



# SMART

## Transportation Division News

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International Association of Sheet Metal, Air, Rail and Transportation Workers

## Under NRC/UTU Health and Welfare plan, your choices matter

The numbers are in and the changes made to the National Railway Carriers/UTU Health and Welfare Plan are showing a positive impact of reducing plan costs, while providing members an opportunity to save money by making wise choices when accessing care and treatment.

Choices made by members as informed health care consumers not only have the direct effect of reducing their out-of-pocket expenses, but those choices also have the cumulative effect of reducing overall plan costs so that all members benefit when it comes to determining the amount of direct monthly cost-sharing contributions.

The reduction in the fixed dollar co-pay for use of urgent care facilities and the addition of the "convenient care clinic" benefit have substantially reduced plan costs through greater utilization of those facilities.

The traditional use of emergency rooms, which remains the highest cost in terms of plan expenses for minor illnesses and sprains, has decreased

greatly with the reduced urgent care co-pay and the addition of convenient care clinics, both of which cost hundreds of dollars less.

While there are certainly times when the use of a hospital emergency room is the only alternative, use of urgent care and convenient care facilities in non-emergency situations remains the best option in terms of cost to members, in both time and money.

Additionally, the purchase of generic medications, whenever available and appropriate can, save you considerable expense when the medication is purchased at a retail pharmacy or through the home delivery

system. Greater utilization of the home delivery method of obtaining these medications, whether it be generic or brand name, further reduces plan costs and can save you a considerable amount of money as well.

"We heard your message in the last round of bargaining that relief was needed in the amount of monthly cost-sharing contributions," said SMART Transportation Division President Mike Futhey.

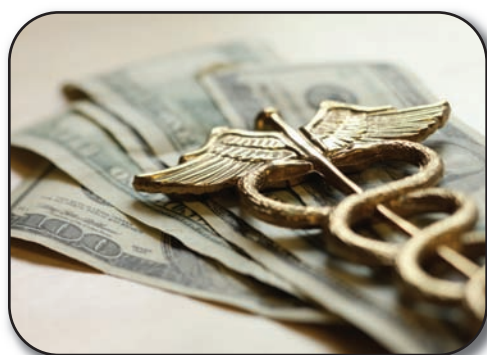
"At that time, the monthly cost-sharing amount was approximately \$203. We were successful in reducing that amount to \$198 effective Jan. 1, 2013, where it will remain until July 1, 2016. The continued choices you make when accessing medical care, as well as expanded participation in the many wellness programs available to you and your eligible dependents – at no additional cost to you – will have a direct impact on the future cost-sharing amount. In addition, the available 'flexible spending account' can help you reduce your out-of-pocket expenses."

For more information about flexible spending account enrollment and rules and other benefit programs, visit [www.yourtracktohealth.com](http://www.yourtracktohealth.com).

"By continuing to make informed decisions, the overall funding amount paid by the railroads could continue to go down, thereby saving all members directly," Futhey added.

Although there is no way to stop the rate of health care cost inflation, railroad members covered under this plan can slow the rate of direct costs to railroad members by making careful choices about where they obtain needed care and treatment and in the medications being prescribed and dispensed.

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## Obama nominates Miller to rail regulatory agency

President Barack Obama has nominated former Kansas Secretary of Transportation Deb Miller to the Surface Transportation Board, reportedly replacing George Bush-appointed Francis Mulvey.



Miller

Miller, a Democrat, was the Kansas secretary of transportation from 2003 to 2012, making her the first female and longest serving transportation secretary of that state. She was appointed by former Gov. and current Health and Human

Services Secretary Kathleen Sebelius and then retained by Republican Gov. Sam Brownback.

Miller is currently a senior associate at Cambridge Systematics, a transportation consultancy firm located in Cambridge, Mass. The company's clients include the Federal Highway Administration, Federal Transit Administration, Federal Motor Carrier Safety Administration, 44 state transportation agencies, Amtrak, CSX, Norfolk Southern and the Long Island Rail Road.

Before being appointed secretary, Miller was the director of planning and development at KDOT from 1986 to 1997 and was previously a planner at HNTB Infrastructure Solutions.

She graduated magna cum laude from Kansas State University in 1976 with a bachelor of arts degree in sociology.

The STB is an economic regulatory agency that Congress charged with resolving railroad rate and service disputes and reviewing proposed railroad mergers.

The board is authorized to have three members, appointed by the president and confirmed by the Senate, each with a five-year term of office.

## Labor leaders announce support for review of Northwest export terminals



Pictured, from left, are SMART Transportation Division Alternate National Legislative Director John Risch, SMART Washington State Legislative Director Herb Krohn and Jeffrey Soth, assistant director of the Department of Legislative and Political Affairs, International Union of Operating Engineers, at a Sept. 25 press conference at the AFL-CIO in Washington, D.C.

WASHINGTON – In reaction to a split between the state of Washington and federal agencies over the review process for new export terminals in the Pacific Northwest, representatives from the SMART Transportation Division, formerly the United Transportation Union, and the International Union of Operating Engineers Sept. 25 announced their overwhelming support for the U.S. Army Corps of Engineers environmental review process.

"Recently, the Army Corps of Engineers announced they would conduct their site specific review of the proposed west coast terminals, just as they have always done at other port projects," said Transportation Division Alternate National Legislative Director John Risch. "That decision is reasonable and rational and we applaud them for it.

We support Environmental Impact reviews that have high environmental standards. We support building and expanding ports in environmentally sound ways and ones that require that any environmental concerns are adequately mitigated."

Labor organizations are concerned about the potential consequences of Washington State's unprecedentedly broad review of the export projects. Labor organizations fear the precedent set by the state review could impact infrastructure spending, trade investments and accompanying manufacturing jobs. The port expansion projects have been endorsed by a number of national and state labor organizations and will generate significant new union employment opportunities in the Pacific Northwest.

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# Around the SMART TD

## Local 1, Buffalo, N.Y.



The West Shore Railroad, which ran from Buffalo to Rochester, N.Y., was remembered Aug. 3 with the dedication of a mural painted on the side of the Clarence Bowling Academy at the site of the Clarence Hollow Farmers' Market. This photograph was sent to the SMART TD News by retired member John Pirro. The event featured free activities for children, live entertainment and the Kindred Kreek alpacas. "This was a very proud moment for all those who were involved and for the town of Clarence," Pirro said.

