

Report of the Baumann Monitoring Commission:
The School Bus Workers Organizing Drive at Baumann Bus

EXECUTIVE SUMMARY

The following report has been commissioned by a group of community leaders on Long Island and prepared by Baumann workers and representatives of the Teamsters Union. It outlines the current union organizing drive at Baumann Bus, a group of companies providing school bus and other transportation service throughout Long Island. Due to their poor working conditions, lack of affordable benefits, and a disrespect of workers' rights at the Baumann companies, these school bus workers have decided to form a union with Teamsters Local 1205. Baumann has countered this organizing drive with an aggressive anti-union campaign engineered by high-priced "union avoidance" consultants.

This report aims to present the workers' story of their union organizing drive: its background issues, goals, and the opposition it has faced. Through the telling of this story the Commission seeks to ensure community support for these workers' effort to improve their working conditions and their right to form a union without fear and intimidation from their employer. Based on the events of this campaign, the Commission will present several demands to Baumann to ensure that the union election will be fair.

Baumann Monitoring Commission

The Baumann Monitoring Commission is a volunteer commission made up of community leaders including:

William J. Lindsay, Presiding Officer,
Suffolk County Legislature

Luis Valenzuela, Executive Director,
Long Island Immigrant Alliance

Gregory DeFreitas, Professor,
Hofstra University

Father William Brisotti, Our Lady of
Miraculous Medal Roman Catholic Church

Rev. Paul Ratzlaff, Unitarian
Universalist Fellowship of Huntington

Nadia Marin Molina, Executive
Director, The Workplace Project

INTRODUCTION

The Baumann Monitoring Commission has reviewed the actions of Baumann and Sons Busing Company behavior in 2009 during workers’ efforts to form a union in their workplace.

The Commission’s report outlines the abuse of school bus drivers, assistants (matrons), mechanics and maintenance workers at Baumann and Sons Busing Company, which operates school and other bus service throughout Long Island. Elected officials, school districts, families and children have a vested interest in the company’s poor corporate citizenship because Baumann school bus employees transport the communities’ most precious cargo: tens of thousands of school children and physically and mentally challenged adults every day. In addition, The Baumann and Sons Busing Company is supported by Long Island public funds, making this a critical issue to every taxpayer.

This report outlines the company’s disrespect for its professional transportation workers, a paucity of health benefits and denial of Baumann workers’ federally protected rights to Freedom of Association – the right to form a union without interference by their employer.

Based on these working conditions, a strong majority of workers at Baumann have chosen to organize themselves into Teamsters Local 1205 to improve working conditions

and benefits through the collective bargaining process. Unfortunately, these hardworking men and women have faced continual pressure from their employer to stop this organizing campaign.

The Baumann Monitoring Commission’s review of the company’s behavior highlights the demoralizing and coercive anti-union company actions Baumann workers face as they seek to improve their working conditions and exercise their legal right to organize into a union.

What is Baumann?

Ronald Baumann owns four separate transportation companies operating on Long Island: Baumann and Sons Buses, Inc.; Brookset Bus; Acme Bus Corp.; and Alert Coach Lines, Inc. These companies operate under the umbrella name A.B.A. Transportation.

Baumann and Sons was founded in the 1940s, by Richard and Doris Baumann, focusing on school bus transportation. Acme was later formed as an offshoot of Bauman and Sons, and currently primarily transports preschoolers and adults with special needs. Alert was created in 1967, operating buses for businesses, churches, tour companies, schools, and the Long Island Railroad. Brookset is the company name for the mechanics and maintenance employees working at the

SCHOOL DISTRICTS AND AGENCIES THAT CONTRACT WITH BAUMANN FOR TRANSPORTATION SERVICE

Amityville Union Free School District	Levittown Union Free School District	School District
Babylon Union Free School District	Lindenhurst Union Free School District	Nassau County BOCES
Bayport-Blue Point Union Free School District	Manhasset Union Free School District	Eastern Suffolk County BOCES
Bethpage Union Free School District	Northport School District	Western Suffolk County BOCES
Bellmore-Merrick Central High School District	Oceanside School District	Diocese of Rockville Centre
Brentwood Union Free School District	Plainview-Old Bethpage District	Gersh Academy
Commack Union Free School District	Port Washington Union Free School District	Hamza School
Copiague Union Free School District	Roosevelt Union Free School District	Lawrence Woodmere Academy
Farmingdale Union Free School District	Sewanhaka Central High School District	Adults and Children with Learning and Developmental Disabilities
Garden City Union Free School District	Three Village Central School District of Brookhaven and Smithtown	AHRC
Great Neck School District	Uniondale School District	Developmental Disabilities Institute
Harborfields Central School District	Westbury Union Free School District	United Cerebral Palsy Association of Nassau County
Island Trees Union Free School District	Westhampton Beach Union Free	United Cerebral Palsy of Greater Suffolk

various school bus yards owned by the Baumanns.

