

# ATU: It's a 'War on Workers'

By DAVID SIMS | Posted: Friday, January 18, 2013 4:15 pm

The 8,800 city Bus Drivers and Matrons in Amalgamated Transit Union Local 1181 went on strike Jan. 16, throwing school transportation for more than 150,000 students into chaos on a wet morning, but Mayor Bloomberg stood firm on his position that the city economically had no reason to continue giving the union the seniority hiring protections it demands.

The union is striking over the city's plans to put its special-education bus route contracts up for bid; it wants the longtime employee protection provision, which would guarantee its members' jobs, included in the contract. The city initially insisted that can't be done, citing a 2011 State Court of Appeals decision penned by Chief Judge Jonathan Lippman.

## Union: EPPs 'Not Illegal'

"Despite public pronouncements, it is not illegal to put the EPPs in the bids," Local 1181 President Michael Cordiello said at a picket line outside a bus garage in Ridgewood, Queens. "They have existed as far back as 1965, under a different name. Mayor Bloomberg and [Schools Chancellor Dennis] Walcott continue to hide behind the Court of Appeals decision, which is inaccurate."

Local 1181's attorneys insist that the Court of Appeals decision—in a case in which the city argued in favor of upholding the job-security provision—relates only to pre-kindergarten bus contracts, a division that has never had EPPs.

"The Court of Appeals ruled that based upon the fact that the city did not meet the burden of proof, showing either the EPP save costs or that they would avoid a disruption of service," lawyer Richard Gilberg said at a press conference. "They never produced evidence."

The Mayor at first remained insistent that the court ruling had tied the city's hands, saying at a Jan. 16 press conference, "The union has lost legal challenges on this issue at every level. Twelve Judges have told them they're wrong. They are seeking protections that aren't provided in any other district in the nation."

## Money the Real Issue

But when asked whether the city couldn't rework the EPP to address the legal issues, he responded, "Our job is to get the lowest price we can for the service we need to provide. It is not to pay people as much as we can. If we have any loyalties to pay more, it is to the 280,000 people who work for the city."

The Local 1181 members are not considered public employees and are thus not covered by the Taylor Law, making the strike legal. While some other unionized drivers have joined them in solidarity, the DOE did manage to run some 3,000 of its 7,700 bus routes on the first day of the strike.

Mr. Walcott noted that early attendance figures showed only a one-point drop, although he acknowledged that special-education attendance had declined at least 25 percent. Local 1181 Drivers and Matrons

typically transport some 50,000 students with special needs every day.

### **'We're Not Draining City'**

The Mayor has said that the contracts, which currently cost the city more than \$1 billion a year, have to be re-bid to save the city money; 30 years ago, they cost \$100 million. But Mr. Cordiello said the city's argument was "ridiculous."

"We don't even get paid sick days, so the idea that this is draining the city's funds is ridiculous," he said. "We have a private pension plan that has no financial burden on the city of New York, and the most senior members of Local 1181 are in fact a tremendous bargain."

He said the strike would go on "until the Mayor works with us to put the EPP back in," but Mr. Bloomberg insisted that the city would stay out of it.

"They have to resolve their issues with the bus companies that employ them, not us," the Mayor said. "You'll have to ask the bus companies and the unions whether they're negotiating...we are not involved in this strike other than it's our children who are suffering."

The school bus companies have formed a coalition to bargain with the unions and filed a complaint with the National Labor Relations Board when the strike began, charging the union with failure to bargain in good faith and engaging in an unlawful secondary strike.

### **'Backs to the Wall'**

Both sides indicated a willingness to wait things out. Mr. Cordiello would not estimate an end date for the action, saying, "In June, 2,500 of our members will be out of work. He has put our backs to the wall." Local 1181's previous strike in 1979 lasted for 14 weeks and saw the city take children to school in Department of Correction vehicles.

Mr. Bloomberg said that the issue would not last longer than June, when the school year ends. He pointed out that by next week, Local 1181 members will stop getting paychecks, increasing the pressure on the union.

