Statement Before the Assembly
Public Employees and Retirement Committee
By Byron E. Cook, President
Southern California Rapid Transit District

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Good afternoon. My name is Byron Cook and I am President of the Southern California Rapid Transit District Board of Directors.

In 1974 we experienced a 68-day strike which disrupted public transportation throughout our 2,280 square mile service area. And, as you know, we just finished a 36-day strike this year. Both strikes were precipitated by our refusal to acquiesce to unreasonable wage and benefit demands plus the Union's inability to understand the District's financial situation. As a public agency we have the responsibility to spend the taxpayers' money wisely. Therefore, we could not, with good conscience, agree to a settlement based on excessive Union demands.

The Southern California Rapid Transit District is different from most public agencies, our unionized employees have

the right to strike. This right was granted them under Section 3.6(b) of the Los Angeles Metropolitan Transit Authority Act of 1957, as enacted by the State Legislature. This Section states, in part, that, "Employees shall have the right to self-organization, to form, join, or assist labor organizations, to bargain collectively through representatives of their own choosing, and to engage in other concerted activities for the purpose of Collective Bargaining or other mutual aid or protection." The California Supreme Court in the case of LAMTA vs. Brotherhood of Railroad Trainmen in 1960, construed the above as giving the District employees the right to strike. In 1964 when the State Legislature enacted the Southern California Rapid Transit District Law, which added Part 3, commencing with Section 30000, to the Public Utilities Code, the same language was incorporated into Section 30755.

This specific inclusion by the Legislature of the words "other concerted activities", separated our employees from other

public employees who in general do not have the right to strike. The majority of the Court reasoned that the clear intent of the Legislature was to "create an employment relationship comparable to that existing between a privately-owned public utility and its employees, and if the plantiff's employees were unable to strike, they would be in a far less advantageous position than private employees with respect to Collective Bargaining."

The minority opinion of the Court did not think that the transit employees should be treated differently from other public employees and be given the right to strike.

We in the District feel they should not be treated any differently.

The right to strike by our Unions was not abused in the years the MTA was in being, there being only two short strikes of 4 and 5 day duration in some six years.

However, since the District started receiving sales tax support in 1971, we have had three separate strikes. First by the Amalgamated Transit Union, who represent our mechanical employees, for six days in 1972, then by both the ATU and the United Transportation Union, who represent our drivers, for 68 days in 1974 and for 36 days this year.

The Southern California Rapid Transit District is not alone in the matter of strikes by transit employees; since 1973 there have been work stoppages on the Bay Area Rapid Transit District, San Francisco Municipal Railroad, Alameda/Contra Costa Transit District, Sacramento Regional Transit and Golden Gate Transit.

In each instance a vital public service was denied the taxpayers who are supporting the systems. The extent of tax-support is even greater in the other transit agencies I just named.

These disruptions not only cause tremendous inconvenience to hundreds of thousands of riders, they also cause transit dependent

persons to lose jobs, miss necessary medical treatments, and produce financial losses to many businesses.

There must be some way to stop these increasing strikes by employees of a public agency.

We believe our employees are entitled to a fair wage and benefit package and have negotiated our labor contracts with this in mind. However, needless strikes like the ones we experienced in 1974 and this year must be stopped.

Several possible solutions present themselves. First, Compulsory Arbitration, which can be considered an abdication of our policy making powers by turning the ultimate decision on cost of a settlement over to a third party. Second, making labor negotiations open to the public, in other words "sunshine negotiations". Our General Manager Jack Gilstrap will have more to say on this subject in a few moments and, third, and perhaps the most logical,

legislation to restore transit employees to the status of public employees by removing the much abused right they now too frequently exercise, that of Strike.

Secret negotiations as we currently know them have not prevented strikes; Fact Finding as our law provides, has not prevented strikes; the Unions refuse to voluntarily submit the dispute to binding arbitration which, if accepted, would prevent a work stoppage.

Something must be done to bring some sense of reality to the situation facing every major city in our State.

We at the District feel that our public agency, merely because it is in the transit business, should not be any different from other tax-supported public agencies. Also, that our employees should not be treated in a different manner from other public employees providing vital services. The present Law treats them as a separate class and with the right to strike encourages disruption of this

necessary public service. It is up to you to provide the citizens of this State with uninterrupted public transit..

Thank you.

I would like to introduce Mr. Jack R. Gilstrap, General Manager of the Southern California Rapid Transit District.