



July 11, 1995

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TO: MTA BOARD MEMBERS AND ALTERNATES  
FROM: FRANKLIN E. WHITE *F.W.*  
SUBJECT: ATU LAYOFF GRIEVANCE ARBITRATION AWARD

As you know, the Amalgamated Transit Union grieved the layoff of its members. Arbitrator Tom Roberts heard this grievance on June 19th and 20th. He issued an award on July 7th, which allowed MTA to proceed with the layoffs.

The ATU grievance claimed: (1) Article 11 of the collective bargaining agreement precluded layoffs while MTA subcontracted work permitted by Sideletter of Agreement No. 94-03 ("Sideletter"); and (2) the subcontracting permitted by the Sideletter caused some or all the layoffs.

The arbitrator ruled that the MTA could layoff employees while subcontracting work under the Sideletter. He rejected the Union's argument that Article 11 barred layoffs while the MTA subcontracted work covered by the Sideletter. This part of the award is final and binding upon the Union and MTA, and MTA could proceed with the reduction-in-force.

The arbitrator said that layoffs resulting from subcontracting covered by the Sideletter, if any, would violate the Sideletter. He ordered MTA and the Union to meet and attempt to identify which, if any, of the layoffs improperly resulted from subcontracting work.

If the parties cannot agree, the arbitrator has retained jurisdiction to decide whether any of the layoffs violated the Sideletter.