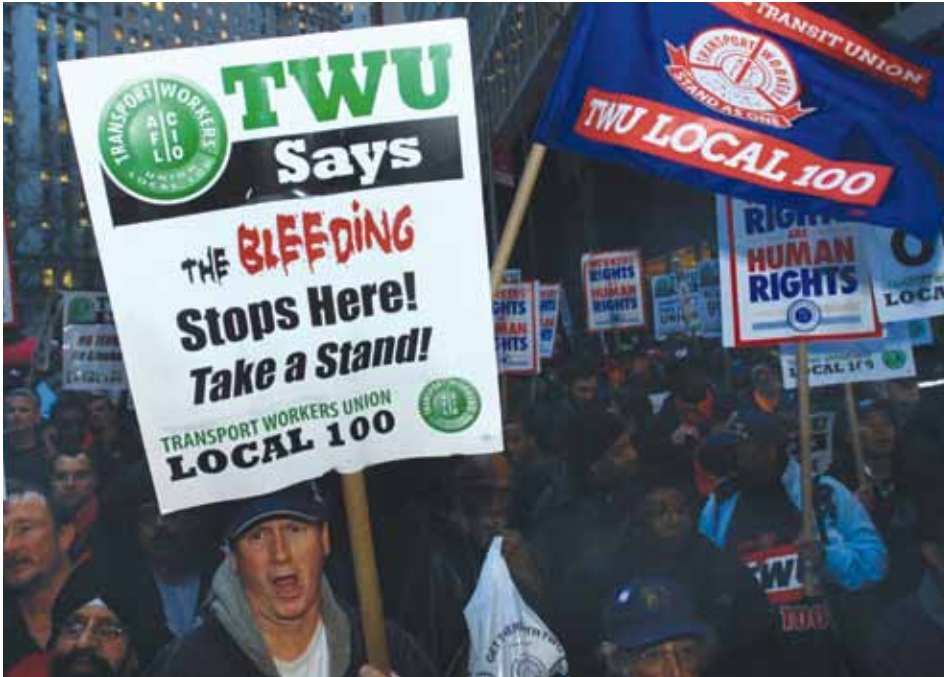
Veterans Committee participates in Tulsa's Veterans Day Parade. Along with their float members trailed behind on their fleet of motorcycles.

LOCAL 299 IN NJ

After Signing Their Contract With Hudson Bergen Light Rail

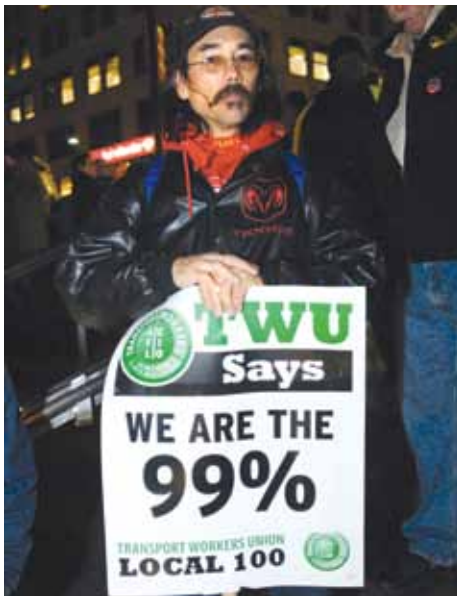
Left to Right: Doug Solomon, esq. HBLR; Jerome Lafragola, Philip Maccioli, general manager HBLR; Joseph Dellisanti President Local 229





LABOR DAY RALLIES

TWU members from Local 501 and Local 100 participating in the Labor Day Parade on Sep. 10.



STAND AS ONE

On Dec 15, Local 100 members, along with its transit allies and other union members, took a stand against New York's MTA's ongoing attacks on workers' rights.

As the night sky as their background, members lit up 2 Broadway outside the NYCT Headquarters as they stood along side their brothers and sisters, political figures and labor allies against MTA's recent demands for cutbacks and concessions.

LOCAL 575

One of the many locals participating in the Shop Steward Training. ➡



SHOP TWU

Find exclusive Union products at our TWU store at shopTWU.com. All merchandise is Union made in the U.S.A.

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 financial statements (modified cash basis) of Transport Workers Union of America for the year ended August 31, 2011, and have issued our report thereon dated December 13, 2011. We have also audited the accompanying schedule of Calculation of Chargeable Expenses (modified cash basis) of Transport Workers Union of America for the year ended August 31, 2011. This schedule is the responsibility of the Union's management. Our responsibility is to express an opinion on this schedule based on our audit.