Retired member **George F. Smith Jr.** volunteered his time and effort for a fundraiser Sept. 14 at the Erie County Fairgrounds to raise money and awareness for Wings Flights of Hope. The event featured dinner, live music, Chinese raffles and a silent auction. Smith was busy putting up posters around town, making telephone calls and working at the fairgrounds. The organization is run by his niece, Diane DeMarco and her husband, Joe. The mission of Wings Flights of Hope Inc. is to assist people in need of free air transportation for medical and humanitarian purposes. "With this purpose in mind, our volunteer pilots enjoy giving the gift of hope to so many passengers, and we are honored to be able to give someone a lift when they are down," Joe DeMarco said. For more information, visit the organization's website at [www.wingsflight.org](http://www.wingsflight.org).



George F. Smith Jr. took this photograph of Wings Flights of Hope pilot and founder Joe DeMarco and Luke during a recent visit to the airport.

## Local 951, Sheridan, Wyo.

Former Alternate to the UTU Executive Board **Titus R. Shelby** reports that member **Terry Lee Davis**, 54, died Sept. 8 following an accident in the Big Horn Mountains. An avid hunter and fisherman and UTU PAC supporter, Lee worked as a locomotive engineer for the BNSF Railway and had 34 years of service. He is survived by his daughter, Caitlin, his parents, Tommy and Mary Davis, and two brothers.



Local 1402 Legislative Rep. William Mathes attends the Boston regional meeting in July.

## Legislative Rep. Mathes is serious about safety

SMART Transportation Division Local Legislative Rep. **William "Bill" Mathes** has been working towards making his Illinois workplace a safer one for the last six years. A member of Local 1402 at Dupo, Ill., Mathes – a yardman for Union Pacific – is always on the lookout for unsafe conditions. Then he goes about getting them fixed.

Mathes documents all safety issues by taking photographs of them and listing any state statutes that UP may be violating. Mathes then presents his findings to the carrier by writing letters and including his documented evidence. After numerous letters have been sent to the carrier and things seem to be at an impasse, Mathes asks State Legislative Directors **Ken Menges** (Missouri) or **Robert "Bob" Guy III** (Illinois) to get involved and help resolve the issue.

"I couldn't get the things I get accomplished without the help of Ken or Bob," Mathes said.

Most recently, Mathes has been working to get unsafe walkways fixed. The walkways are old and crumbling and have become a hazard. Fellow employees, if distracted, could easily fall and injure themselves, Mathes said.

Mathes has been working with Guy and the Illinois Commerce Commission (ICC) to get UP to fix the walkways properly, once and for all.

"Brother Mathes is a proven leader and effective advocate for his members. He understands the state and federal regulatory framework and uses that knowledge to convey his members' concerns to local railroad management," Guy said. "If that process bogs down, he is always quick to notify my office in a timely and professional manner so that we can work on getting those matters addressed."

"Brother Mathes is also politically active and never hesitates to contact his local legislators about issues important to our members. I am glad he was able to attend the Boston regional meeting to continue to hone his skills."

## Local 1138, Miami, Fla.



Locomotive engineer and Local Secretary & Treasurer **Susan Derby** and fellow rail hazmat peer trainers work on a placement-in-train puzzle during a refresher course in Maryland in this photo sent to SMART TD News by Assistant General Chairperson **Yvonne Hayes**. Derby is one of dozens of rail workers who have taken advantage of the programs offered by the Rail Workers Hazardous Materials Training Program, Hayes said. She is learning about hazmat safety and developing her skills as a trainer so she can share her knowledge with her coworkers. To learn more about hazmat safety, view the Rail Workers Hazardous Materials Training Program on Facebook, or visit [www.hazmatgmc.org](http://www.hazmatgmc.org).

## Minnesota Treasurers' Workshop



The SMART Transportation Division's Minnesota State Legislative Board held a training session for local treasurers at its office Sept. 16-17, State Legislative Director **Phillip Qualy** reports. The session was conducted by International Auditor **Stephen Noyes**. "We want to support and encourage our local treasurers for the great work they do holding our union together. They hold an important business position for our locals and are the unsung heroes of our union," Qualy said. The treasurers were able to attend an event and dinner for Minnesota's 4th Congressional District that U.S. Rep. **McCollum** attended. Pictured, from left, are **Stephen Noyes**, **Nick Katich** (1067), **Sokunthear Mao** (1614), **Mike Meinhardt** (312), **Mark Sears** (1976), **Jason Nelson** (1292), **Joe Pearson** (911) and **Qualy**.

## Auxiliary Lodge 331, Temple, Texas

Lodge Legislative Rep. **Pam Neal** of Auxiliary **Bluebonnet Lodge 331** reports that the lodge is holding a 5K run Nov. 2 to raise money to assist members and their families when they are ill, injured or experiencing a time of need. Registration is open from Sept. 16 to Oct. 29 and the first 50 participants to register will receive a goodie bag with a t-shirt. Medals will be awarded for the top female and male runners in each age group, as well as trophies awarded to the overall fastest female and male. The race is at the Pepper Creek Hike and Bike Trail at 546 N. Kegley Rd. in Temple, Texas, at 9 a.m., with registration open at 7 a.m. Cost is \$20. Interested parties can register online at [www.runsignup.com](http://www.runsignup.com) (search for Railway 5K) or by calling (254) 865-7551 or (254) 223-1400.

## Labor Health and Safety Training, Kansas City, Mo.



Officers and members from a number of SMART Transportation Division locals were able to bone up on their hazardous materials knowledge, thanks to a grant from the Occupational Safety and Health Administration. Local 1409 Legislative Rep. **Dan K. Bonawitz Jr.** submitted the photograph at left showing members who recently attended the Labor Health and Safety Training in Kansas City, Mo. Bonawitz said the session was possible due to a grant received by OSHA's **Susan Harwood Grant Program** and was taught by staff trainers from the National Labor College's Rail Workers Hazmat Training Program. "This training allowed our members to receive valuable training on how to properly identify hazards and hazardous materials and how to conduct safety meetings for fellow members. We are very happy and fortunate to have been able to have this training here in Kansas City," Bonawitz said.



# Carrico, Dunham are UTU PAC contest winners

The UTU PAC contest concluded this past Labor Day with a total of \$30,445 raised in PAC pledges and contributions. The member who raised the largest amount of money for UTU PAC was **James E. Carrico Jr.**, of Local 333 of North Vernon, Ind., with \$5,660 raised. Coming in a close second was **Michael Dunham** of Local 311 at La Crosse, Wis., with \$5,545.



