

First Muslim Women, Now Sikhs TA Discrimination Growing, Union Resistance Spreading

In May 2004, Local 100 train operator Kevin Harrington received an MTA commendation for his twenty years of service. Unfortunately, Mr. Harrington also received the lesson that 'no good deed goes unpunished', when the commendation also brought Mr. Harrington's turban to the attention of NYC Transit Authorities. Although wearing a turban is an important part of Mr. Harrington's Sikh religion and even though he had dyed it blue to match his uniform, TA officials said that the turban was a violation of the uniform policy. A week later Mr. Harrington was asked to either wear the standard MTA cap or work out of public sight in the train yards.

After less than a week of working in the yards, Mr. Harrington, with the help of President Roger Toussaint and TWU Local 100, was able to generate enough press on the issue that the MTA reversed its decision on the matter and Mr. Harrington was promptly returned to his regular route on the No. 4 line. The TA had decided that their uniform policy had not been properly enforced across the board. Violations like the permission to wear the team hats of the Mets and Yankees during the subway series were cited as just one of the glaring inconsistencies in enforcement.

Unfortunately, Mr. Harrington is not the first case of the TA 'relocating' workers due to their religious headwear. In 2002, four Muslim women bus operators were moved to the bus yards because they refused to remove or wear hats over their Khimars (a religious head covering). Three of the women brought their case to an arbitrator, Richard Adelman, who ruled in favor of the TA. He decided that the TA had moved the women to a job that did not require uniform hats. However, Mr. Adelman also noted that the TA uniform policy allowed other bus operators to wear fezzes and kufis. These enforcement inconsistencies point to a larger problem with

the entire TA uniform policy.

In response to questions about their policy Transit Officials told the New York Times that it was designed to prevent operators who deal with the public from wearing caps or logos that could be considered offensive. However, this open ended policy that labels certain religions — Sikh and Muslim in these cases — as offensive and others as permissible exceptions screams of discrimination.

Just recently, NYC Transit President Lawrence Reuter announced that with the upcoming pick the TA will begin enforcing its uniform policy more strictly. Instead of allowing subway employees like Mr. Harrington to wear turbans or other religious headwear, the TA will now punish those employees by forcing them to work yard jobs against their will, away from the riding public.

Shockingly, this latest development comes on the heels of a New York City Commission on Human Rights ruling stating that city traffic agents — whose work brings them into direct contact with the public all-day, every-day — are allowed to wear turbans. The TA says the problem has been inconsistent application of the rules. Local 100 knows that the problem has been, and still is, discrimination. Now the TA will be consistently unjust.



Brother Harrington's fight continues.



First they came for the Muslim women . . .

TPPAs Turn Back Attack on Pick Rights

In the most recent TPPA pick at Transit, the Authority advised all employees that when they picked a fixed post they would have to rotate once they got that post. This unilateral change by the Transit Authority entirely wiped out the role of seniority in picking TPPA jobs. Under the terms of the new procedure, as soon as a TPPA arrived in the morning at his picked post, he or she could be rotated out of that post and replaced by a less senior employee.

In addition, for those picking relief jobs, Transit created "zones," requiring employees to pick jobs within their zone. If no job was available on a given day in an employee's zone, he or she would have to pick in

another zone, at the bottom of the list.

Transit TPPA Chairman Steve Pudlowski refused to accept the Transit Authority's anti-Union, anti-seniority action. He filed a grievance and pushed it so that it came to a hearing quickly. The arbitration of the grievance began on Friday, July 2. Twenty TPPA's were present to support Chairman Pudlowski.

"If it's true, you lose"

After the Union's General Counsel made his opening statement, emphasizing how this new unilaterally-imposed procedure violated decades of past practice, the Impartial Chairman, Richard Adelman, turned to

the Transit Authority and said, "Is he right? Is this true? Because if it's true, you lose." The Transit Authority took repeated recesses, hemming and hawing in an effort to explain away what was obvious: They were violating seniority systems which had been in place for decades. Finally, after several hours, they called the Union aside and asked whether we could negotiate a settlement. Such a settlement meeting is expected shortly. It is clear from the terms proposed by Transit that the rotation system will be thrown out and that a pick, in seniority order, will be fully protected.

All Transit TPPA members will meet to vote on the terms of any settlement.

New York State Court of Appeals Restores Bus Driver After 3-Year Fight

On Wednesday, June 30, 2004, the New York State Court of Appeals issued a landmark ruling restoring veteran bus driver Leslie Dowleyne to her job at the Flatbush Depot. Dowleyne was terminated in 2001, after failing to produce a sufficient sample at a random drug test. Her doctor testified at arbitration and provided a full explanation of her problem. Transit, on the other hand, paraded

several unqualified physicians to support its position that she was merely refusing to participate in the random test. The arbitrator came down on Dowleyne's side and ordered her reinstated with full backpay. He found that the Transit Authority's Medical Department did a totally inadequate analysis of Ms. Dowleyne's medical condition.

Transit didn't listen — they refused

to reinstate Dowleyne — so Local 100 went to court. The judge said that Dowleyne should be reinstated, but Transit appealed and the New York State Appellate Division, believing that Dowleyne was a drug-using bus driver, reversed the arbitration decision.

But Local 100 didn't give up. The Union asked the New York State Court of Appeals to review the Appellate

Division's decision. The Court of Appeals only hears one in a thousand cases that come before it — but they heard Ms. Dowleyne's case, and scolded the Appellate Division for substituting its findings for those of the Arbitrator. Leslie Dowleyne should be returning to work this week. It took three years, but we know she's happy to be back.