



December 14, 2012

Mr. Bruce Hansen  
President-Business Representative  
Amalgamated Transit Union 757  
1801 NE Couch Street  
Portland, OR 97232

Re: December 20 and 21 Bargaining Sessions

Dear Mr. Hansen:

This is in reply to your letter of December 13 regarding the bargaining sessions scheduled for December 20 and 21. TriMet's position has not changed. These negotiations are not subject to the Public Meetings Law unless and until the parties mutually agree otherwise. Of course, the ATU can propose a ground rule allowing public access at the December 20 session.

TriMet was very disappointed that the ATU refused to bargain on November 30, as previously agreed. TriMet again calls upon the ATU to meet and negotiate in good faith pursuant to the union's September 25 demand to bargain letter. As we proposed before, the public meeting issue can be held in abeyance until decided by the Multnomah County Circuit Court. Meanwhile, the parties can bargain other ground rules, share interests and concerns, and explore other areas of mutual interest.

As an alternative, TriMet also is willing to agree to ground rules in advance of the December 20 session. TriMet proposes only two ground rules:

1. Reporters from news organizations unaffiliated with either party shall be allowed to sit in and report on the negotiation sessions in order to ensure both transparency and an orderly process of good faith negotiations.
2. The parties shall meet to bargain at least twice a month for at least four hours during the 150-day period.

As a second alternative, if the ATU is determined not to bargain, TriMet is willing to agree mutually with the ATU to submit last best offers now and proceed immediately to binding arbitration. This is not a solution we favor over good faith bargaining, but it has two advantages:

1. TriMet will not have to file an unfair labor practice charge against the ATU for refusing to bargain and for conditioning substantive bargaining upon the adoption of a permissive subject; and
2. Pursuant to ORS 243.756, it minimizes the time during which our employees' wages are frozen and they must pay higher insurance costs than they would under the District contract proposals. Every month without a contract resolution costs employees money. The District has proposed a contract

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term that is prospective. The effective date proposed is upon contract ratification or arbitration award. Unlike the contract just expired, we propose no retroactive wage adjustment or reimbursement of premiums paid under the District's proposals. Therefore, if the ATU's current shenanigans last beyond June 2013, it means the typical 15-year bus driver with PPO family coverage needlessly will take a wage hit of around \$92.59 and pay \$34.38 more a month in healthcare costs. Each month the ATU delays, its costs the typical employee \$127; that, of course, is on top of increased monthly dues that the ATU has levied to build its war chest.

The ATU's unreasonable position regarding open sessions has created safety concerns. The ATU repeatedly has refused to provide the names of its bargaining team, and it has communicated its intent to invite the public to closed meetings. TriMet arranged for security because a neutral location means borrowing rooms from another public entity; those rooms are relatively small and have occupancy limits. In any event, the Department of Transportation, where negotiations are scheduled, requires that a list of attendees be provided to its security office in advance.

TriMet will be present and ready to bargain on December 20. We encourage the ATU to accept one of our alternative proposals above or to bargain in good faith.

Sincerely,



Randy Stedman  
Executive Director, Labor Relations and Human Resources

Copy:

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