Carrico Jr.



Dunham

When asked why he participated, Carrico said, "It's part of my job as a local legislative representative and it was a challenge. Kenny Edwards, the state director of Indiana, also convinced me to give it a try, as well as at the urgings of others."

To get the donations, Carrico went to local meetings to get members to understand the importance of UTU PAC and to make new pledges. "I wish we had more time to get more people to sign up. I think we could've gotten a lot more if the contest

had lasted longer," Carrico said of his efforts. "Really, I didn't do anything. It was the members who stepped up and made it happen."

"PAC is important. I've been around PAC my whole life, with my dad (James Carrico Sr.) being a former state director. I've seen how important it is for the future of the working people."

Carrico was able to get six new members to pledge to donate to PAC and the rest of the money he raised came from members who were already PAC contributors and increased their pledges.

The contest offered round-trip airfare to Washington D.C., lodging for two for three days and two nights and tours of the U.S. Capitol, Supreme Court and Union Station. The trip also included access to the Smithsonian museums, dinner with the National Legislative Office leadership, a Congressional office visit with members of congress and a SmarTrip METRO pass. As second place winner, Dunham received a SMART TD watch.

Of course, Carrico and Dunham are both PAC club members.

Members wishing to contribute to UTU PAC or to increase their donations can visit our webpage to learn more or contact Wendy Miller at [wmiller@smart-union.org](mailto:wmiller@smart-union.org).

## SMART delegation attends AFL-CIO Convention



SMART was well represented at the AFL-CIO Convention held Sept. 8-11 in Los Angeles. Members of both the Sheet Metal and Transportation Divisions were in attendance, making our voice heard. From left are SMART General Secretary-Treasurer Joe Sellers, SMART TD National Legislative Director James Stem, Linda Jaloma, SMART Director of Governmental Affairs Jay Potesta, Charles Mulcahy, Vice President Bonnie Morr (Bus), Luther Medina, Marc Norberg, SMART TD Assistant President John Previsich, SMART Chief of Staff Rich McClees, SMART General President Joe Nigro, Michelle McNew, Alvy Hughes, SMART TD Alternate National Legislative Director John Risch, Charles Henson, Vince Alvarod, Kamron T. Saunders, Robert Resendez Jr., Vice President John England, Deon Abril and Arthur Tolentino.

## Crew member texting before Indiana derailment

A federal investigation found a freight train crew member was distracted by text messaging soon before crashing into a stopped train in northwestern Indiana, causing the derailment of more than two dozen locomotives and rail cars.

The January 2012 derailment in a rural area a few miles from Valparaiso prompted the evacuation of more than 50 nearby homes as spilled diesel fuel burned and sent smoke billowing from the wreckage.

The National Transportation Safety Board report said the CSX train that caused the crash was going about 40 mph despite signal warnings of a stopped train ahead of it that limited speeds to 15 mph. The trains collided, sending wreckage onto a parallel line where a third train was also derailed about 20 miles southeast of Gary.

The report blamed the crew for not paying vigilant attention to signals, not complying with speed limits and failing to "avoid distractions from prohibited text messaging."

The train's conductor, who was not named in the report, sent a text message about three minutes before the crash to a person who had made two unanswered calls to his cellphone in the previous two minutes, according to the report released Aug. 28.

CSX officials accept the NTSB's findings, company spokeswoman Carla Groleau said Sept. 10.

"Strict compliance with both trackside signals and operating rules is fundamental to safe operations," she said. "CSX has prohibited the use of cellphones by all train crew members while trains are moving or performing service for many years."

Groleau said the railroad has disciplined the crew member, but did not give details.

The crash caused \$5 million in damages, the NTSB report said, and temporarily closed the busy freight line into Chicago. The texting conductor and the engineer on that train both suffered minor injuries.

## Hilljack Russell meme is 'Union Pride' choice



"Hilljack Russell" Parks

Local 1315 conductor "Hilljack Russell" Parks was selected as the winner of the SMART "Union Pride" contest after his meme on the SMART Facebook page received the most "likes" from page visitors.

Parks, a CSX employee, also moonlights as a writer, director and creator of films and screenplays. He has also produced an online novel. "I'm also known as the heavy metal conductor," Parks said, who won an iPad mini for the meme.

Parks' meme, pictured below, showed union members at a rally with the following message emblazoned on it: "Union means more. More for our country. More for our people. More for our tomorrow."

The contest was announced in General President Joe Nigro's column in the June issue of the SMART Transportation Division News and on the SMART Facebook pages.

Parks left the following message on the SMART TD Facebook page for all who voted for him: "Thank you to all those that opened up and showed support for the hard-working U.S. workers. Seems we've been kicked around lately, but our determination to be THE BEST workforce this world has ever seen has not been damaged! Keep fighting the good fight! Keep your message wholesome and know, You Are Worth It! Now set your day to rock! Catch Fire! BAMM!!"





# Commonality of interests will lead to safer workplaces

Employment for our members in the transportation industry is distinguished in many respects. Regardless of mode – air, bus or rail – it is primarily an industry that operates 24 hours per day, seven days per week, 365 days per year, with its employees often unscheduled and subject to call at a moment's notice. It is not unusual for transportation employees to have no scheduled days off, no advanced knowledge of whether they will be working or at home on a holiday, birthday or other special event, and no way of knowing when asked by friends or relatives what they are doing next week, this weekend, or even tomorrow.

**“This process has already commenced, with our legislative departments collaborating on safety issues.”**

While such conditions may appear to be very different than those of our members in other, more scheduled work environments, one need only look at the commonalities between the industries to see that our members in the Transportation Division have much more in common with our Sheet Metal brothers and sisters than may be evident at first look.

To begin with, nearly all members of the SMART organization are professionals who work highly skilled positions in a safety sensitive environment. Whether working on a job site in the construction industry, operating machinery in a production environment or moving passengers or freight on trains, planes or buses, our members hold responsible positions that require a great deal of training and education.

All of the craftwork is safety sensitive and unforgiving – from a misstep on a job site to a lapse of



## SMART Transportation Division Officer's Column

By John Previsich

concentration while operating a locomotive or landing a plane, to a momentary diversion of attention while operating a bus or a production machine, the results of an error can be catastrophic.