We conducted our audit of the schedule 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 of material misstatement. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the schedule. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall schedule presentation. We believe that our audit provides a reasonable basis for our 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 for the year ended August 31, 2011, in conformity with the Transport Workers Union of America Agency Fee Policy.

Our audit was made 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 on pages 6, 7 and 8 is presented for the purposes of additional analysis. Such information has been subjected to the auditing procedures applied in the audit of the basic financial statements and, in our opinion, is fairly stated in all material respects.

SHALIK, MORRIS & COMPANY, LLP
Certified Public Accountants
7001 Brush Hollow Road
Westbury, New York 11590

TRANSPORT WORKERS UNION OF AMERICA AGENCY FEE POLICY SCHEDULE OF CALCULATION OF CHARGEABLE EXPENSES (MODIFIED CASH BASIS) YEAR ENDED AUGUST 31, 2011

	EXPENSES		
	TOTAL	CHARGEABLE	NON-CHARGEABLE
Main office expenses	\$5,109,525	\$4,767,361	\$342,164
Servicing, negotiations and grievance expenses	3,696,790	3,696,790	-
Political expenses	1,416,149	-	1,416,149
Organizing expenses	512,972	-	512,972
TWU Express:			
Non-political information	172,432	172,432	-
Political information	17,908	-	17,908
Donations, tickets and advertisements	61,161	-	61,161
Salaries and related expenses	14,312,216	11,816,653	2,495,563
Social events, non-political	15,068	15,068	-
Quill Scholarship	74,400	-	74,400
Insurance	18,690	18,690	-
Quadrennial convention expense	22,515	22,515	-
Investment expenses	183,143	183,143	-
	<u>\$25,612,969</u>	<u>\$20,692,652</u>	<u>\$4,920,317</u>
Percentage to total	<u>100.00</u>	<u>80.79</u>	<u>19.21</u>

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, 2011

	EXPENSES		
	TOTAL	CHARGEABLE	NON-CHARGEABLE
Negotiation expenses	\$1,003,999	\$1,003,999	\$-
Legal Fees	738,586	738,586	-
Transportation and facility costs	1,238,258	1,238,258	-
Reimbursement of Locals negotiating expenses	715,947	715,947	-
	<u>\$3,696,790</u>	<u>\$3,696,790</u>	<u>\$-</u>

See notes to schedule of calculation of chargeable expenses.

**TRANSPORT WORKERS UNION OF AMERICA
AGENCY FEE POLICY SUPPLEMENTARY SCHEDULE
OF SALARIES AND RELATED EXPENSES (MODIFIED
CASH BASIS) YEAR ENDED AUGUST 31, 2011**

	EXPENSES		
	TOTAL	CHARGEABLE	NON-CHARGEABLE
Salaries	\$10,009,945	\$8,210,015	\$1,799,930
Pension and welfare expenses	2,923,723	2,397,838	525,885
Payroll taxes	729,523	613,354	116,169
Auto expenses	600,406	555,569	44,837
Insurance, workers compensation	48,619	39,877	8,742
	\$14,312,216	\$11,816,653	\$2,495,563

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, 2011**

	EXPENSES		
	TOTAL	CHARGEABLE	NON-CHARGEABLE
Rent and related expenses	\$2,019,036	\$1,887,438	\$131,598
Stationery and printing	239,422	190,840	48,582
Outside consultants	348,634	336,804	11,830
Telephone	386,512	359,838	26,674
Postage	294,282	273,941	20,341
Data processing expense	426,913	413,704	13,209
Equipment rental and maintenance	206,510	197,418	9,092
Newspapers and subscriptions	93,369	48,518	44,851
Accounting	76,203	72,742	3,461
Depreciation	395,796	391,314	4,482
Sundry expenses and taxes	622,848	594,804	28,044
	\$5,109,525	\$4,767,361	\$342,164

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 nonmembers, 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 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 nonmember employee objector who wishes to again be an objector in a subsequent calendar year must provide notice of objection in the January of the year for which the employee desires to be an objector, in accordance with the procedures in paragraph 3 above.

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 he 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 at a CROSSROADS

by *International
Secretary-Treasurer*
Joseph C. Gordon

As I look out across the political and economic landscape, it's hard to muster much optimism. Too many Americans are either unemployed or forced to work part-time or at lower wages than before. Young people are graduating from college with more debt than job prospects, while some high school graduates have to take minimum wage jobs.

Some experts tell us consumers are overreacting to what they see as a bleak economic picture. So they spend less than they can afford, contributing to the downward spiral and the chance of a double dip recession. The caution is understandable because middle class Americans who have jobs are increasingly insecure and afraid they may be next in the unemployment line.

