

# Apartheid In Miami

## Transit Workers Challenge the System

■ *Andy Banks & Guillermo Grenier*

Mark Richard always found it hard to leave his work at the office. Even before he became a labor attorney, back when he was an organizer for the Farm Workers, Mark was constantly strategizing on new ways to organize community support in Miami for immigrant workers living 3,000 miles away in California.

Now Mark was walking into headquarters of the Trade Union Congress (TUC) in London. Sure, he and his wife were on vacation, but it had been almost an entire week since he had talked with anyone about the incredible struggle of the Dade County transit workers.

In the lobby of the TUC building, posters were plastered everywhere. One poster showed oranges, canned goods, and other common items imported from South Africa. The items were riddled with bullet holes with blood dripping out of them. The poster read: "This is Apartheid—Don't Buy It." Mark bought a dozens of these posters. The Executive Board of Transport Workers Union (TWU) Local 291 in Miami would cherish them.

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While in London, Mark told one top TUC official about the problems facing the members of TWU 291. Mark told how Dade County Commissioners were demanding concessions averaging \$6,000 per year per worker. He explained that 70% of the transit workforce was black and 20% Hispanic. He explained that the bus system which served 200,000 predominantly black, Hispanic, and elderly riders was the oldest fleet in the country and shrinking in size every year. He also talked about the new \$1.25 billion rail system, Metrorail, which serves only 20,000 riders per day but makes up 40% of the Metro Dade Transportation Administration's (MDTA) operating budget. In contrast to Metrobus, Metrorail is used primarily by young, white, urban professionals who commute to the new highrise office buildings which dominate Miami's downtown.

The TUC official sat quietly and listened to the lawyer's description of Dade County's new program to cut back bus service to offset the tremendous costs of operating Metrorail. Along with route reductions, the new plan forced bus riders to make transfers on Metrorail in order to connect to other buses. Many students in black and Cuban neighborhoods have to leave two hours early to get to school on time, and parents feared this would boost the black dropout rate even further. Black and Hispanic workers lost their jobs because they could no longer get to work on time. The indigent elderly found it difficult to get to Dade County's only public hospital.

The TUC official said he was not surprised at what Mark told him. The British working class knew a lot about Miami; due to cheap air fares it was one of their favorite overseas vacation spots, and London tabloids carried Miami stories on a regular basis. Racism in Miami was no surprise. After all, wasn't Miami the site of the only two race riots in the United States in the 1980s? The TUC official explained that in his opinion the apartheid mentality didn't only exist in South Africa, it appeared to be alive and well in Miami.

Apartheid in Miami! That's exactly what the transit system's new plan furthered, and it would become the theme of TWU 291's strategy to fight concessions, racism, and mismanagement in Dade County transit.

The story that follows will show how Dade County officials and the downtown Miami business establishment attempted to bust the transit union and dismantle a vital public transportation service to Miami's minority, elderly and working-class communities. In the name of "efficiency," Miami's political and business establishment worked hand-in-hand with the Reagan

administration to make minority workers and their communities pay for the mistakes of what experts say is one of the most mismanaged transit systems in the country.

This is the story of how the union organized with the community to expose this mismanagement and how the union tried to address bad management practices by offering contract language which would give the union and the workforce a voice in how Dade's transit system is run.

### **The Blue Ribbon Report**

In the early 1970s Dade County, like most other metropolitan governments across the U.S., completed the purchase of privately owned and operated local transit systems. The trend started with Congress' passage of the 1964 Urban Mass Transit Act, which provided funds for local governments to bail out private transit companies and to improve the country's dilapidated urban transit systems.

In 1976 the Dade County Commission and the local business establishment campaigned heavily for a new \$1.25 billion Metrorail system to complement the county's traditional reliance on buses. A referendum election on Metrorail was held and the referendum passed by a margin of less than 1%, primarily because of a large turnout of black and Hispanic voters, who were promised a fleet of over 1,000 buses if they supported the construction of Metrorail. That was 1976, and Metrobus had a fleet of 670 buses. Ten years later, Metrobus has the nation's oldest fleet of buses, now numbering fewer than 500.

