

MTA Technical Professional Employees - Local 3652

Members of C&D Units

September 14th, 2022

To the Board of our Executive Officers, we would like to make a petition for a special Members meeting to express our concerns and review our status as represented employees under the new C&D administration.

The following is a selection out of many concerns to discuss:

1. Why has our local not communicated or posted any information regarding the transformation changes affecting union members at C&D on its website?
* **We all received the same information in December 2019 regarding the formation of C&D which is a continuation of Capital Construction, merging with CPM.**
2. Our last contract expired in May 2021, would we be getting retroactive pay for the period May 2021 through September 2022 if we decide to leave the union and switch over to C&D as a non-rep employee?
* **Yes.**
3. Is the Union negotiating a new contract with the City? If so, which are the terms being discussed? Will we be negotiating raises that go beyond just the cost of living?
* **Negotiations Started on September 28. You can see our demands to the City on the local website.**
4. How much retroactive pay increase is the union targeting for the members to receive?
* **We are not there yet but we'll fight to get as much as we can.**
5. Is the union to negotiate COLA (Cost of Living Adjustment) for represented employees, outside of contract negotiations? Managerial & non-rep employees received 2% COLA in 2021 and 2% COLA in 2022. Represented employees have not received any COLA or any salary increase.
* **The new contract will be retroactive to 2021.**
6. Do contract negotiations include any changes to daily working hours, i.e., from 7 to 7-1/2 /8 hours?
* **No.**
7. Is arbitration an option in the negotiation climate? How flexible has the union been & currently is?
* **We already have one on board to help facilitate the process.**
8. Is it true that the MTA is trying to privatize the agency and dissolve the Union?
* **Not to my knowledge. C&D is only responsible to oversee the MTA's capital projects.**
9. If a union member gets a promotional position within C&D, are they required to leave the union? if so, what does the union recommend we do? Wouldn't the union want to desperately keep its members?
* **All C&D titles are Managerial; we do not cover these titles. So yes, you must leave the Union if you accept the promotion. You should turn down such promotion if you want continued representation from the Union.**
10. Is the current impasse limited to only Transit employees?
* **What impasse?**
11. What is the Union doing to deal with the union busting? Is there a precautionary plan in place?
* **We dealt with the rise of MaBSTOA as well as the wave of provisional in the MTA. The Union will deal with any form of Union Busting.**
12. By law, are we victims of harassment or discrimination? Since C&D has constantly sent

represented employee's messages regarding opportunities that we cannot partake in since we are union members?

*** You are working for C&D. They cannot discriminate against any group. So, they have to inform everybody of all opportunities.**

13. Has there been any investigation by the union into the formation of MTA C&D to ensure that none of our rights as public employees or civil servants have been or is being violated?

*** That was done when Capital Construction was created. C&D is just a modified CC.**

14. Has the union leadership been impacted by retirement, etc? Can members, past members volunteer to assist pro bono?

*** We are doing just fine.**

15. Are the current Civil Service Titles being phased out?

*** No, Civil service titles are controlled by DCAS for all city agencies, including the MTA.**

16. Is Civil Service being discontinued in NY?

*** No, please join the mailing list from the DCAS to get updated Exam lists and filing instructions. <https://a856-exams.nyc.gov/OASysWeb/>**

17. What is the Union planning for the 2 Broadway represented employees that are now in C&D?

*** You stay where you are, doing what you've been doing. You're safe.**

18. Can a non-civil servant union member be laid off at MOW to accommodate relocating a permanent civil servant union employee being transferred from C&D. Is the union ready to step in to tackle these potential situations should they occur?

*** Nothing like this could never happen**

19. Do the following accommodations need to be negotiated by the union as previously stated by Management?

Commutation Pass

Vacation Buyback

Teleworking

The are currently allowed for non-rep employees. When will represented employees be able to benefit from these programs?

*** All benefits must be negotiated with management. Please refer to the union proposed demands on our website.**

20. Non-rep employees were accommodated to work remotely. Will represented employees get the same accommodations?

*** Please refer to the union demands on our website.**

21. How does the 'lift-and-shift" work exactly if we are represented employees?

*** You would be promoted to a managerial title and transferred to C&D.**

22. What are the possibilities of professional growth as a rep employee within C&D?

*** Please refer to the original memo of December 2019.**

23. What provision or loophole is MTA using to delay/cancel promotions, raises, and key benefits for represented employees? Is this loophole legal?

*** None that I know of. If know of any, please share with us.**

24. Is there any opportunity for someone to switch back to NYCT if they are dissatisfied with C&D?

*** You are on your own if you leave the union, it is also up to the hiring manager to rehire you.**

25. If I take a C&D position, can I apply for a Leave of Absence for my Permanent Civil Service Title and ask for it back before a year if I am not happy with the C&D position? If so, would DCAS assist in this process or the union (or both)? Or can I keep my Civil Service title as a C&D employee?

*** No, it doesn't work that way. Also, to become a C&D employee you must resign from the NYCTA. And you cannot be on leave of absence and hold another Job.**

26. Some members are looking at possible early retirement with all the upcoming changes to MTA C&D by the end of this year. MTA Employee Benefits has stated to maintain our medical insurance, we must work minimum until retirement age; depending on our tier and plan the age will vary. My question is where is this explicitly stated in the union agreement with MTA NYCTA? I would like to receive a copy of this document.

*** People with 25 years of service can retire as early as 55 years old and as a retiree, you are entitled to medical. You may contact MTA Human Resources for more details.**

27. On page 38, Article XIII, paragraph L, of the agreement between NYCTA and CSTG (effective July 1, 2002, through June 30, 2005) posted on the local 3652 website, it states the following:

"The Authority agrees to provide employees of MIA New York City Transit who are fully vested

members of Tier 4 with twenty-five (25) years of credited service in the pension plan as a result of having worked for MTA New York City Transit with basic retiree health insurance benefits upon their reaching pay ability under the pension plan. "

If a tier 4 member with 25-years vested with NYCTA separates before age 57 (57/5 plan), can they receive retiree health insurance upon waiting until age 57 and collects pension benefits thereafter? The attached clause seems to imply this is an option.

*** You should contact the New York City HR to find out. The MTA does not administer the Retiree's Health Care.**

28. How is the City pension differing from the State pension? What are the benefits and drawbacks?

*** See the link for the state. <https://www.osc.state.ny.us/retirement/publications>**

29. If we were to transfer to the State pension, how long would it take for the transfer to take effect?

*** See the link and call them. <https://www.osc.state.ny.us/retirement/publications>.**

30. Do we lose tiers when you switch to non-rep (i.e., from Tier 4 to Tier 6)?

*** No.**

31. If we accept an offer and decide to become a non-rep employee, what happens to our tier? Most of us are under Tier 4, do we become Tier 6 as new employees with C&D? What happens to our pension?

*** Same answer as #30**

32. If we decide to stay in the union and not accept a position with C&D, will we be transferred to another group/department/work location or City agency?

*** As per our contract, it is management rights as long as they can train you for the new department.**

33. Can we file a grievance for performing beyond our union title duties and force C&D to provide a raise other than what is negotiated or obtain a union title promotion in that manner? Can we file an additional grievance should we become victims of retributions by upper management afterwards?

*** Anyone can file for out of title grievance as long as you have all documentations to support your claim. Retribution is a EEO issue.**