Ronald Baumann serves as president of all these companies which employ more than 1700 workers in nine Long Island locations. These workers include drivers, drivers assistants (matrons), mechanics, and maintenance workers.

Baumann's companies have sales of approximately \$100 million a year.¹ Much of this income comes from public funds paid by school districts that have outsourced their transportation needs to this private company. School district transportation funding comes from a variety of tax sources, including local, state and federal education money. In 2009, New York State budgeted more than \$1.5 billion for school districts' K-12 transportation.

School districts and other agencies throughout Long Island contract with Baumann for transportation service.

Treatment of Workers

A company that transports children and mentally and physically challenged adults at the public expense should be held to a high standard of excellent service and corporate responsibility. Unfortunately, Baumann has repeatedly broken federal labor laws, with little or no regard for the public it serves.

Since deciding to form a union with Teamsters Local 1205, Baumann employees daily confront a series of unacceptable, and in some instances, unlawful labor practices.

Baumann Workers Not Paid for Time Worked

Baumann workers have begun to document the repeated denial of their wages by management. These workers are frequently not paid for time worked, and have even seen their time cards changed by management resulting in a loss of pay. Many Baumann workers are already unable to make ends meet on their low wages and need every cent they earn from the company to support themselves and their families.

New York State labor law demands that workers be paid for hours worked, and companies that violate this law can be forced by the state to pay back wages. Faced with the company's failure to resolve unpaid wages, Baumann workers have documented their cases and submitted them to the New York State Department of Labor, which is now investigating these claims.

"This summer I worked 8 hours and 30 minutes a day and I was only paid for 7 hours a day."

—Linda Rittereiser, driver, Coram Yard

"We never get paid for the dead-heading, which amounts to one hour a day at least. This is money that should go in my pocket, not the company's"

—James Laffey, driver, Bethpage yard

Health Care is a Major Issue for Bauman Workers

While Baumann workers are offered health insurance through their employer, many are unable to afford the coverage, leaving a high percentage of workers without any health care coverage at all. Those workers who do pay for the Baumann health insurance coverage find it woefully inadequate – and completely unaffordable/unavailable to their families.

"I have medical insurance from Baumann. I pay \$37 per week, \$30 per visit to my primary doctor, and \$45 dollars for any other doctor or specialist. Only generic prescriptions are covered, and half of the prescriptions I need are not covered. I can no longer afford to take my cholesterol medicine which would cost me \$330 for 90 days."

—William Watson, Bus Driver, Bethpage Yard

"One-third of my check goes to health insurance! This is unfair and I want it to change ASAP."

—Anna Kovarick, driver, Bohemia yard

Workplace Conditions at Baumann Yards Are Unsafe and Degrading

Many Baumann employees have been asked to work under dangerous and degrading working conditions. At Bau-

mann's Bethpage school bus yard, which serves many districts and schools including BOCES and the Nassau County Baby Program, workers are forced to park and walk in deep puddles on rainy days at the unpaved yard. Baumann's taxpayer funded school buses at this yard are essentially forced to drive through the yard in off-road conditions.

Workers at this yard also have no break room; while workers are waiting between shifts, often for hours, they are forced to wait inside the mechanics' shop area where the buses are repaired. Male and female workers at the Bethpage yard must share a single bathroom.

Baumann's Violation of Workers' Rights and History of Illegal Activity During Union Elections

Baumann's flagrantly anti-union actions towards our community's school bus drivers are not new behavior. In fact, Baumann has a history of violating the law and its workers' rights when they seek to form a union. So far, 10 unfair labor practice charges have been filed with the NLRB for alleged violations of federal labor law during the current organizing effort in Long Island.

Unfortunately, these acts reflect a long-standing disregard for workers' rights. During a union organizing campaign at Baumann's Upstate New York yards in 2008, the NLRB found that the company "has been interfering with, restraining, and coercing employees in the exercise of the rights guaranteed them by the NLRA." Due to the extreme nature of Baumann's violations in this case, the NLRB issued a rare bargaining order to the company in 2009, claiming that their "conduct...is so serious and substantial in character that the possibilities of erasing the effects of these unfair labor practices and conducting a fair election by the use of traditional remedies is slight."ⁱⁱ Bargaining orders are issued only in cases where the company has engaged in repeated and egregious violation of our labor law.

The same complaints of serious anti-union activity by Baumann companies dates back to 1995,ⁱⁱⁱ when the NLRB found that the company fired pro-union workers, spied on employees, attempted to disrupt union meetings, and threatened to close facilities if workers voted in the union. Similar complaints were lodged against Baumann in 2004^{iv} and many of the same issues continue at Baumann's companies today.

