



NEW YORK CITY LAW DEPARTMENT
OFFICE OF THE CORPORATION COUNSEL

Michael A. Cardozo, *Corporation Counsel*

Press Release

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**CORPORATION COUNSEL HAILS TWU'S PLEDGE TO NOT
CONDUCT FUTURE ILLEGAL STRIKES**

CITY AGREES TO NOT OBJECT TO THE REINSTATEMENT OF DUES CHECK-OFFS

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New York, November 10, 2008 - Corporation Counsel Michael A. Cardozo today announced the City would not challenge the Transit Workers' Union pledge to not conduct future illegal strikes, thereby allowing the Union to have its dues check-off privileges reinstated by the court. As a result of litigation commenced by the Metropolitan Transit Authority, with strong litigation support from the City, the illegal strike by the TWU in 2005 was enjoined by the court, the Union was found in contempt, and paid a \$2.5 million fine to the City. In addition, under the State's Taylor Law, the illegal strike meant that the TWU lost the privilege to automatically collect union dues from members' paychecks. Attorneys representing the City appeared in State Supreme Court in Brooklyn today along with representatives from the TWU and the MTA.

"New Yorkers can rest easier now that the TWU has finally pledged to the Court that it will obey the law and not conduct another illegal strike," said Michael A. Cardozo, Corporation Counsel for the City of New York. "The illegal three-day strike in 2005 hurt all New Yorkers, cost the City millions, and the Court properly required the Union to file affidavits that they will now and in the future obey the law prohibiting public employee strikes."

The TWU has had the ability to reapply for the dues check-off privilege since September 2007. However, in their initial application, the TWU refused to provide adequate affidavits to the court disaffirming any intention to strike in the future. The City insisted that dues check-off should not be reinstated until the Union made clear it would not strike in the future. The trial court upheld the City's position, and denied the dues check-off reinstatement.

Rather than abide by the court's order, the TWU chose to appeal the trial court's decision. The City submitted an amicus or "friend of the court" brief to the appeals court arguing that the "dues check-off" privilege should only be reinstated if the union promises to abide by the Taylor Law and not strike. On October 15th, a State Appellate Court upheld the lower court's ruling, determining that the TWU had to submit a "duly authorized affirmation" in order to have their dues check-off privilege reinstated.

In the last 40 years, TWU Local 100 has illegally struck three times and made frequent threats to strike. Their current contract expires January 15, 2009.

Today, the Court granted the restoration of the dues check-off. TWU President Roger Toussaint affirmed the Union would not strike in the future, a position endorsed by the Union's Executive Board by an appropriate binding resolution. Mr. Toussaint affirmed, under penalty of perjury, that "the Union does not assert the right to strike . . . and the Union has no intention now or in the future of conducting . . . any such strike."

The Corporation Counsel argued the original case in the trial court with much support from a legal team which included Georgia Pestana, William Fraenkel, Alan Schlesinger, Robert Anderson, Mordecai Newman, and Larry Sonnenshein.

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