In November of 1985, a select group of downtown business leaders met with County Commission Transportation Committee Chair Clara Oesterle to discuss the transit system's financial problems. Faced with overwhelming public criticism and no dedicated source of revenue, this group decided that the only way to "fix" the financial problem was to wage a two-pronged campaign to reduce workers' wages and to phase out the County's obligation to maintain a bus system. Commissioners Clara Oesterle and Beverly Phillips then met with representatives of ATE Management and Service (the world's largest private transit management company) to discuss plans for privatizing Metro Dade transit. ATE is now a fully-owned subsidiary of Miami-based Ryder Corporation.

In December of 1985, the County Commission officially formed a Blue Ribbon Task Force on Transportation. The task force was composed of current and former Chamber of Commerce officers,

Commissioner Oesterle, and MDTA Executive Director Joseph Fletcher. It was funded by a \$200,000 grant from the federal Urban Mass Transit Agency (UMTA). The stated purpose of the task force was to conduct a thorough investigation of MDTA and issue recommendations to the County Commission.

At the task force's first meeting, members heard a report from MDTA chief Fletcher on the current negotiations with the transit union, and it was decided at that meeting that labor would be the focus of the report, and that the report would support MDTA's efforts to extract dramatic concessions from TWU members. The minutes of the meeting show that Commissioner Oesterle wished to use the Blue Ribbon Task Force report as a club in negotiations with TWU. The first draft of this "independent" report was authored by MDTA's Joe Fletcher, and all committees of the Blue Ribbon Task Force were staffed by MDTA administrators.

To no avail, TWU Local 291 attempted for the next five months to have representation on and input into the deliberations of the task force. In May of 1986, the task force issued its final report and recommendations to the County Commission. Among its recommendations were:

1. Unilaterally cut wages by 20%.
2. Support MDTA's efforts at the bargaining table to gut the union's most important work rules.
3. Force the union to strike, and replace workers with new employees.
4. Increase bus fares by 33%.
5. Support MDTA's plan to drastically reduce bus service.
6. Create an appointed Transportation Board composed of local business leaders to oversee MDTA. This would mean that MDTA would no longer be directly accountable to voters or elected officials through the County Commission.
7. Pursue efforts to privatize transportation with companies such as Ryder.

In their presentation of the Blue Ribbon Report, television stations and newspapers alike marched in lock step behind the Chamber of Commerce's recommendations. Not one item in the several hundred-page document was scrutinized or questioned. The media had found an easy target for Dade's transportation woes—lazy and shiftless black workers. Miami's dirty little secret was at work again. Commissioner Oesterle was really feeling her oats. In a statement to the press on the day the Blue Ribbon Report was released, Oesterle said: "If changes must be made, they will be made. If sacrifices must be made, they should be made. If labor

costs must be cut, get out the scissors. If bluffs must be called, the County Commission will call them."

### **The Union Responds: A Proposal to End Mismanagement**

Upon release of the task force report, the members of TWU Local 291 turned out en masse at the next union meeting. The crowd was so large that the union had to place a public address system in the parking lot to handle the overflow. Members insisted the union respond to the Blue Ribbon Report and implement a program to fight the County's demands for concessions and its plans to privatize the transit system. The union's research committee hired consultants Steve Abrecht and Andy Banks to review the Blue Ribbon Report and to assist the union research committee in writing its own report and recommendations to the County Commission.

The TWU report said that the Blue Ribbon Report lacked input from those who need and use public transportation the most—the elderly, blacks, Hispanics, Haitians, students, and workers.

The union's report raised some interesting questions. If the purpose of the Blue Ribbon investigation was to uncover why



*TWU International President John Lawe (center) strategizes with TWU Local 291's executive board.*

MDTA was so expensive and inefficient, why was there a section of the report on labor but no section looking into the management of the transit system? Was it because MDTA management staffed the Task Force, provided all the statistics and even authored the first draft?

"For the Blue Ribbon Task Force to pay little or no attention to issues such as poor planning, absence of management accountability, poor oversight and training is derelict. The public deserves better treatment than this," said Ken McKay, TWU 291 president, at a crowded union press conference.

The Transport Workers' report also noted that the Blue Ribbon Task Force ignored a 1981 Dade Grand Jury which accused Dade County of having a "fixation" on purchasing expensive hardware while paying little attention to efficient management. Why did the business leaders on the Task Force completely ignore the Grand Jury's findings and recommendations and instead recommend that more contracting-out and other forms of privatization take place?

