

# TRANSIT LABOR

## OUTLINE

1. MBTA Management Rights Legislation
2. Scheduling Work Rules at the MBTA

# **MBTA Management Rights Legislation\***

**Enacted in 1980 (under Section 8 of Chapter 581), gives to the MBTA Board of Directors the following inherent management rights:**

- 1) to direct, appoint, employ, assign, and promote officers, agents, and employees and to determine the standards therefore;**
- 2) to discharge and terminate employees except on the basis of race, color, religion, sex, age, etc.**
- 3) to plan and determine the levels of service provided by the authority**

*\* Source: Warner, Marc G., "Transit Management Rights: A Critical Appraisal and Assessment of Prospects." *Transportation Quarterly*, Vol. 42, No. 1, January 1988 (43-62).*

# **MBTA Management Rights Legislation**

## **(cont'd)**

### **inherent management rights ...**

- 4) to direct and evaluate the units and programs of the authority; to classify the various positions, and to ascribe duties and standards of productivity;**
- 5) to develop and determine levels of staffing and training;**
- 6) to determine whether goods or services should be made, leased, contacted for, or purchased on either a temporary or permanent basis;**
- 7) to assign and apportion overtime;**
- 8) to hire part-time employees.**

# **MBTA Management Rights Legislation (cont'd)**

**The law also imposed two more restrictions on the scope of collective bargaining. These limits, in the form of management prohibition rather than rights, included:**

- 9) no pension benefit payments determined in a manner that includes an employee's amount of overtime earnings; and,**
- 10) no automatic cost-of-living salary adjustment based on changes in the Consumer Price Index or other similar adjustments**

**As with the management rights, the subjects of these two restrictions could not become part of any management and labor agreements.**

# Management Rights Context

- **Budgetary crisis at the MBTA**
- **Deep differences between the MBTA, the Advisory Board, and the legislature**
- **Extensive media coverage of high MBTA costs**
- **MBTA ran out of money and shut down on December 6, 1980**
- **On December 7, 1980, the Management Rights legislation was passed**

# Management Rights Follow-up

- **The MBTA faced 25 court challenges involving Management Rights: all were unsuccessful**
- **Bases were:**
  - **law abrogated existing negotiated contracts**
  - **labor protection under 13(c)**
- **Georgia implemented a similar law to apply to MARTA but it was repealed after successful union challenge under 13(c)**

# **Scheduling Work Rules: Use of PTO's at the MBTA**

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# Labor Agreement

## Work Day Requirements

<u>Day Length</u>	<u>Full Time</u>	<u>Part Time</u>
Guarantee Day	7 Hrs 50	1 Hrs 50
Report Time	0 Hrs 10	0 Hrs 10
Max. Overtime	0 Hrs 15	None
Trippers	Not Allowed	na
Max. Day	8 Hrs 15	6 Hrs 00
Actual Avg. Day	8 Hrs 01	5 Hrs 45
Max. Spread (Wk/Sat/Sun)	13/11/10 Hrs	13/11/10 Hrs

# Labor Agreement – Pay Provisions

<u>Provision</u>	<u>Full Time</u>	<u>Part Time</u>
Overtime	150% after 7 Hrs 50	None Allowed
Travel	20 Minute allowance	None Required
Spread Premium		
11 <sup>th</sup> hour	150%	0
12 <sup>th</sup> hour	200%	0
13 <sup>th</sup> hour	200%	0

**Light Rail Pilot Differential**

**Blue Line SPTO Differential**

# Labor Agreement – Misc. Provisions

## **Straight Day Requirements – Full Time Operators Only**

- **All Days starting 5:00am or before**
- **All Days with 20 – 30 minute dinner break**
- **25% of all Saturday assignments**
- **50% of all Sunday assignments**