Workers' Response to Their Conditions at Baumann

Despite the history of fierce anti-union behavior, Bau-

mann workers have taken a firm stand against pay shortages, unaffordable healthcare, unsafe working conditions, and disrespect from their employer.

With the support of Teamsters Local 1205 and the International Brotherhood of Teamsters, the Baumann workers have undertaken a successful organizing campaign that has drawn an overwhelming majority of employees to the union. Workers have regularly met, reached out to their coworkers, and engaged the community in their cause.

These men and women have relied heavily on support from public officials to encourage their employer to respect their right to organize. In light of Baumann's past history, an "Appeal for Justice" letter signed by many local political leaders sends a strong message:

"As elected officials, we know the important role that school bus employees play in our communities. They are responsible for the safe transport of our children to and from school, rain or shine. It's often a thankless job, but is one of vital importance to our educational system. As these employees attempt to form their union and join Teamsters Local 1205, we believe it is our responsibility to ensure that their rights are protected. We urge you to recognize that America's laws and traditions afford workers the right to choose to belong to a union, free of company interference."

New York Governor David Patterson not only drafted his own letter encouraging Baumann to respect its workers, he has also called Mr. Baumann directly on his private phone to convey this message. We understand that Mr. Baumann has not taken the Governor's call. But Patterson's message from the letter is clear "the freedom to form and join unions is a fundamental human right protected by our state's and nation's labor laws...It is a right for which millions of Americans have struggled to help ensure adequate wages, health care coverage and retirement security" We understand that Baumann has also refused to take calls from Senator Chuck Schumer and Senator Kristen Gillibrand.

A high point in the Baumann workers' organizing campaign was a major rally held in Farmingdale, New York, on October 17, 2009. More than 800 workers and supporters

Signers of this letter include:

Steve Israel, United States Congress, 2nd District
Carolyn McCarthy, United States Congress, 4th District
Jerry Nadler, United States Congress, 8th District
Tim Bishop, United States Congress, 1st District
Gary Ackerman, United States Congress, 5th District
Brian Folely, New York State Senate, District 3
Tom Suozzi, Nassau County Executive
Rob Walker, NYS Assembly, 15th District
Michelle Schimel, NYS Assembly, 16th District
Thomas McKeivitt, NYS Assembly, 17th District
Marc Alessi, NYS Assembly, 1st District
Fred Thiele, JR. NYS Assembly 2nd District
Patricia A. Eddington, NYS Assembly 3rd District
Steve Englebright, NYS Assembly, 3rd District
Ginny Fields, NYS Assembly, 5th District
John Ciotti, Nassau County Legislator, 3rd District
Denise Ford, Nassau County Legislator, 4th District
Vincent T Muscarella, Nassau County Legislator, 8th District
Richard J Nicoletto, Nassau County Legislator, 9th District
Peter J. Schmitt, Nassau County Legislator, 12th District
Norma L. Gonsalves, Nassau County Legislator, 13th District
David L. Mejias, Nassau County Legislator, 14th District
Dennis Dunne, Sr. Nassau County Legislator, 15th District
Judith A Jacobs, Nassau County Legislator, 16th District
Edward P. Mangano, Nassau County Legislator, 17th District
William J. Lindsay, Presiding Officer, Suffolk County Legislature
Edward P Romaine, Suffolk County Legislator, 1st District
Brian Beedenbender, Suffolk County Legislator, 4th District
Jack Eddington, Suffolk County Legislator, 7th District
Thomas F Barraga, Suffolk County Legislator, 11th District
Lynne C Nowick, Suffolk County Legislator, 13th District
Wayne R Horsley, Suffolk County Legislator, 14th District
Steve Stern, Suffolk County Legislator, 16th District
Jon Cooper, Suffolk County Legislator, 18th District
Phil Nolan, Supervisor, Town of Islip
Jon Kaiman, Supervisor, Town of North Hempstead
Phil Cardinale, Supervisor, Town of Riverhead
Steven Bellone, Supervisor, Town of Babylon
Anthony J Santino, Senior Councilman, Town of Hempstead
Gary Hudes, Councilman, Town of Hempstead
Angelo P. Ferrara, Councilman, Town of North Hempstead
Chris J. Coschignano, Councilman, Town of Oyster Bay

attended the rally, including U.S. Senator Chuck Schumer, U.S. Congressman Steve Israel, Suffolk County Legislator Kate Browning, and General President Jim Hoffa of the International Brotherhood of Teamsters. The large turnout at this rally was representative of both the desire for unionization at the Baumann companies, as well as an outpouring of support

“My family was a union family. We were poor and the union movement helped me and my family get ahead. I was, am now, and will always be in labor’s corner. Now, I want to know what we’re going to tell the Baumanns – we’re going to tell them UNION! UNION! UNION!”