While arguing hard for privatization, why did the Task Force not investigate the \$13 million in private sector contracts that already existed at MDTA? If they had, they would have discovered what transit workers had been complaining about for years. For example, the Blue Ribbon Report complained that union mechanics were using too many spare parts, the implication being that workers were either stealing the parts or that mechanics were incompetent. The union research committee found that the spare parts inventory was so high because much, if not most, of the engine work which came back from outside contractors needed to be completely reworked.

The union's report also showed how the Blue Ribbon Report had manipulated and distorted statistics:

- The Task Force claimed that MDTA bus operator wage rates are way above market, when in fact they are lower than the average for all major U.S. transit systems.
- The Task Force made sweeping generalizations about the work habits of supervisors and mechanics based on the maintenance record of only two buses and one observation of a single mechanical repair.
- The Task Force blamed the union contract for a large amount of overtime for bus operators, when in fact their own data shows that in fiscal year 1985 management paid \$1.3 million more in overtime than was mandated by the contract.
- In the two weeks between the release of the Preliminary Report

and the Final Report, major changes were made without any explanation. Figures on labor cost and revenue growth changed dramatically or were inexplicably deleted where they did not conform to the Task Force's conclusions.

- The Blue Ribbon Task Force attributed certain Metrorail costs to Metrobus, thereby exaggerating the deficits of Metrobus.
- The Task Force focused almost exclusively on Metrobus in order to avoid any discussion of Metrorail's operating and financial disaster. (The union questioned the impartiality of the Task Force Vice Chairman, who was CEO of a real estate development firm which had exclusive rights to building shops and office buildings adjacent to at least one of the Metrorail stations.)
- Apples were constantly being compared to oranges. The Task Force was repeatedly inconsistent in the timeframe and frame of reference it used, depending on the point it was trying to prove.

The union concluded:

By this time it should be evident to the Commission that the report of the Blue Ribbon Task Force lacks a comprehensive and rigorous approach. It is doubtful that any member of the Blue Ribbon Task Force, in their capacity as executives, would base multi-million dollar investment decisions on such a product from subordinates or outside professionals.

At best the Task Force simply did a poor job. At worst the report is a crude attempt by Dade's business leaders to embroil the County Commission in a union-busting venture, remove the control of MDTA from the accountability of voters and elected officials, and hand over a valuable public asset to special business interests.

The TWU leadership knew that it was not enough to tear apart the Chamber of Commerce's self-serving report. TWU members for years had been complaining about the mismanagement of the transit system. They also knew that as long as the management problems persisted, their jobs, their contract, and their union would be on the chopping block. The Blue Ribbon Task Force taught the union that if they did not get directly involved in cleaning up mismanagement at MDTA, they would be asked to pay the price. To this end the union decided to include its own recommendations.

The Transport Workers Union, at the end of its report, called upon MDTA and County officials to work with the union and community leaders on a new study team to correct Dade's transit

problems. It asked the Commission to reject the Blue Ribbon recommendations as being "confrontational, adversarial, and negative."

"The County Commissioners are at a great crossroads," claimed TWU's McKay. "They can join hands with their workforce and the users of public transit or they can decide to dismantle the transportation system and hand it over to profiteers."

The union proposed a Joint Labor/Management Study Team composed of equal numbers of union and MDTA members to investigate once and for all the transit system's problems. The team would have total access to all information at MDTA, and both parties would be afforded access to outside expertise of their choosing. All costs of the study would be borne by the Dade County Commission. The union proposed that until this new study was completed, MDTA would not act on its plans for reductions in bus service, privatization, or changing the governing structure of MDTA.

Finally, the union proposed: "To usher in this new era of cooperation, we urge the County management to join with us in resolving the current collective bargaining negotiations. This will give both parties the necessary security to turn their attention to the fundamental task at hand."

Even though all the major media gave wide and favorable coverage of TWU's response to the Blue Ribbon Report, the union's findings and recommendations fell on deaf ears in County government. It was obvious to the TWU Executive Board that the "fix" was in.

At first this came as a surprise to TWU leadership. It was felt that once the union exposed the crass attempt by the business community and MDTA management to "cook the books," the County Commission would see the wisdom of accepting the union's recommendations. Instead, MDTA fully implemented its bus service reduction plan, in spite of pleas from blacks, the elderly, Hispanics and the union that it wasn't right that they should have to pay for the mistakes of MDTA management. To add insult to injury, the County Commission also voted to come up with another \$100 million to expand the Metrorail system.