But Local 1181 members standing on a Metropolitan Ave. picket line in Queens said they would hold firm, since their livelihood was at stake.

"It's not a good feeling being out here, but we have to do what we have to do to protect our jobs," said Driver Edward Beniquez. "The mood that's going around the country is to disrupt unions and hire people for no wages, and this has been going on for many years."

### **Mayor Being Disingenuous?**

He disputed the city's claim that it was not involved in the dispute. "The paperwork that certifies us is from the city. The Office of Pupil Transportation, they certify us. So he says he has nothing to do with us, [but] he does," he said, flashing his identification card, issued by the DOE.

He also disputed that the drivers were a financial burden on the city. "Right now, we only work 41 weeks

out of the year, so the other 11 we have to go on unemployment. What kind of wages is that? That's just living wages," Mr. Beniquez said. "What Bloomberg really wants is for people to work for low wages. That's all they're interested in; they're not interested in living wages."

John Jankowski, a driver with 22 years' experience, said the rise in the contract price over 30 years was hardly surprising. "I'm sure there are other factors involved, but everything goes up," he said in an interview. "The cost of everything goes up. Thirty-four years ago it was \$100 million to transport the kids, now they're claiming it's \$1 billion...[the Mayor's] not telling us what kind of money he's going to save."

### **'Striking for Our Jobs'**

He disputed remarks by the Mayor and Chancellor that the union was striking against New York City's schoolchildren. "We all have families," he said. "Some of us have children, grandchildren, that ride these buses. We're not striking the children, we're striking for our jobs."

Matron Robin Kelly, a 13-year veteran, said that the city would struggle to find replacements who could bring her level of experience. "We have to have training, background checks, fingerprints," she said. "We have to pay for these classes—it's not free. We're trained, we do refreshers every year, CPR. We have to take physicals every year.

"These kids get sick, the matron has to go with them to the hospital until the parent gets there," she continued. "We work with special-ed kids—some of them are deaf and mute, some of them are blind. We're trained to do this...some kids are hard to handle, but you're trained for it."

Driver Pedro Villa echoed the sentiment. "I have 12 years in this job," he said. "We take three classes every year; that's just for safety. We're experienced. They want to give the jobs to somebody else, they don't know anything about this."

### **TWU Leader Backs Union**

Local 1181 has the support of many city unions, including Transport Workers Union Local 100, whose president, John Samuelsen, appeared at the Jan. 14 press conference announcing the strike and joined Mr. Cordiello on the picket line in Queens.

New York State AFL-CIO President Mario Cilento and AFL-CIO New York City Central Labor Council President Vincent Alvarez also backed Mr. Cordiello at the press conference announcing the strike, with Mr. Alvarez saying the chief concern was job protection.

"We're here to speak out against what we firmly believe is a manufactured crisis and an avoidable situation," he said in an interview. "We all understand how important it is to maintain a skilled workforce, with continuity of employment and seniority protections, and we stand fully behind them."

ATU International President Larry Hanley said the effort to remove EPPs was indicative of a national bent against organized labor. "In Wisconsin Gov. Scott Walker decided workers needed to have their wages cut and the pensions taken away; it's the same thing here," he said in an interview.

## **'War on Working People'**

“This is a war on working people all over the country. That’s what this is. This is the Bloomberg version,” he continued. “This is the second Walker administration in New York City. We had Jimmy Walker, who was the last wacko corrupt Mayor, and now we have Bloomberg Walker, who is imitating Governor Walker, by saying the most important thing us billionaires can do is make sure people making \$35,000 a year get pay cuts right away.”

Mr. Cordiello said that while Local 1181 welcomes a bid with the EPP included, the city can end the strike in other ways. The union would negotiate an extension of its current bus deals that includes the EPPs, or the city could just withdraw the plans to put the contracts up for bid at all.

“The Mayor can end the strike,” he said.