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LAURA E. NASTRO
* ALSO ADMITTED IN NEW JERSEY
** ALSO ADMITTED IN WASHINGTON, D.C.
*** ALSO ADMITTED IN NEW JERSEY AND
CONNECTICUT
+ OF COUNSEL

July 7, 2017

VIA FACSIMILE (518-457-6433)
Public Employment Relations Board
Office of Conciliation
P.O. Box 2074
Empire State Plaza
Agency Building 2, 20th Floor
Albany, New York 12220-0074
Attn: Kevin B. Flanigan, Director

RE: TWU Local 106 and MTA Bus Company

Dear Mr. Flanigan:

This firm represents TWU Local 106 in the above-referenced matter. This letter is to inform you that the above parties have participated in mediation sessions before Roger Maher, the PERB appointed mediator, on May 12th and June 30th in further efforts to reach a collectively bargained resolution. At both sessions, TWU Local 106 indicated our willingness to consider proposals from MTA Bus as to how to resolve our differences. Unfortunately, not only was there no substantive response, but there was also an attempt to further delay mediation proceedings well into the summer and beyond.

Despite the passage of nearly eight (8) months since the Declaration of Impasse, every indication suggests that further discussion would be futile. We believe the parties are at impasse – a position supported by:

- 1) The Company's absolute lack of a response – at a mediation no less – to advance a resolution; and
- 2) The Employer's previous and continued adherence (including at the mediation) to its bargaining position – notwithstanding its written declaration to PERB that it believed that intervening events would need to be addressed by the parties – that the Union must accept a "pattern" contract.

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There is a fundamental gulf between the parties that requires arbitral intervention and no further bargaining or mediation will bridge that divide. Supervisors at MTA Bus are paid far less than their counterparts in NYCT/MaBSTOA. TWU Local 106 insists that its members are entitled to wage parity with identically situated Supervisors throughout the New York City Transit system (many of whom are represented by Local 106). The Union will not settle a contract that provides for a pension benefit for its members that is inferior to the pension benefit enjoyed by the hourly employees they supervise. On the other hand, the Company's bargaining position has been and continues to be that it will not resolve a contract on terms that exceed a "pattern" - which cannot accommodate the wage parity and pension improvements on which TWU Local 106 has stated time and time again it must achieve in bargaining. Moreover, *even if the Union agrees to every item in the MTA Bus Company proposal*, it will not, according to MTA Bus, *even make the pattern (although it will be close)*. The above-referenced disparities and further disagreements between the parties demonstrate an unequivocal need to invoke the interest arbitration process.

The parties are at an impasse. As such, TWU Local 106 requests that PERB certify same and begin the process for designating an interest arbitration panel to bring this matter to resolution.

Very truly yours,

COLLERAN, O'HARA & MILLS L.L.P.

By: 
DENIS A. ENGEL

cc: V. Modafferi (via E-mail)
R. Facchini, Esq. (via Regular Mail)