### **Workers and Riders Against Apartheid**

If the union had not already been convinced that county government was looking for scapegoats rather than a positive solution to its transit problems, the clincher came when the county refused to move off its Draconian demands for concessions. The

union had tried to change the tenor of negotiations by proposing a plan for joint labor/management committees designed to correct the inefficiencies at MDTA. As with the union's other efforts at negotiations, the county wasn't interested.

All other county unions had agreed on contracts with no givebacks and 8% wage increases over three years. Police and fire unions received substantially more than this. But TWU Local 291, the only county union that is 90% black and Hispanic, faced a different offer:

- A zero wage increase.
- Increased use of part-timers, causing the lay-off of more than 200 dues-paying members, and a provision allowing part-timers to bypass seniority in bidding the most desirable trips.
- A 20% reduction in disability benefits.
- A 4-day, 10-hour workweek for bus drivers which, according to TWU Research Director Joe Madison, would be devastating to their wages.
- Elimination of daily overtime and all overtime guarantees. (This item alone would have cost the average TWU member \$6,000 a year in reduced wages.)
- Cuts in vacation and sick leaves.
- A two-tier wage system, 20% below the current base rate.
- Elimination of all longevity pay, merit pay, and pay for prep time.
- No breaks or meal time, paid or unpaid.

The union was asking for no givebacks, binding arbitration in discipline grievances, the joint labor-management efficiency program, and raises comparable to other county workers.

On July 17th, the county forced the union to a Special Master Hearing, as provided under the Florida public employee collective bargaining law. At the hearing the county was put in the embarrassing position of arguing against a program for labor-management cooperation. MDTA claimed the union's proposal violated the management rights provisions of Florida's Public Employee Relations Act.

After two days of testimony, the union and the county postponed the hearing until after the September County Commission elections. Under Florida's public employee labor laws, the Special Master's findings are not binding and the County Commission is entitled to modify, accept, or ignore the findings. Thus public sector unions find their most important weapon in getting fair and equitable contracts is political clout.

To this end, Local 291 began to coalesce with the black and Hispanic communities to turn up the heat on county government

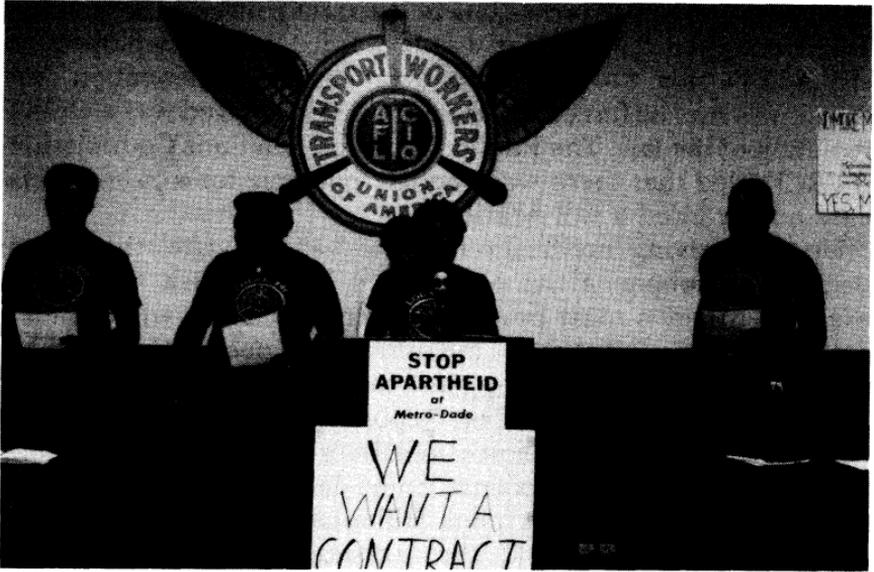
over what it labeled Dade County's apartheid policies in transportation. The union maintained that, like the South African government, Dade County endorses a dual system of wages and work conditions for its predominantly black and Hispanic work force and a dual system of transportation for the black, Hispanic and elderly communities.

The TWU Executive Board created a two-month Action Plan with four committees on Media Organizing, Membership Action, Research and Materials, and Community Partnership. One Executive Board member was appointed as overall coordinator and about 60 active union members met with the committees every Saturday to get the next week's assignments. The committees organized call-ins to the Commission, radio talk shows, rallies and candlelight vigils. They handed out thousands of leaflets.