You'd think the sad state of working America would engender a little sympathy. But no, many politicians have attacked teachers, police officers and other unionized public employees as "the new privileged elite," presumably because they still make a living wage and have health insurance. Our victory in repealing the law stripping Ohio public workers of their rights puts politicians on notice that we're not going to take these attacks any more.

While most Americans are concerned about the jobs deficit, too many in Washington, including respected policy advisors, are focused on deficit reduction. As Sen. Tom Harkin of Iowa says, this underlines the country's "failure to confront the current economic crisis with the boldness that earlier generations of Americans summoned in times of national challenge."

Hopefully, President Obama's call for

a major jobs initiative and the growth of the Occupy movement, signals we're getting the debate back on the right track. That's why I think this may truly be a crossroads moment for American labor and the middle class.

Congressional Republicans' "mindless march to austerity" as their only response to the nation's jobs crisis equates to "applying leeches to a patient who needs a blood transfusion," Harkin writes. He says smart government investment in infrastructure, education and innovation can create jobs, but "short-sighted government can destroy jobs."

With the private sector failing to produce enough jobs, there is a critical role for the federal government in creating demand and preventing a slide back into recession. Bringing America's infrastructure and transportation systems into the 21st century would rapidly create millions of private sector-jobs.

It's time to put American workers front and center again.

As E.J. Dionne Jr. laments in the *Seattle Times*, business reporting used to include vibrant coverage of workers and their unions. Now, we paint investors as the heroes and workers as the sideshow. We hide workers away while lavishing attention on those who make their livings by moving money around.

Dionne argues that CNBC and the other financial media are for investors what ESPN is for sports junkies. "We cheer the markets, learn the obscure language of hedge-fund managers, and get to know some of the big investors in off-field interviews," he writes. "Workers are regarded as factors of production. At best, they're consumers; at worst, they're 'labor costs' cutting into profits and



*Young people are
graduating from college
with **more debt than
job prospects.***

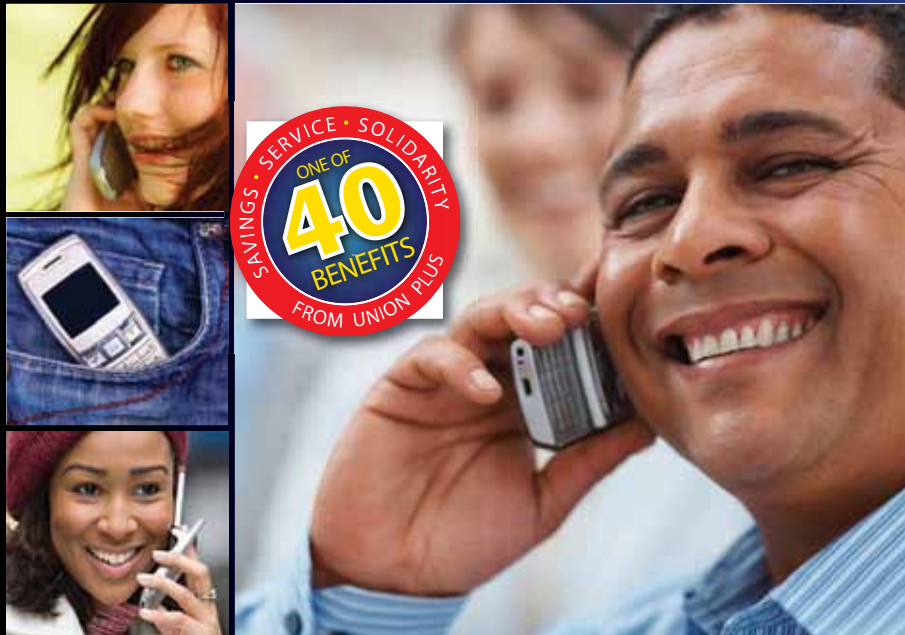
the sacred stock price."

There have been some signs recently that middle class Americans are tired of this second-class status and are starting to fight back. The successful campaign in Ohio is the best example, and labor is strongly supporting efforts in other states to push back against attacks on public workers. The Occupy Wall Street movement also struck a chord among working Americans.

There can be no economic recovery and no return to fiscal balance without the recovery of the middle class. I agree with Senator Harkin that this "means investing in education, innovation, and infrastructure — creating a world-class workforce. And it means restoring a level playing field, with fair taxation, vibrant unions and a strong ladder of opportunity to give every American access to the middle class." We're at a crossroads and we must choose a path to put America back to work.

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