

In wake of anti-strike injunction, New York transit union accepts tentative contract

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Under the threat of a draconian court injunction, the leadership of Transport Workers Union (TWU) Local 100 accepted a tentative contract with the Metropolitan Transportation Authority (MTA) early Wednesday morning. The deal was announced after Mayor Rudolph Giuliani and the MTA obtained two separate court injunctions Tuesday morning prohibiting the union or any of its members from engaging in, or even discussing, a strike or slowdown.

The court order obtained by the mayor would fine the union \$1 million the first day of any job action, and the daily fine would double each succeeding day. Similarly, every worker would be fined \$25,000 the first day, \$50,000 the second day, \$100,000 the following day, and so on. This restraining order would be in addition to already existing state laws that authorize a fine against striking workers of two days' pay for every day on strike. The average base pay for New York City transit workers is \$39,000 per year.

These penalties are in place for anyone who merely discusses a strike, or any other job action. The injunction issued by Brooklyn Supreme Court Justice Michael Pesce prohibits the “defendants [the TWU and its membership] from in any manner or by any means, directing, calling, causing, authorizing, instigating, conducting, continuing, encouraging, threatening, participating in, assisting in, or approving of any strike, work stoppage, sick-out, slowdown, refusal to work as assigned, sabotage, vandalism, picketing with the intent to encourage any of these acts, or any other concerted activity intended to or tending to interrupt the normal and regular operations of the plaintiffs [the Giuliani administration].”

The court order also prohibits the advocacy or discussion of any job action on bulletin boards, the Internet or any other form of communication. The court

ordered the union to distribute this injunction to its membership by mail, and to inform them of the necessity of obeying its directives. It specifically ordered the leadership of the TWU to read the injunction to mass membership meetings held on Tuesday, and to prohibit any strike vote.

The December 14 general membership meetings were held on the last day of the old contract, and were originally scheduled to discuss what action would be taken if the MTA failed to make an acceptable contract offer. A combined total of some 5,000 bus and subway workers, out of a total union membership of 33,000, attended the meetings held Tuesday morning and early evening.

Both meetings began with a union official reading the court order. TWU Local 100 officers then declared they were obeying the courts, and that no strike authorization vote or even discussion of a strike would be permitted. The so-called dissident faction in the union—the New Directions caucus—had previously announced it would call for a strike vote at the mass meetings, but on Tuesday it backed down from making any appeal for strike action.

In contrast, the membership was extremely angry with the union leadership, the state of negotiations and the police-state tactics of the mayor. One of those who spoke from the floor, Allen Cherry, a train operator and supporter of the Socialist Equality Party, condemned the union for refusing to unite the broad masses of people in the city who are suffering while billions are being made by big Wall Street investors and the most wealthy layers in the city.

Cherry said that “the struggle of transit workers is the struggle of every working person, union or nonunion, employed or unemployed, as well as the poor, the homeless and the young students.” He explained that

such unity could be achieved only on the basis of a political program that genuinely represented the needs of workers. “This will be established by a party that is independent and opposed to the Democratic and Republican parties, both of which represent the interests of Wall Street. With this kind of unity we could smash the anti-strike legislation and court injunctions,” he said.

He condemned the TWU leadership, along with most of the other city unions, for endorsing and helping reelect the very mayor who obtained the anti-strike injunction. He explained that the MTA is seeking a contract with sufficient productivity gains to pay for any wage hike they might agree to. He demanded to know what concessions, especially those involving the merging of job functions, the union had already agreed to. TWU Local 100 Vice President Gil Rodriquez refused to respond to this question.

A number of union officials who attended the evening meeting came and left with a police escort. Despite the court threats, a number of workers called for and approved a strike vote. They then stormed out of the meeting hall and marched to the union hall to protest the role of the leadership. At one point there were about a thousand workers shouting “Whose union?, our union!” and some calling for a strike. At that point the union officials called the police.

It was at the union hall, in the early morning hours, that the union's executive board accepted the tentative contract by a vote of 24 to 20, with one abstention. The major union concession in the agreement is the acceptance of the “broad-banding” of job titles in car maintenance, affecting workers who maintain and clean the subway cars. There are presently 5,000 employees in this division.

Furthermore, the Memorandum of Understanding, the legal document that is the basis of the new contract, allows for the extension of broad banding of job titles throughout the transit system. It specifically states, “Cooperative efforts between the parties regarding redeployment, reassignment, etc., of employees, shall continue where necessary.”

The contract calls for a 12 percent wage increase over a three-year period. The union had originally demanded 27 percent for three years.

The MTA also prevailed on the contentious issue of workfare, that is, welfare recipients forced to work in

the transit system for a minimum wage. This program was introduced this year under the terms of the old contract. It will remain in effect. The MTA is currently using 300 welfare workers as cleaners, and the program is expected to be greatly expanded.

Membership ratification of the tentative contract is to take place by mail ballot. In anticipation of unrest among transit workers, Mayor Giuliani has continued his threats. He said, “If anybody attempts a work stoppage, there are going to be 3,000 additional police officers trying to catch you. And if your work stoppage in any way violates any other law ... we'll put you in jail.”



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