

Union votes for strike

■ **Workers authorize plan to walk out if deal isn't reached; MTA prepares to challenge illegal move in court**

BY JENNIFER SMITH
STAFF WRITER

Members of the transit workers union voted yesterday to authorize an illegal strike, after an afternoon rally that drew thousands of city, bus and subway workers to the Jacob K. Javits Convention Center.

The strike would go into effect "if and when an acceptable contract is not reached" between the Transport Workers Union Local 100 and the Metropolitan Transportation Authority by Thursday, when the current contract expires, union president Roger Toussaint said.

The Rev. Jesse Jackson spoke to an estimated 4,100 transit workers before the vote. Another 1,000 spilled into the hall outside, cheering and waving red and gold union bandanas when they voted. The proceeding was closed to the public.

The MTA is expected to challenge the move to strike, which is prohibited under the state's Taylor Law, in court tomorrow by seeking an injunction barring a walkout. Lawyers for both sides met with a Brooklyn State Supreme Court judge on Friday.

MTA spokesman Tom Kelly said in a statement that the authorization "precedes even a single counteroffer from the union."

"Threatening an illegal strike or striking will not result in a contract," the statement said. "The union appears to be all too willing to jeopardize the well-being of the City it serves as well as the financial security of its members in support of goals it has not even specified."

"Transit workers and their leaders are not above the law," the statement said.

The union would need the authorization of its international leadership in order to strike, Toussaint said yesterday. Asked about the likelihood of a strike, Toussaint said, "They shouldn't test us."

At a meeting before the rally, the union's executive board authorized negotiators to seek 8 percent annual raises. Toussaint said the union rejected the MTA's offer of a two-year contract, and demanded a contract for bus workers from the city's formerly private bus lines, who are working without one.

Transit workers, labor leaders and elected officials will hold a rally on Tuesday, outside the Grand Hyatt in midtown, where



Thousands of transit workers meet at the Jacob Javits Convention Center yesterday for the vote.

negotiations will take place.

A walkout by the 34,000 workers who staff the nation's largest transit system would affect millions who rely on the bus and subway lines. The last New York City transit strike was in 1980.

The threat of a strike drew mixed reactions yesterday from mass transit riders.

Ajay Dhawan, who works for a Manhattan-based clothing company, said the short-term gains workers could reap by striking were not worth the damage a walkout would inflict.

"It's illegal," said Dhawan, 41, of Brooklyn, as he rode the C train yesterday. "I don't think they should hold the economy for ransom. . . . Manhattan controls the rest of the free world. You want to pull the plug on that?"

Union members authorized a strike in 2002, but it was averted at the last minute when a deal was reached hours after the deadline passed. In 2002, New York City spent an estimated \$5 million preparing for the possibility of the strike.

If workers do walk off the job this time around, the ripple effect would extend beyond city limits. About 60 percent of all Long Island Rail Road riders take the subway after arriving in New York City.

A strike would create "chaos and inconvenience" for thou-



NEWSDAY PHOTO / ROBERT MECCEA

Union president Roger Toussaint after yesterday's vote

sands of LIRR commuters, state Sen. Dean Skelos (R-Rockville Centre), who is a member of the MTA Capital Program Review Board, said last week.

"It's my hope that the MTA and the transit union lock themselves in a room and do what they have to do, and that is to come up with a fair settlement where both sides treat each

other fairly," Skelos said.

Toussaint said the MTA's offer of a 3 percent raise in the first year was a start, but called the proposed 2 percent increase in the second year, which would be tied to reductions in sick leave, "unacceptable."

Also at issue are MTA proposals to increase worker contributions toward health cover-

If there's a strike

What's affected
Subways
MTA buses

What's not affected
Long Island Rail Road
Metro-North Railroad
Staten Island Railway
PATH trains
New Jersey Transit
AirTrain
Bee Line bus line

Other bus lines
The city's 311 hotline says the private bus lines being acquired by the city are not expected to be affected by a TWU strike vote.

Hotline
For strike contingency information: 311
Taxi information: 212-NYC-TAXI
A separate hotline may be established this week.

Web site
<http://home.nyc.gov/html/dot/home.html>

age and to ask workers to perform tasks that are not part of their regular jobs.

Bus operator Roger Adams, 38, of Staten Island, called the MTA's proposed contract "ridiculous." He said he'll strike if they must. "It's the only way to get respect," he said.

Staff writer Joie Tyrrell contributed to this story.



in transit limbo

■ Possible strike still looms as union rejects MTA's final offer, pushes deadline to early Tuesday

"A deadline is a deadline" reads the slogan on the back of red T-shirts worn by some members of Transport Workers Union Local 100.

Except when it isn't.

The threatened full-blown strike of approximately 34,000 subway and bus workers didn't happen at 12:01 a.m. Friday — but it could occur at 12:01 a.m. Tuesday.

At the end of an all-night negotiating session, Local 100's executive board voted early Friday morning for a strike after rejecting what the Metropolitan Transportation Authority called its final contract offer. But talks were to resume Saturday.