That is why adequate training is such an important part of what we strive for, from the union-operated training facilities to the continual and rigorous oversight of our training agreements on the transportation properties that we represent.

But training by itself isn't enough. In addition to our members mastering their crafts and showing up for duty adequately trained and prepared to work, safety also depends on proper workplace management, a responsibility that rests squarely on the shoulders of the companies and owners for whom we work.

Far too often, we hear of incidents where management blames the worker instead of the faulty work site. Far too often, the union has to step in and remind the regulatory agencies of their oversight responsibilities and, far too often, our members suffer from the unsafe work environments handed to us by our employers and for the lax regulation that allows such practices to continue.

It is the responsibility of management to provide us with a safe place to work and your union is second to none in advocating for improved safety on behalf of its membership.

This advocacy to improve safety is an area that well illustrates the benefits that can be derived from the synergy of the merged organizations. Both of our predecessor unions possess expertise in training, safety and regulatory affairs. That expertise, when coupled together, is expected to be more effective working as an integrated unit than either was before.

We hope to learn from each other, taking advantage of the skills that both unions bring to the table, to be stronger than ever in ensuring the safe workplace to which our members are entitled. This process has already commenced, with our legislative departments collaborating on safety issues at the federal, state and local levels. It is anticipated that these synergies will provide even more positive results as the integration progresses.

Fraternally,

**John Previsich**, Assistant President  
SMART Transportation Division



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**For the latest news, visit [www.utu.org](http://www.utu.org); also, register on the UTU website to receive news alerts via email.**

# Cooperation will bring stronger, brighter future for all

Last month, delegates from both the SMART Transportation and Sheet Metal Divisions stood together united as one on the floor of the AFL-CIO convention. SMART's message to our brothers and sisters in the labor movement was simple. We demanded that organized labor, as a whole, hold national, state and local elected leaders accountable for their actions – regardless of their party label and irrespective of any promises they may have made in the past.

The last six years have been difficult for working people. The Great Recession, caused through no fault of our own, was devastating to millions of working families. Making the pill even more bitter and harder to swallow was the fact that when working people asked for a hand up, we were ignored and our hard-earned tax money was diverted to bail out the same Wall Street banks and CEOs who created the mess in the first place.

For those who work in the private sector, whether in construction or transit, the harm done was further exacerbated when we asked to be treated in the same manner as companies like Wal-Mart, who received a one-year waiver from the rules that will be set for administering the Affordable Care Act.

SMART, as well as the rest of the labor movement, supports the goal of better access to quality, affordable health care for all Americans. However, many union health care funds are multi-employer plans, designed to pool the resources of union employers in order to reach the best possible deal on health care benefits for members. Rather than treat these plans in the same way larger employers like Wal-Mart are treated, they were instead pushed out of the exchanges and, in effect, will be undermined by the government subsidies available through the health care exchanges. Amazingly, Obamacare will be under-



## SMART General President's Column

By Joe Nigro

cutting and destroying the very health care plans of its staunchest supporters in order to cut the health care costs of America's largest corporations. That is outrageous, and another example of why it is important, regardless of who is in office, to remain vigilant – to vote based on issues and not party identification or empty promises.

Let me point to a specific action that illustrates the power of unified action in fighting for workers' rights on the political front. **Adren Crawford**, the SMART Transportation Division's Tennessee State Legislative Director, worked with the SMART Sheet Metal Division Locals 4, 5, 177 and 555 to fight attacks on workers' compensation and prevailing wage laws in that state. SMART's transportation members now have a stronger legislative offensive to protect transportation members when they are being transported from point to point at work in that state, as well as support in securing prevailing wage rates for sheet metal construction workers. We see, in this joint effort, how the legislative experience and connections on the transportation side of our union combines with the sheet metal membership strength to show the benefits of the merger.

A similar experience is occurring in Illinois, where the SMART Transportation Division's state legislative board met with Sheet Metal Local 73 to begin planning joint activities in that state. In Southern California, local unions have come together and worked on joint organizing projects,

such as at Bombardier Inc., which manufactures and services passenger rail equipment and serves as an integral piece of the rail transportation pipeline in North America. Earlier this summer, workers at Bombardier overwhelmingly chose to join SMART and we anticipate future organizing efforts at other locations to prove just as successful.

When I hear about these joint efforts, it gives me a sense that the levels of trust and cooperation have increased. To some extent, credit has to be given to the transparency of our operations. We have in place a system of checks and balances that ensure, starting with the General Executive Council, SMART is financially viable. Leaders from both the Transportation and Sheet Metal Divisions serve on that council and we share information to make sure our decisions represent the best interests of our members. In this way, we are accountable for our actions and answerable to the membership.

I want you to remember that this is **YOUR** union. My job is to work for you. I only ask that you become more involved on the “union side” of being a member. Our union is only as strong as we make it and the stronger it becomes, the more it benefits you and your family. I encourage everyone to take part in their union meetings, campaigns and events. We need you to join SMART's Facebook pages, either at [www.facebook.com/smartunion](http://www.facebook.com/smartunion) or by searching “SMART Transportation” in the Facebook search bar. You can also join the SMART Action Team to stay abreast of action alerts and other news items via [www.smartaction.org](http://www.smartaction.org).

SMART is working for you and building a stronger and brighter future for this organization and for our families.

Fraternally,

**Joseph J. Nigro**,  
SMART General President



# State Watch

## News from UTU-SMART State Legislative Boards

### Colorado

Armed with polling data obtained by SMART TD Political Consultant Dean Mitchell of DFM Research, Legislative Director **Carl Smith** and Assistant Legislative Director **Charlie Skidmore** Sept. 14 presented community leaders from Colorado, Kansas and New Mexico convened in Pueblo with data showing large support for funding of Amtrak's Southwest Chief service.

"With the knowledge that state and local politicians from Kansas, Colorado and New Mexico would be attending this event, Kansas Director **Ty Drago** and myself had discussions with Dean Mitchell at the Anaheim regional meeting about doing a survey to show the politicians from our respective states the support the public has for Amtrak, even in the most conservative districts," Smith said.

The surveys were conducted in Colorado's 4th District and Kansas' 1st and 2nd Districts, home to traditionally conservative voters.

Smith also presented the findings to attendees at the Labor Initiative of the Colorado Democratic Party event held Sept. 18.

