

As New York City transit contract expires, governor launches vindictive attack on workers

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18 May 2019

As of Thursday, 40,000 workers in New York City's public transit system, the largest in the country, are working without a new contract. In a perfunctory statement after a meeting with management on Wednesday, Transport Workers Union (TWU) Local 100 President Tony Utano acknowledged, "We did not reach an agreement on a new contract, and quite frankly we are not close to a negotiated settlement."

TWU officials, nevertheless, ordered subway and bus workers to remain on the job under the terms of the old agreement, claiming that management could not change the contract due to New York State law.

The state-controlled Metropolitan Transportation Authority (MTA) has taken full advantage of the union's action by going on the offensive to make workers' pay for the crisis in public transit. Leading up to the contract expiration, the MTA and New York Governor Andrew Cuomo launched a vicious smear campaign to brand transit workers forced to work overtime as criminals. The MTA convened an emergency meeting last week to stoke up hysteria, citing a 15 percent increase in overtime spending last year.

MTA Chairman Patrick Foye called for an independent investigation to find out "how widespread the [overtime] fraud, or possible fraud is." His demand was backed by Cuomo during a news conference last Sunday. "This is about people saying they worked and charged the taxpayers, when they didn't work. It's stealing. It's criminal," Cuomo stated. This investigation is in addition to those announced by the MTA Inspector General and the Queens District Attorney's office.

The transit agency even sent armed police to monitor

Long Island Railroad (LIRR) workers clocking in and out. Following an uproar by workers, the MTA announced last Thursday it was backing down and discontinuing the procedure.

In response to these ongoing attacks, some MTA workers, including at LIRR, have begun refusing to work overtime shifts. Trying to get ahead of the opposition, TWU International President John Samuels issued a hollow threat that "a strike is not a far-fetched notion anymore."

The TWU bureaucrats, however, are determined to suppress any action, even with an expired contract, and negotiations going nowhere. After a long silence on negotiations, Local 100 President Utano acknowledged that the parties were not close to an agreement and that MTA Chair Pat Foye has refused to even participate in the talks. Fearing the anger of rank-and-file workers, however, the TWU has not even called a rally, which traditionally has accompanied every contract negotiation.

Over the past few years, New York City's transit system has been mired in an acute crisis. In 2017, deteriorating service and failing infrastructure led Governor Cuomo to declare a state of emergency. The "action plans" that emerged consisted largely of stopgap measures. Ridership has dropped steadily since 2015, even as population and tourism have continued to increase. What moderate service improvements and infrastructure fixes have occurred since then have largely been achieved by relying on increased exploitation of the workforce, including the expansion of overtime.

In fact, the heavy reliance on overtime prompted New York City Transit Authority's acting president Phillip

Eng to sign an internal memo lifting its overtime cap, which was put into place so that workers “wouldn’t be worked to death,” in the words of a TWU official. Nonetheless the union agreed to the removal of the cap.

The phony uproar regarding overtime payments draws on a report issued by the Empire Center for Public Policy, which scoured publicly released payroll records to identify a handful of the most extreme examples of overtime compensation. LIRR chief measurement officer Thomas Caputo, who made \$344,147 in overtime on top of his base salary of \$117,499 in 2018, topped the list. Caputo and the others highlighted in the report are all supervisors, not the average workers who operate and maintain the bus and rail systems.

While crying about overtime “fraud,” the MTA admitted they have put pressure on workers to continue working past their regularly scheduled hours. As a result of this, the National Transportation Safety Board has been investigating whether the death of LIRR maintenance foreman Michael Ollek, who was struck by a train while on the tracks in June 2017, was due to his working excessive overtime just before the accident.

Union officials recently attempted to save face with a show of opposition to Cuomo’s attacks. However, under TWU International President Samuelsen, the former head of Local 100, the union’s subordination to the Cuomo administration has been unrestrained.

Samuelsen was spotted this past March at an exclusive and secretive fundraising dinner for Cuomo, where wealthy attendees paid \$5,000, \$15,000, \$25,000, or more to purchase political influence with the governor. His cover blown, Samuelsen justified his attendance by telling the *New York Times*, “the governor has been the best governor for the trade union movement ever.” In all, the TWU has donated more than \$275,000 to Cuomo’s political campaigns.

The union also endorsed congestion pricing pushed by Cuomo and passed by the state legislature. The new policy, which is a regressive tax of between \$12 and \$14 each day on drivers in cars and about \$25 for those with trucks who drive in Manhattan’s core, was justified in order to raise money for a financially crisis-bound transit system.

In the last contract, the union settled for a pitiful 2.14 percent a year wage hike for workers who live in one of the most expensive cities on the planet. Previous

concessions such as higher out-of-pocket health care expenses that reduce workers’ wages and an increase in the number of years from three to five that new employees must work to reach top pay remained in place. Nothing was done to “Fix Tier 6,” a TWU slogan referring to the substandard pension plan passed by the state legislature and signed by Cuomo.

A similar round of concessions is presently being prepared behind the backs of workers. The MTA’s campaign against supposed overtime abuse is aimed at putting the blame for the system’s financial crisis on workers and extracting more concessions in pay and benefits.

The TWU, for its part, is doing everything in its power to assist the MTA while suppressing the resistance of workers. The struggle for adequate pay, good benefits and safe working conditions can only advance to the extent that transit workers break free of the confines of the union and develop independent rank-and-file committees to link up their fight with transit riders and workers throughout the city and beyond.

Such a struggle will immediately raise the need for a political counter-offensive by the working class against Mayor Bill de Blasio, Governor Cuomo and the rest of the Democratic Party, and a fight against capitalism and the grotesque levels of social inequality in New York City, the home of the largest number of billionaires in the world.



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