The devastating blow that commuters had feared — a city-wide walkout by transit workers that would have inconvenienced millions of riders and gridlocked city streets at the height of the holiday shopping season — was, for the time being, averted.

Instead, in statements whose specifics changed over the course of the day, union officials threatened a partial strike at two privately owned Queens-based bus lines, with a possible full strike to begin Tuesday if a contract agreement is not reached by 12:01 a.m. that day.

"We are prepared to continue negotiating with the MTA, but the MTA cannot continue to negotiate through threats," Local 100 president Roger Toussaint said in a 7:30 a.m. news conference at the union hall on the West Side where he told reporters that "givebacks" on health and pension plans for new employees would "put lock and key on every transit worker's access to the middle class."

Twenty-five executive board members and Toussaint voted to strike, with two abstaining and 14 voting against the resolution, which some said sacrificed the bus workers when the entire local should have walked.

The unexpected move for a partial strike could allow the union to sidestep the financial penalties outlined in the Taylor Law, which prohibits public workers from striking but does not apply to private employees such as those union members employed by Triboro Coach Corp. and Jamaica Buses Inc., the lines that may strike. Both lines are scheduled to be transferred to MTA control early next year.

It was not clear when the partial bus strike might take place. Union spokesman David Katzman said he thought it was planned for 12:01 a.m. Monday, saying, "We don't begin transpor-



GETTY IMAGES PHOTO

A subway train passes through Union Square station during the morning rush-hour Friday, as labor negotiations continue.

The proposals

MTA		Transport Workers Union
<ul style="list-style-type: none"> ■ 3% a year for 3 years, but said it might offer to raise if union agrees on demonstrable productivity gains. 	PAY RAISES	<ul style="list-style-type: none"> ■ 8% a year for 3 years, but offered to lower in exchange for reduction in disciplinary actions against workers.
<ul style="list-style-type: none"> ■ No change for current employees. New employees pay 1% of earnings toward premiums. 	HEALTH BENEFITS	<ul style="list-style-type: none"> ■ No changes to existing health care plans
<ul style="list-style-type: none"> ■ Age 62 after 25 years of service 	RETIREMENT WITH PENSION	<ul style="list-style-type: none"> ■ Age 50 after 20 years of service

This story was reported by staff writers **ANTHONY M. DESTEFANO, DAN JANISON, DAVID LEPEKA, ROBERT POLNER, GRAHAM RAYMAN, RAY SÁNCHEZ** and **JENNIFER SMITH**. It was written by **SMITH**.

tation strikes in the daytime . . . because it would leave people stranded."

MTA officials said the talks hit an impasse when Toussaint rejected their offer of a three-year contract with annual 3 percent compounded raises. Under the MTA's proposal, new employees also would pay 1 percent of their earnings toward health insurance premiums and would have a pension plan with a retirement age of 62, with half-pay at 25 years. The current plan allows for retirement at 55.

"An inadequate wage offer was made contingent on some-

thing we don't accept," Katzman said, "which was to give away the pension benefits of the next generation of transit workers."

Gov. George Pataki, who union members booed in absentia at a Thursday rally for not showing up at negotiations, called the offer "probably even more generous than the pattern that the city employees have gotten" and said, "We cannot allow any union that serves a critical role for the public to break the law and not suffer the consequences."

Earlier this week, Toussaint had called for 8 percent annual raises and no changes to the existing health and pension plans. Friday morning the union rejected the MTA's proposal without putting forth a specific counteroffer.

"There are no talks scheduled because we've done them yesterday, and this is the best we're going to come up with," MTA chairman Peter Kalikow said Fri-

day at a midday news conference at the midtown Grand Hyatt Hotel.

But in the afternoon, spokesman Tom Kelly said the MTA might offer a higher wage increase than the annual 3 percent if the union agreed on demonstrable productivity gains.

Meanwhile, Neil Winberry, the union's vice president for private bus lines, told reporters at a Queens news conference, "This strike threat is real." Triboro and Jamaica bus lines carry up to 60,000 people a day and employ about 700 drivers, he said outside the Triboro depot in East Elmhurst.

TWU Local 100 represents workers at five of the seven private bus lines that MTA Bus is absorbing in a lengthy and at times contentious process. Another union, Amalgamated Transit Workers, represents employees at the other two lines.

TWU officials have demand-

ed that a contract for their members at the five private lines — some of whom have been working without a contract for almost 33 months, one union representative said — be completed at the same time as an agreement with the rest of the transit workers.

The chance remained that both sides could reconvene over the weekend. Late Friday afternoon, MTA and union officials said their negotiators remained at the Grand Hyatt, where talks had broken off sometime after 4 a.m.

At an afternoon news conference at City Hall, Mayor Michael Bloomberg said both he and Pataki want the city to avert a strike. But the mayor said it would be "inappropriate" for him to make a personal appeal to Toussaint during negotiations.

"Neither side wins if there's a strike," Bloomberg said. "And neither side and the public certainly don't win if it drags on."