"The survey was well worth the expense and will be a valuable tool for the state directors of Kansas, Colorado and New Mexico to present to state legislatures and governors when discussing funding for Southwest Chief service," Smith said.

### Minnesota

Legislative Director **Phillip Qualy** reports that Canadian Pacific and BNSF railroads are both up to their old tricks again concerning pedestrian and employee injuries.

"BNSF continues to contact hospitals and clinics of injured railroad workers, attempting to misinform staff and gain inappropriate access to injured worker's complete medical records. They are telling hospital staff that railroad workers are covered by Minnesota Worker's Compensation laws and that,

therefore, they are entitled to all records. If this BNSF practice is proven to be true, this is a HIPPA violation. BNSF methods are under investigation through the great protective work of our UTU-SMART designated legal counsel," Qualy said.

"UTU-SMART Minnesota is requesting a meeting with the Minnesota Hospital Association for reissue of their 2007 letter to all MHA affiliates instructing their staff on railroad worker privacy rights under the Federal Employers' Liability Act (FELA). This was a UTU legislative initiative in 2006-2007 and we will renew our efforts to work with the MHA in this area immediately.

"As always, if you are injured, become ill from a railroad-related event or have other needs, be sure to contact your UTU-SMART designated counsel in Minnesota," Qualy iterated.

### New Jersey



Pictured, from left, are Assistant State Director Nelson Manzano (710), Phillip Summers (1390), Vice Chairperson Ron Sabol (1447), Bill Braden (1445), Bus Rep. Kaleem Muhammad (759), New Jersey lieutenant governor candidate Milly Silva, Chairperson McKinley Cuthbert (1390), State Director Daniel O'Connell (800), Secretary Jim Albi (800), Mike Byrne (1558), SMWIA Rep. Craig Hoffman and Lou End (1589). Silva addressed the legislative board regarding the Nov. 5 gubernatorial election and the board voted unanimously to recommend members vote for Silva, as well as for Barbara Buono for governor. It also recommends that members vote "yes" to raise the state's minimum wage.

### Tennessee



Legislative Director Adren Crawford, left, presented Bo Mitchell, center, with a UTU PAC contribution check to support his bid for re-election in the Tennessee House of Representatives. They are joined by Assistant Director Kenny Brancefield, SMWIA Local 5 Business Rep. Jason Andrews and SMWIA Local 177 Business Manager Tony Easley.

### Virginia



Virginia Attorney General Candidate Mark Herring, left, thanks State Legislative Director Patrick Corp after receiving a UTU PAC contribution check supporting his candidacy. "Mark Herring's election is vital for the working men and women of Virginia. A man who ran a jackhammer for over a year knows what work is," Corp said.

## Bus Department

By Bonnie Morr, Vice President-Bus

[bmorr@smart-union.org](mailto:bmorr@smart-union.org)

### AFL-CIO convention addressed issues that affect us

The AFL-CIO held its convention from Sept. 8-11, 2013. The International Association of Sheet Metal, Air, Rail and Transportation Workers had a large delegation in attendance from both the Transportation Division and the Sheet Metal Division.

During the convention, many resolutions were passed, some of which will have a tremendous impact on our membership. One of the most important resolutions had to do with the Patient Protection and Affordable Care Act (ACA), which will have an impact on the medical insurance coverage of many of our members.



Morr

Many of us negotiate our medical insurance directly with our employer. Our negotiations take into consideration the costs of the health care coverage, as well as the benefits these packages provide. Within the ACA, certain benefits have been set at lower levels than some of us currently have. The annual cap may be better, but the levels of coverage may be less.

General President Joe Nigro addressed the leadership and the entire delegation of the AFL-CIO, stating that what we want is the protection of every worker, their families and the Taft-Hartley Trusts. Following a standing ovation, the AFL-CIO National Convention Sept. 11 debated and passed two health care resolutions, one calling for a universal, single-payer health care system and another protecting and expanding Medicare benefits under the Affordable Care Act.

One amendment passed that should have an important impact for SMART members calls for AFL-CIO unions to cease raiding the membership of other affiliated unions. This was an actual amendment to the AFL-CIO Constitution. Other issues addressed included workers' rights, raising wages, improving retirement security and expanding protection of our collective bargaining rights. Delegates also voted unanimously to protect 13(c) provisions that protect the right to negotiate all areas subject to one's working relationship with an employer and protect wages and benefits when work is transferred to new employers.

Let's all continue to work together to build a stronger labor force.

## Transportation Division says 'no' to foreign bus operator exemption

The SMART Transportation Division's Legislative office last month offered written testimony to the U.S. Department of Transportation to deny a tour bus company an exemption from the commercial driver's license (CDL) provisions of part 383 of the Federal Motor Carrier Safety Administration regulations.

Miami Nice Tours of Miami, Fla., wants to employ 50 European drivers to conduct approximately 87 motorcoach tours in the United States annually. While each driver is licensed to operate a motorcoach in his or her European country of residence, states here do not issue CDLs to non-residents. Part 383 requires motorcoach drivers to hold a CDL issued by a U.S. state.

Miami Nice Tours states that they believe that these drivers are likely to achieve a level of safety that is equivalent to or greater than the level of safety that would be obtained if they held U.S. CDLs and has sought an exemption from the FMCSA rules.

In testimony to the DOT, SMART TD National Legislative Director James Stem said: "The SMART Transportation Division opposes Miami Nice Tours' application for exemption for several reasons. There is no way to check the claims of Miami that the drivers 'are licensed to operate motor coaches in their respective country of residence' and the status of their licenses, driving records, violations, etc. The qualifications and skills needed to hold and operate a CDL also include physical and dexterity requirements and there is no way to check that these drivers fulfill these requirements.

"There is no way to check the medical history of these drivers.

"While there is no "Keep American Jobs" provision for the hiring of American bus drivers, there are Buy American provisions for purchasing buses. So if we are to be concerned about supporting Americans who build buses, it only makes sense that we support Americans who drive them. To allow the importation of people from other countries to perform American work is tantamount to 'exporting' these jobs.

"The immense diversity that already exists in the state of Florida makes the argument for the need to have a driver from a specific country to be without merit. If Miami needs someone who is fluent in a specific language, what they need is a tour guide accompanying the group.

"If this was an airline that transports diverse people in their planes on domestic routes, they would not be asking for a waiver to their qualifications so they could have a non-American pilot fly the plane.

"For the above stated reasons, the request for an exemption should be denied."