# Operator Benefits

	<u>FTO</u>	<u>PTO</u> 4/1/85	<u>PTO*</u> 7/18/89	<u>PTO</u> 1/1/94
HEALTH	Full Family	\$85 max/mn	Full Individ.	Full Family
DENTAL	Family	None	None	None
HOLIDAY	12 days	6 days	12 days	12 days
VACATION	1-6 weeks	Pro Rata	Pro Rata	Pro Rata
PERSONAL DAY	1 day	None	1 day	1 day
SICK LEAVE	Yes	None	Pro Rata	Pro Rata
LIFE INSURANCE	\$15,000	None	\$9,000	\$9,000
PENSION	Yes	Pro Rata	Pro Rata	Pro Rata

\* Min. 24 Work Hours/Week

# History of Part Time Operators

- **1970's – Contract negotiations**
  - Original proposal
  - Need approximately 400 to avoid spread
- **1980 – Management Rights**
  - Legislation – gain rights to use PTO's
- **1981-82 – Court Challenge**
- **April 1982 – First PTO**
  - Wildcat strike
- **1982-1989 -- PTO Weekday Timetables**
  - 1987 – 28% of Timetable Runs
  - Issue – “Loss of Seniority” claim by FTO's

# History of Part Time Operators

- **1986-1991 -- PTO Weekend Timetables**
  - Issue – “More PTO’s → Less FTO’s”
    - 7 years as PTO before promotion
- **1987-1989-- Investigate Work Rule Options**
  - Red Line Experiment – “4-day/10 hour days”

# Red Line Experiment

<u>Day Length</u>	<u>5 – Day</u>	<u>4 – Day</u>	<u>PTO</u>
Guarantee Day	7 Hrs 50	9 Hrs 50	1 Hrs 50
Report Time	0 Hrs 10	0 Hrs 10	0 Hrs 10
Max. Overtime	1 Hrs 15	0 Hrs 15	None Allowed
Max. Work Day	9 Hrs 15	10 Hrs 15	6 Hrs 00

## Spread Provisions

Maximum Length	13 hrs 00	13 Hrs 00	13 Hrs 00
Premiums	Contract Rates	None	None

# Red Line Experiment

## SPECIAL PROVISIONS

**Biddable Trippers**

**1 Hrs 30 – 4 Hrs 30  
Pick: one – five days  
Overtime Rates**

**Ten Hour Day/  
Four Day Work Week**

**Weekday Only  
Saturday and Sunday Off  
One Weekday Off  
No Spread Premiums**

**Cover List/Vacation Relief**

**Cover All Assigned Work  
Cover Vacant Trippers**

**Part Time Guards**

**Select FTO Assignments  
Pay Only – No FTO Benefits**

**Duration**

**Summer Timetable Only  
Motormen & Guards Only  
Red Line Only**

# Red Line Experiment

## RESULTS

- **70% Reduction in Part Time Guard Days (13 → 4)**
- **Restore Traditional Seniority Privileges to Work Selection**
- **Four Day Work Week Assignments**
  - **7 Motormen**  
-- 3 Cover/VR
  - **7 Guards**  
-- 3 Cover/VR
- **Straight Days -- 31 runs ( 32%)**
- **Total Runs – 110 FTO/13 PTO → 92 5-day/ 14 4-day/ 4 PTO**

**Total 123**

**Total 110 plus 16 trippers**

# Red Line Experiment

## WHAT HAPPENED!

- Disagreement among Union Officers
- Union Members voted against Experiment
- Arbitration award – mixed results
- Experimental Timetable operates one month
- Still generates much discussion

# History of Part Time Operators

- **1991 – PTO's 33% of Timetable Runs**
- **1994 – 1996 – Cost Savings**
  - **Reduction of PTO's – Peak Work Only**
- **1996 – 2001 – Investigate Work Rule Options**
  - **Competitive Bid Proposal**
    - **Special FTO – Spread Day without Premiums**
  - **Contract Negotiations**
    - **Special FTO – Spread Day without Premiums**
    - **Regular FTO – 45% Straight Days**
  - **Night Owl Proposals – FTO's vs. PTO's**

# History of Part Time Operators

- **2001 – PTO's 19% of Timetable Runs**
  - **Approximately 400 weekday PTO**
  - **Limited Weekend PTO Assignments**
- **2001 – ?? – Contract Negotiations for 2002**