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# Employment Relations Board rules against TriMet, says it owes workers retroactive wage increases

The Oregon Employment Relations Board (ERB) has ruled against TriMet on an unfair labor practice (ULP) charge filed by Amalgamated Transit Union Local 757 over wages.

The union represents 2,000 bus and rail operators, mechanics, and support staff at the transit agency.

In the ruling handed down Feb. 16, the Employment Relations Board ordered TriMet to include in its final offer to an arbitrator a wage proposal that reflected its position at the bargaining table — which was status quo.

“What that means is that TriMet must continue the wage increase language from the expired 2003-09 contract,” said Jon Hunt, president of Local 757.

Hunt said TriMet must increase all unionized employee wages by 3 percent retroactive to June 1, 2011; by 2.1 percent retroactive to Dec. 1, 2011, and by 2.9 percent on June 1, 2012.

The sides have been without a collective bargaining agreement since Nov. 30, 2009. Transit workers in Oregon cannot strike, but are subject to binding arbitration. Under binding arbitration a neutral third-party arbitrator must accept one party’s package of proposals in its entirety.

As that process started to play out,

the union filed a ULP, asserting that TriMet violated the law by including in its “final offer” to the arbitrator proposals on new issues that were not previously raised in table bargaining or during mediation.

In September, ERB agreed with Local 757, and ordered TriMet to cease and desist. TriMet appealed the ruling and lost. In December, TriMet submitted a revised final offer. The union claimed that that offer, too, did not comply with ERB’s order. On Feb. 16, ERB agreed with the union and handed down its order on wages.

“This is a colossal error made by TriMet negotiators,” Hunt said. “They failed and/or refused to put a wage offer on the bargaining table. Then they tried to correct that failure at the last minute by proposing a brand-new wage proposal to the arbitrator. ERB rightfully rejected this tactic.”

Several other ULPs are still pending. One charges TriMet with deducting health insurance premiums from employee paychecks without bargaining. Others allege retaliation against union officers and violating the contract as it pertains to fair inspectors.

Should TriMet lose again, it could be liable for reimbursing active and retired TriMet employees for insurance

premiums to the tune of \$10 million.

Hunt said TriMet has repeatedly blamed the workers’ union for its budget problems and failure to obtain a contract. Hunt said the media, too, has joined the bandwagon, calling for changes to TriMet’s board of directors, the union, and even the Employment Relations Board in an attempt to blame them for TriMet’s financial trouble.

“It’s not the union leadership or the ERB that needs changing,” Hunt said. “It’s time for new top management leadership at TriMet. No more excuses.”

“How many more millions of dollars will taxpayers have to foot the bill for because of poor management decisions?”

Hunt told the Labor Press that the union is preparing for a no-confidence

vote against TriMet General Manager Neil McFarlane.

Ron Heintzman, a former ATU international union president and president of Local 757 between 1988 and 2002, said TriMet’s current administration is one of the most anti-union administrations he’s seen in his 30-year association with the transit agency.

“I’ve worked with four general managers and numbers of TriMet board members over past years, and I would have to say that this management team has the worst labor-relations record and a clear inability to treat TriMet workers fairly,” he said. “In my opinion, they have a clear union-busting agenda.”

Binding arbitration is scheduled to begin May 14.

## IN MEMORIAM

**JIMMIE PSAROS**, a former vice president of Machinists Lodge 1005 and a delegate to the Northwest Labor Council, passed away Feb. 7. Cause of death was amyotrophic lateral sclerosis, or Lou Gehrig’s disease. He was 71.

Psaros worked at the Freightliner Truck Plant for 34 years. He retired in

1999 due to health reasons.

Psaros was born Feb. 24, 1940, in Weed, Calif.

He is survived by his wife of 31 years, Cathie; daughters, Diane Taylor and Kristi Psaros; two grandchildren; and mother, Ina Phillips.



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