# SMART members celebrate at picnics and on Labor Day



SMART members participating in the Omaha, Neb., Labor Day parade marched alongside miniature locomotives provided by BNSF Railway and Union Pacific Railroad. The green and white Burlington Northern locomotive is privately owned.



Members of Transportation Division Local 768 await their turn to march at the Decatur, Ill., Labor Day "Work Connects Us All" parade and picnic.



Members of Transportation Division Locals 195 and 1423 join together to march in the 121st Labor Day parade in Galesburg, Ill. The community boasts that the parade is the oldest continuously running Labor Day parade in the United States.



SMART Transportation Division Alternate National Legislative Director John Risch, far right, visits with retired members from Transportation Division Local 486 in Glendive, Mont., during the local's annual picnic held this past August.



The SMART Transportation Division (UTU) caboose is owned by Nebraska State Legislative Director Bob Borgeson and was one of the favorite attractions in the Omaha, Neb., Labor Day parade. Borgeson said he purchased the caboose from someone in Cleveland, Ohio, and that the caboose was built by a group of suburban high students in their shop class.



Pictured, from left, are Local Secretary Chris Cheely (807), Doug Farler (807), Local President Liz Knepp (807), Union Pacific new hire Ryan Knepp, Liz's husband Evan Knepp and Sheet Metal Division member Dion Abril (359). The group comprised SMART's lineup in the tug-of-war competition between labor union's attending the Pima Area Labor Federation picnic in Tucson, Ariz., on Labor Day.



Pictured, from left, are IUPAT Local 203 Business Agent Ken Nickels, Sheet Metal Division Local 36 Organizer Brent Russell and Business Representative Jim Tyson, Transportation Division Local 303 President Tim Latham and Local Chairperson Scott Perryman, cooking food at the Springfield Labor Day picnic.



Leading the SMART contingent in the Omaha, Neb., Labor Day parade were, from left, Nebraska State Legislative Director Bob Borgeson, SMART General President Joe Nigro, SMART Chief of Staff Rich McCles and Douglas County Board Chairperson Mary Ann Borgeson, Bob's wife.



Union Pacific GO 953 General Chairperson Brent Leonard (202) and his daughter, Taylor, get a closer look at Union Pacific's miniature locomotive.



Transportation Division Local 303 and Sheet Metal Division Local 36 joined together for the Springfield, Mo., Labor Day parade and picnic. SMART TD Local 303 Legislative Rep. Jeff Nichols and Local Chairperson Steve McElhany set up a booth at the picnic grounds where they handed out goodies to the kids and information on the negative effects of right-to-work legislation. McElhany is in the photo above.



Local President Lloyd Nelson (486), left, purchases raffle tickets from SMART Transportation Division Montana State Legislative Director Ben Unterseher at Local 486's picnic in Forsyth, Mont., Aug. 6.



Local President and Chairperson Jon P. Beckman, Local Chairperson Jim McKibben, Transportation Division President Mike Futhey and Local Secretary & Treasurer Cameron Cullum were just a few of the members attending Local 243's annual "Union Day" event in Fort Worth, Texas Sept. 24. Members enjoyed catered food and a raffle was held with the proceeds going to charity. Guest speakers were Futhey, General Chairperson Steve Simpson, UTUIA Field Supervisor Charlie Skidmore and Charlene Payne from UnitedHealthcare.



SMART Transportation Division Local 646 President Corey Johnston marches with his family at the Omaha, Neb., Labor Day parade Sept. 2. Local 646 is located in Council Bluffs, Iowa, and represents members employed by Union Pacific.



UTU Alumni

UTU Alumni Association

News, information for members of the UTU Alumni Association

### Dunlevy's work moves from statehouse to his house

Following a railroad career spanning 45 years, 21 of them as the UTU's Pennsylvania state legislative director, **Don Dunlevy** knows how to get things done at the statehouse. Now, he wants to get some things done at his house.

"I plan to spend more time with my grandchildren, pursue my interest in antique cars and make some improvements related to my home and the surrounding landscape," Dunlevy said.

"I will continue to be engaged in political and legislative activities for the benefit of our members and organized labor, but it's time for others who are going to be working in the transportation industry over the next few decades to get involved to protect and improve their interests," Dunlevy said. "Their participation will determine the future of the organization."

Dunlevy recently reflected on his own call to serve.

"I can't say there was any one, single incident that made me get so involved in the union. There were a series of incidents that occurred within a relatively short period of time in my life that motivated my interest," he said.

Dunlevy explained that his father and his father's four brothers were orphaned at an early age. The four youngest spent time in an orphanage, but the oldest brother took a job at the Superior Steel Mill in Carnegie, Pa. One by one, he managed to get each of his brothers a job there as well.

"My dad was 13 at the time and child labor laws were virtually non-existent," Dunlevy said.

In December 1961, Superior merged with Copperweld Steel. Dunlevy's father was out of work by 1962.

"This was a pre-ERISA environment," Dunlevy said. "The pension and health care benefits for Superior's workers were voided. While engaging in protracted litigation, over one half of the former employees died from causes that included stress, suicide and absence of adequate health care. My father was one of them. When the pension and health care issues were settled, my mother received one check for slightly over \$500 that represented my dad's entire 45-year career in the mill, and then I witnessed her struggle to keep our home and to live from day to day. I was just going into high school."

When Dunlevy hired on in 1968, he said he witnessed many examples of disregard for correcting unsafe or unsanitary conditions reported by



Alumni Association member Richard T. Blakeney, left, and Local 1373 Chairperson and Legislative Rep. Kyle W. Brightbill, right, join former Pennsylvania State Legislative Director Don Dunlevy at a celebration of his retirement.

the workers, while at the same time the railroad was preaching safety.

"The railroad's treatment of the employees included things like replacing toilets on locomotives and cabooses with plastic bags that were then placed in plastic buckets and carried around in the locomotives and cabooses. Similar lack of consideration and disregard for the workers in other aspects like safety, working hours and contract violations, coupled with the issues related to my Dad's pension, and the unrest within the local steel industry all combined to provide the impetus to become involved in the union and work to make changes," Dunlevy said.

He was elected as the full-time secretary of the Pennsylvania State Legislative Board in 1988 and then elected as the director and chairperson in 1992.

