



Political Action Department

TRANSPORT WORKERS UNION LOCAL 100 · AFL-CIO

TESTIMONY OF GUS MOGHRABI, TWU LOCAL 100 TRANSPORTATION COMMITTEE HEARING THURSDAY, JANUARY 30, 2014

To the Honorable Herman Farrell, Chair , Ways and Means Committee; the Honorable John DeFrancisco, Chair, Senate Finance Committee; the Honorable members of the Senate and Assembly Education Committees, and the Honorable members of the Ways and Means Committee:

I want to thank you for this opportunity to address a very important issue of basic fairness for all school bus drivers who transport our nation's most precious cargo – our children – safely to and from school every day.

My name is Gus Moghrabi, and I am a Representative of the School Bus Division for Transport Workers Union Local 100 in Westchester. I represent 2,000 school bus drivers who provide services to more than 50 Public and Private Schools in Westchester and its surrounding counties. My members work for 6 private companies contracted to provide school bus services for elementary through high school students.

I am testifying here today on behalf of thousands of school bus drivers who work for privately owned companies under contract to public school districts. Specifically, I am asking this Committee to reintroduce and enact Assembly Bill A7269/Senate Bill S4317A that was first introduced as an amendment to Education Law in 2011. We earlier submitted written testimony to the Education Committee for their consideration because we were unable to secure a speaking slot at the Education hearing. I am before the Transportation Committee not only because this needed legislation directly relates to transport workers, but because we wish to bring to public light a terrible disparity between

school bus drivers working for private companies as opposed to those employed by public school districts. This unequal treatment concerns due process in disciplinary actions. Drivers employed by school districts enjoy just cause, whereas privately employed drivers do not.

I have been a school bus driver since 2005. School Bus Drivers are required to adhere to Federal, State and School District regulations in the performance of their jobs.

There are two distinct categories of drivers. First, there are drivers who work directly for the School Districts that operate their own service. Second, there are private school bus drivers who work for privately owned companies, and contracted by the School District to operate the services.

Even though both public and private school bus drivers must adhere to the same federal, state and district rules in the performance of their jobs, the job protections afforded to bus drivers depend on the employer you work for.

Even though we do the same job as the bus drivers who work directly for a school district, private bus drivers adhere to different rules and disciplinary procedures.

For example: The federal Sleep Apnea Law that will soon be in effect, will apply to private bus drivers, but will not apply to district bus drivers. Annual Medical Exam Certifications are mandatory for private bus drivers, but not for district bus drivers.

But I am here to specifically address a patently unjust and unequal situation regarding the handling of disciplinary actions against private vs. public drivers.

Public school bus drivers have "just cause" protection; private school bus drivers do not.

District bus drivers faced with discipline are afforded a hearing and defined appeals process in which they and their union representative can argue their case. However, in the case of the private bus drivers, even though we have an appeals process with the company

that directly employs us, the district has the authority to overrule our employer's process and disqualify a driver with no just cause or due process whatsoever.

What types of events can lead to a disqualification? Here's a few actual examples:

In the Greenburgh School District, one of my fellow workers, while transporting children between schools, dropped off some of the children at a District School. The Principal came out and told to him to turn off the bus and wait for the teachers to come out. The bus driver informed the Principal that he could not do that, because he still had children on the bus, and it was too cold to turn the bus off. The driver informed the Principal that, per company policy, she needed to contact the company office, and make an official request.

The Principal's response to the bus driver was: "You will never work in this district anymore." That Principal proceeded to contact the Superintendent and had the bus driver disqualified. We do not know what the official cause or reason she gave to the Superintendent to justify this disqualification. This particular bus driver lost his job, even though he was following the strict guidelines and rules of his job. He certainly did not deserve this unfair treatment. There was no "just cause" hearing for this worker; no ability to appeal this Principal's unwarranted and arbitrary treatment.

Also in Greenburgh, a driver was disqualified for following regulations for correctly refusing to drop off a child at an unscheduled stop. The parents of this particular child were angry that the drop off site (set by the District not the driver) was at a designated corner, and not in front of their home. They demanded he stop in front of their home; he correctly refused. The District disqualified the bus driver. This was a valued, experienced driver, but simple parent complaints, over an issue that the district should have handled, cost this driver his job, and the company an outstanding employee.

This unprotected status of private school bus is a serious problem. In the area I cover, 1 or 2 bus drivers will be unfairly disqualified weekly. This is not only a miscarriage of justice for the affected workers, it is disruptive and costly to the company as well.

Private bus drivers are doubly vulnerable to unfair labor practices by the companies who hired them. Private company managers who do not want to follow proper protocol in dismissing a driver from employment often hide behind the tactic of asking someone in the district to disqualify a driver for no just cause. Again, the driver will have no avenue to defend or plea their case.

I am not here to unilaterally defend school bus drivers from all wrongdoing. There are mistakes are made, and in some cases discipline is warranted. We fully understand that school bus drivers must be held to the highest possible standards of conduct.

I simply ask that since the rules are already in place between the driver and the company that they apply equally to all school bus drivers whether they are hired by the company or directly by the school district.

We hope that the members of the Transportation Committee work with the Education Committee to reintroduce Assembly Bill A7269/Senate Bill S4317A. It will equally balance the rights of all school bus drivers whether they work for the District or for a private company.

Thank you for your time and consideration in this manner. I am available to answer any questions.

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