One leaflet was headlined "Apartheid Strikes Dade Transit" and described the county's dual system of wages for minority workers and its dual system of public transportation. Another leaflet described how Commissioner Clara Oesterle was trying to sell taxpayers more "snake oil" by cutting bus service and spending \$120 million to expand Metrorail to "enrich certain downtown developers." The leaflet also claimed that "black and Hispanic workers at Metrorail and Metrobus are being persecuted for blowing the whistle on Commissioner Oesterle's boondoggle."

Hardly a day passed that either President McKay or another member of the 291 Executive Board were not quoted in the papers or appeared on television news reports. One evening, TV news viewers saw a rally of 200 black and Hispanic transit workers in front of a Metrorail station located in a poor black neighborhood. Picketers carried signs declaring "Stop Apartheid at Metro-Dade." In the pouring rain dozens of black rail and bus riders joined the rally to demonstrate their solidarity with the transit workers. Clearly, this had become the key issue of the Dade County Commission elections.

TWU received support from black, Hispanic, senior citizen, and other labor organizations in its fight against Dade's apartheid. Resolutions of support were passed by numerous city councils in Dade County, such as Hialeah, Opa Locka, and Sweetwater. The 600,000-member Florida Consumers Federation committed to providing trained organizers. The national grassroots citizen's lobby, Citizen Action, passed a resolution in support of TWU's fight against apartheid in Miami. Staff members of the Rainbow Coalition indicated possible assistance from the Reverend Jesse Jackson. Officials of the labor movement in Great Britain, aldermen from the Chicago City Council, and a key member of



*TWU Local 291 Secretary-Treasurer Sam Milton (at podium) leads union meeting in chorus of Solidarity Forever.*

the Cleveland City Council all assured TWU that they would support the union if it wished to call a boycott of conventions and tourism—Dade County's economic lifeblood.

In mid-August Local 291 made public a study it had commissioned from Professional Research Institute, an independent polling firm. The findings verified what TWU had been saying—MDTA was discriminating against poor, elderly, black and Hispanic transit users. That week MDTA chief Joe Fletcher was fired, and County Manager Sergio Pereira promised the union a contract with no givebacks. Pereira also attempted to appease the community by restoring some bus routes that had been canceled. The commissioners who were up for reelection also changed their tune by saying that obtaining more buses would now take precedence over expansion of the rail system.

Despite these election campaign promises, it soon became clear that the County Manager was not delivering on his promises of a no giveback contract. The county still wanted most of the givebacks it had previously demanded and Acting MDTA Director Bill Bird was finalizing the process of contracting out major portions of TWU work.

At this point the union filed unfair labor practice (ULP) charges against the members of the Blue Ribbon Task Force. Mark Richard, the union attorney, maintained that since the Task Force was made official by the Commission, it was in fact an agent of the employer

and covered by ULP provisions in the state collective bargaining law. He argued that since it was illegal for public employees to strike in Florida, the Blue Ribbon panel's recommendation that transit workers be forced on strike and then replaced was a willful violation of the law. The Public Employee Relations Commission (PERC) ruled that there was enough evidence for a *prima facie* case and ordered a full hearing.

Upon receiving notification of the hearing date, the union decided to subpoena the entire Blue Ribbon Task Force and examine Miami's most powerful business leaders while under oath. The union felt that the downtown business elite should be scrutinized in a public hearing and be held accountable for their statements in the Blue Ribbon Report.

The Blue Ribbon Task Force members went crazy when they were served with the subpoenas. Some dodged the process server for days, while others left town. Still others claimed they would ignore the subpoenas. And, they all started to put heat on the County Commissioners and the County Manager.

On Friday, September 5, the PERC hearing examiner sat alone in her chambers. The union and county labor relations staff had asked her to delay the hearing. Earlier that day the county indicated it was willing to drop all but a few token concession demands and give transit workers the same 8% raise that other county employees had received. By noon the new agreement was signed and the union reluctantly agreed to drop its ULP charges and its demand for a joint union-management efficiency program. The county also agreed to post a message on employee bulletin boards stating that the Blue Ribbon Report was not the official position of county government.

Combining a public campaign against Dade County's transportation apartheid, membership militance in bargaining, and a legal challenge to Miami's business elite, TWU 291 won its contract.