"Being actively involved in certain federal elections that directly benefited our members was very rewarding. But the one issue that I was involved with that had the greatest impact on our members was the passage of the Railroad Retirement and Survivor's Improvement Act of 2001. It reduced the retirement age for 30-year employees, improved benefits for surviving spouses and limited – and actually reduced – the tax contributions made by the employees," he said. "It is probably the most far reaching piece of legislation enacted in my career."

"Members need to realize that you can't just pay the dues that financially support the union's operations as though it was all that is required. You can't just "rent" a union and expect to achieve any real progress. Instead, every member has an obligation to fully join the union and actively participate, whether it is in providing information, volunteering time for local and political functions or in running for office.

"Historically, our biggest gains and protections have been the result of the political and legislative activism of members who preceded us and were successful in the legislative arena. The responsibil-

ity falls on those working in the industry to protect what has already been provided and then work to enhance those protections. There is no free ride and you can only get out of something what you are willing to put in. Give generously to UTU PAC, because you really can't afford not to."

### Bay area railroaders to host sixth annual reunion lunch

Retired conductor **John Herrmann** of Local 694 invites all active and retired railroaders in the San Francisco Bay area to the sixth annual lunch and reunion from 1-5 p.m. on Oct. 26 at Spenger's Fresh Fish Grotto, 1919 Fourth St. in Berkeley, Calif.

The cost of lunch, dessert, beverage, tax and tip is \$35 in advance, or \$40 at the door. Entrée choices are chicken marsala, grilled sirloin of beef or salmon and include a vegetable and potato side dish. To make a reservation, call Herrmann at (925) 465-4122.

The meal will be served at approximately 2:00 p.m. Railroaders, family and friends from SP, UP, WP, AT&SF and Amtrak, as well as other lines, from all crafts, are invited to participate in this special event.

Those paying in advance should send their check or money order to Herrmann at P.O. Box 4763, Walnut Creek, CA 94596, and indicate the entrée choice.



### B of A's Don Seyer retires

**Donald J. Seyer**, 61, a member of the SMART Transportation Division's Board of Appeals, retired, effective July 31.

Seyer hired out July 16, 1971, as a brakeman for the Frisco Railroad, which later became part of the BNSF Railway.

He is a member of SMART TD Local 947 at Chaffee, Mo., and has served his local as chairperson and delegate.

Seyer was elected to the Board of Appeals in August 2003. He was re-elected at the 2007 and 2011 UTU quadrennial conventions. He was a strong supporter of UTU PAC and is a member of the UTU Alumni Association.



Seyer

### Happy birthday, centenarians!

The Railroad Retirement Board has notified SMART that the following members have reached the 100-year milestone in 2013:

**John M. Kuhn** (281), Jan. 24, 2013  
**Earl C. Culver** (72), April 4, 2013  
**Charles E. Gifford** (14), Aug. 27, 2013

## THE FINAL CALL

Following are the names of recently deceased members who maintained annual membership in the UTU Alumni Association, according to reports received at UTU International Headquarters. These brothers and sisters will be missed by their many friends and by fellow UTU Alumni Association members.

Local	Name	City/State	Local	Name	City/State	Local	Name	City/State
2	Lohr, Harry K.	Holland, Ohio	768	Jones, Stephen R.	Pana, Ill.	1129	Thomas, John L.	Cameron, N.C.
256	Root Jr., Leonard J.	St. Johnsbury, Vt.	783	Swanson, Roy R.	Mocksville, N.C.	1177	Mohr, Albert H.	Willmar, Minn.
265	Hanson, Thomas J.	Inkom, Idaho	792	Foster, Charles E.	Sheffield Lake, Ohio	1289	Bowen, Lawrence	Sand Springs, Okla.
298	Groves, Norbert "Knobby"	Bloomington, Ind.	847	Giddens, Eddie C.	Birmingham, Ala.	1376	Buchan, Wayne W.	Cooks, Mich.
375	Michaels, John L.	Rapid City, S.D.	891	Phillips, Donald W.	Whitefish, Mont.	1393	Dobony Jr., Andy	Forestville, N.Y.
594	Martin, William L.	Mineola, Texas	915	Meadows, George H.	Charleston, W. Va.	1393	Warner, Ralph	Orchard Park, N.Y.
598	Dunn, John W.	Mobile, Ala.	1006	Bachik, Henry A.	Canonsburg, Pa.	1440	Martin, James D.	Monroe Twp., N.J.
610	Mellor, Paul R.	Curtis Bay, Md.	1043	Patterson, Robert C.	Cornelius, Ore.	1672	Sirpenski, Edmund F.	Uncasville, Conn.
632	Yogus, William J.	Cresson, Pa.	1043	Saunders, Paul E.	Reno, Nev.	1892	McGuire, John C.	New Caney, Texas



# UTUIA offers protection against accidental death and dismemberment

## UTUIA policy offers guaranteed approval for active transportation employees

UTUIA’s accidental death and dismemberment policy includes all these benefits for **only \$19.50 per month**:

- \$180,000 for death caused by common carrier
- \$90,000 for death caused by automobile
- \$60,000 for accidental death
- \$30,000 for dismemberment
- \$600 per day for intensive-care confinements
- \$60 per day for family lodging
- \$30 per day for family meals
- Up to \$1,800 for air ambulance transportation
- Up to \$300 for surface ambulance transportation
- Optional family rider for your spouse and children

This policy provides benefits for accidents only. These benefits are not available for sickness. Some benefits provided under the optional family rider are less than those provided to the policyholder.

For details, mail the coupon at right or call or email the UTUIA.

Some benefits may vary based on state of residence.

**Call or email today:**  
**(800) 558-8842 or**  
**sales@utuia.org**



### Information, please

I would like more information on UTUIA’s accidental death and dismemberment plan.

Please print



Full name	Date of birth	UTU local number	
Address	City	State	ZIP
Telephone number with area code	Sex	Male <input type="checkbox"/>	Female <input type="checkbox"/>

Complete and mail to: UTUIA, 24950 Country Club Blvd., Ste. 340, North Olmsted, OH 44070-5333 10/13

## 2014 railroad paid holiday schedule

Rail employees working under the national agreement between the UTU and the National Carriers’ Conference Committee (NCCC) will receive 11 paid holidays in 2014. They are:

- New Year’s Day, Wednesday, Jan. 1
- President’s Day, Monday, Feb. 17
- Good Friday, Friday, April 18
- Memorial Day, Monday, May 26
- Independence Day, Friday, July 4
- Labor Day, Monday, Sept. 1
- Thanksgiving Day, Thursday, Nov. 27
- Day after Thanksgiving, Friday, Nov. 28
- Christmas Eve, Wednesday, Dec. 24
- Christmas Day, Thursday, Dec. 25
- New Year’s Eve, Wednesday, Dec. 31

## SMART needs your photographs for UTU Alumni Association calendar

The SMART Transportation Division is seeking quality railroad, bus and airline photos, taken by its members, for placement in its annual calendar and other uses.