–Senator Chuck Schumer

from the community at large for their hardworking school bus workers.

Baumann's Response

Despite the clear majority of workers supporting the union at Baumann Bus and related companies, as well as tremendous community and political support, management has decided to oppose the current organizing effort in deceptive and abusive ways. By the end of October 2009, the workers have filed 10 unfair labor practices with the NLRB against Baumann. Charges of illegal actions by Baumann most recently submitted to the NLRB include:

- Scaring the workers into believing that voting for the union would be for naught by threatening that the company will close its facilities and reopen under Connie Baumann’s (Ronald’s sister) name if a union is voted in;
- Taking the position that Baumann will not have to negotiate in good faith after an election and is only required to show up to the negotiations;
- Misleading Latino and Haitian workers by telling them they must be U.S. citizens to vote in a union election or belong to the union; and
- Spying on workers while they exercise their legal right to form a union by sending employer representatives to watch the activities of workers

as they try to speak to co-workers about organizing their union.

Baumann has threatened its workers regarding the union organizing drive and election since the end of October 2009 by employing thirteen high priced union “avoidance” consultants to frighten workers into voting against the union. The majority of the Unfair Labor Practice charges filed with the Board have been the result of statements made by anti-union consultants to workers in mandatory, captive audience meetings held daily at each of the yards.

Baumann workers have been bombarded by outright lies, half-truths, and outdated union documents meant to trick these workers into voting against their union. For instance, anti-union consultants have shown the workers Teamster bylaws from the late 1950’s stating that U.S. citizenship is a requirement for union membership. This bylaw has been long ago amended to allow any worker membership in the Teamsters, and furthermore, the U.S. Supreme Court has stated that even undocumented workers have the right to be members of a union. However untrue this statement may have been, Baumann workers, including many immigrants, were forced by their employer to listen to this nonsense. Tactics such as this are meant only to confuse and intimidate workers, with the ultimate goal of misleading them into accepting the status quo and voting against the union.

While it is difficult to determine precisely how much Baumann has paid the Labor Relations Institute and The Crossroads Group consultants, based on Department of Labor filings stating these companies’ hourly rates, it can be estimated that Baumann will spend \$3,000 a day for each of the 13 consultants, plus housing, food, transportation and material expenses over four weeks. This will likely incur over one million dollars in costs between their ar-

rival at Baumann and the election.

The Baumann Monitoring Commission finds this behavior unacceptable and, as demonstrated by an overwhelming response to the Appeal for Justice, has been condemned by many local politicians. Baumann is spending school tax dollars to fund the illegal and abusive behavior of union busters meant to intimidate the 1,700 workers who are responsible for transporting our students to and from school every day.

Monitoring Commission Recommendations

The Commission has concluded that the Baumann Company must be held to a high standard as a corporation that is largely funded by tax dollars and performs the public work of transporting our children and mentally and physically challenged adults. Furthermore, the Commission agrees that Baumann employees should not face the daily attacks of a greedy employer seeking to deny them their rights of collective bargaining and union representation.

Based on the findings in this report, this Commission insists that Baumann:

- 1) Immediately fire the union busters, who are feeding off New Yorkers’ tax dollars paid to transport children;
- 2) Cease and desist in interfering with employees’ legal right to make their own choice about forming a union;
- 3) Remain strictly neutral during the remainder of the union organizing campaign;
- 4) If the union is voted in, do not violate the law, which demands that the company bargain in good faith with the union about the employees’ terms and conditions

i Experian Business Credit Report, August 2009

ii UNITED STATES OF AMERICA BEFORE THE NATIONAL LABOR RELATIONS BOARD, REGION 2 ACME BUS CORPORATION and INTERNATIONAL BROTHERHOOD OF TEAMSTERS, LOCAL 445 Case NO. 2 CA-38981

iii Acme Bus Corp., Brookset Bus Corp., Baumann & Sons Buses, Inc., Alert Coach Lines, Inc., a Single Employer and Local 868, International Brotherhood of Teamsters, AFL-CIO and Garth Anthony Campbell and Theresa Cafaro. Cases 29-CA-17613, 29-CA-17622, 29-CA-17648, 29-CA-17653, 29-CA-17658, 29-CA-17802, 29-CA-17858, 29-CA-17888, 29-CA-17788, and 29-CA-17839

iv UNITED STATES OF AMERICA BEFORE THE NATIONAL LABOR RELATIONS BOARD DIVISION OF JUDGES NEW YORK BRANCH OFFICE BAUMANN & SONS BUSES, INC. and LOCAL 100, TRANSPORT WORKERS UNION OF AMERICA, AFL-CIO Cases.: 34-CA-9847, 34-CA-10089, 34-CA-10112, 34-CA-10150, 34-CA-10304