### **"Our Vehicle to the Promised Land"**

To understand the magnitude of TWU Local 291's victory in getting a new contract, one must realize the role transit jobs have played in southern cities. In cities such as Miami, Atlanta, and New Orleans, transit employment opportunities represent what Ed Tally, Executive Vice President of TWU 291, describes as "our vehicle to the promised land."

In the 1950s and 1960s many young rural blacks, inspired by leaders such as Martin Luther King and the Southern Christian Leadership Conference (SCLC), came to southern cities seeking

good jobs and a way to escape Jim Crow and the vicious circle of sharecropping and tenant farming. Ed Tally, for example, left the poverty-laden sugar cane fields of Clewiston, Florida, to be a Dade bus driver in the early 1960s. Upon their arrival, these young blacks discovered that all the decent private sector jobs were reserved for whites. The public sector, however, was increasingly coming under the scrutiny of the courts and pressure from civil rights groups. Black women could find teaching jobs in the public schools and black men could become bus drivers and mechanics. When they formed unions, upward mobility, a fair standard of living and civil rights became their principle demands.

This coincided with the expansion of public sector buyouts of often bankrupt private transit companies, thus opening thousands of new transit jobs to the black community. Improved transit systems also provided a means for other residents from poor black and Cuban neighborhoods to get to hospitals, the newly desegregated schools, public libraries, and jobs. Many black college graduates are the sons and daughters of transit workers, and in many ways this small but growing black professional class is a direct byproduct of the South's transit unions and the public transit systems these unionists built.

In southern cities like Atlanta, where blacks have obtained considerable political power, public transportation and transit unionism have become even stronger. But in cities such as Miami, where black political power is on the decline, the white downtown elite has become even more entrenched and is currently on a crusade to dismantle the public bus system which minorities and the elderly have come to rely upon. In Miami, the downtown business interests and their friends in government are building a multi-billion dollar rail system which serves only a small number of well-to-do white professionals while enriching big developers and contractors.

TWU members in Miami knew for years that this transportation strategy and the day-to-day mismanagement that went with it was wrecking the system they had proudly helped to build. They also knew it was only a matter of time before the blame was put at their doorstep. But what could a union do? Public labor laws and the boilerplate management rights provisions in the TWU collective bargaining agreement said decision-making was management's domain, even if these decisions undermined the hours, wages and working conditions of union workers.

Local 291 leadership tried to step out of this vicious circle when they proposed a program which would increase the workers' ability to force MDTA to manage more efficiently. The union was

forced to drop its contractual demands for the efficiency program in order to get a contract, and this was probably a good trade-off. But the union understood that county government in concert with the Chamber of Commerce was going to continue to beat the drum of privatization and reduced bus service in order to "fix" the problems at MDTA and expand the rail system which the Chamber cherishes so dearly.

The union was extremely successful at using non-traditional tactics to win their campaign for a new contract. But, the day before they settled the contract, a top county official warned that the real fight was privatization and that was "just around the corner." Though the union vowed to continue its public campaign against management's policy of privatization, its fightback committee structure was initially disbanded and most TWU 291 leaders concentrated their efforts on the day-to-day problems of enforcing the collective bargaining agreement.

Subsequently, the *Miami News* uncovered more evidence that Ryder Corp. and county and UMTA officials were finalizing plans to demonstrate to the nation that privatization works. Transit officials across the U.S. say it is unethical and a conflict of interest for Ryder executives to design, lobby, and directly negotiate with UMTA officials for a privatization project which Ryder will later bid on.

Then, in November 1986 the Dade County manager and the Reagan administration announced their agreement on a three-year experimental privatization project where 40 new buses will be turned over to a private operator, such as Ryder, to compete with MDTA. This experimental program will cost the county and state taxpayers at least \$7 million. It will cost the private operating company nothing and, in fact, with taxpayers subsidizing all the costs, this company could pull in quite a hefty profit.

This new "experimental" program is the Reagan administration's and Ryder's foothold into expanding privatization to other unionized transit systems. This could be devastating to minority communities, the elderly, and other transit users across the U.S.

As *Labor Research Review* goes to press, TWU Local 291 has begun to revive its campaign against privatization and mismanagement, resurrecting its demands for worker input into management decision-making. In doing so, the union is not only fighting to save the jobs of 2,000 black and Hispanic workers in Miami. It is in the forefront of the gathering union-led fight to save a whole range of public services from those who talk about the "free market" on the front porch while arranging their special deals and boondoggles in back rooms. ■