The calendar is mailed annually to members of the UTU Alumni Association as one of the benefits of Alumni Association membership.

High-resolution digital photographs should be emailed to “news\_TD@smart-union.org.”

Printed photographs should be mailed to SMART TD News, 24950 Country Club Blvd., Suite 340, North Olmsted, OH 44070-5333. To be included in the 2014 calendar, photos must be received by Nov. 5.

Be sure to include the photographer’s name and local number, the name(s) of the person(s) in the photograph (left to right) and any other pertinent information, such as the date and location where the photograph was taken.

Due to federal or state regulations or company restrictions on employees’ use of personal electronic devices, including cameras, on company property or while on duty, all members are advised to always follow their employers’ guidelines on the use of such devices.

All members whose photographs are selected for use in the calendar will be named underneath the picture and will also receive copies of the calendar.

For more information about the UTU Alumni

Association, visit the SMART TD homepage at [www.utu.org](http://www.utu.org). From the pulldown menu under “About UTU” at the top center of the homepage, select “UTU Alumni Association.”

Retired UTU members, as well as those individuals nearing retirement or interested in pension and other issues affecting transportation-labor families, are invited to participate in this voluntary program.

All photographs submitted become property of SMART.



2013 SMART Transportation Division calendar cover



# Under health/welfare plan, your choices matter

Continued from page 1

“The improvements made to the plan in the last round of bargaining, and the choices made by you and your family, are working,” Futhey said. “The total plan expenses for 2013 are expected to increase at a percentage far below those of similar plans, and, in fact, the overall carrier funding rate is expected to change little in 2014 as well.”

Coupling the reduction in the monthly employee contribution with the average per-member, per-month, benefit cost increase of about \$10, the average employee monthly out-of-pocket expense is about \$5 or \$6. Your actual monthly increase will vary based upon your claims incurred and your family size, but overall, the savings obtained by freezing the monthly employee contribution over the term of the contract is proving to have a positive impact on our membership.

“We have made great progress in our efforts to provide you with options to get the best bang for your buck. Ultimately, however, the choice is yours. Your choices will determine how much you will have to pay for your medical services.”

“It must also be remembered that your choices affect all the other members covered under the plan. By making the best possible choices for yourself and your family, all of our members benefit, as we have seen over the past year since implementation of the agreement on Jan. 1, 2012.”

“It remains our goal to provide the absolute best possible medical coverage for the men and women employed on the nations railroads, and their families. But it is also the responsibility of each and every member to do their part in keeping the plan costs in check for the benefit of all of us.”

# Labor leaders support

Continued from page 1

“We believe that Washington State is putting the Northwest’s primary economic driver – trade – in jeopardy with this approach,” said SMART’s Washington State Legislative Director **Herb Krohn**. “Washington’s proposed review process will set a dangerous precedent across our state, region and country when it comes to the development of infrastructure, and could be applied to many products – from airplanes, cars, to even agricultural or timber products.”

The announcement came in conjunction with the first hearings to be conducted separately by the Army Corps of Engineers and Washington State officials. Some oppose the terminals, on the basis that they will be used to ship coal in addition to other commodities. Increased coal shipments in particular will provide substantial private investment in infrastructure, something that will not only create new jobs, but will make the west coast ports more competitive.

Jeffrey Soth of the Operating Engineers concluded, “We urge the Washington State of Ecology to cooperate with the Army Corps of Engineers to conduct a review that is fair, accurate and timely. Further delays will inhibit the growth of our economy and ensure the world’s growing energy demand is met by other countries that do not share America’s values for protecting workers or the environment.”

Washington State AFL-CIO leaders testified in front of a committee of the King County Council that not only had the state chapter come out in support last year of the Gateway Pacific Terminal, but also that the national AFL-CIO passed a resolution during its convention earlier this month in support of the project.

The King County Council committee put off its vote on a motion to oppose the terminal project after Krohn spoke in support of it.

“The national AFL-CIO resolution joins the state AFL-CIO endorsement from last year, in its strong statement in support of the Northwest coal export projects and echoes what labor in the Northwest has been saying all along — these projects will bring long-term employment for families across the state, millions in private investment for infrastructure, and money for cash strapped schools,” Krohn said.

# Online open enrollment begins October 1

Railroad employees covered under National Railway Carriers/UTU Health and Welfare Plan or the Railroad Employees’ National Health and Welfare Plan will begin receiving notification of the online open enrollment period that began Oct. 1, 2013, and ends Nov. 2, 2013. The information should be specific to the current enrollment for you and your eligible dependents.

This new online enrollment capability provides the ability to view your personal information, add, delete and update dependent information, view enrollment materials, enroll in benefits for next year, and receive an immediate confirmation statement. There is no need to mail in a paper enrollment form. However, if you need assistance, have question or require a paper enrollment kit, call Railroad Enrollment Services at (800) 753-2692.

You are encouraged to visit the online enrollment site and review all the information available. Use the log-in instructions at end of this article to access and review your personal information and spend some time learning about the benefits resources available on the site.

You may have choices to make or information to provide.

- It is required that covered dependent Social Security numbers (SSN) be provided to the Centers for Medicare and Medicaid

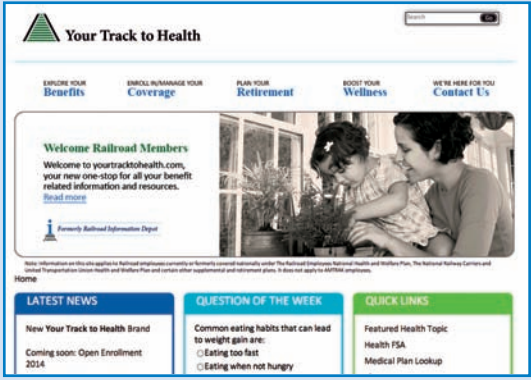
Services. Please supply the missing SSN on the Dependent Information screen.

- If you currently have the Opt-Out Option 1 Plan and want to continue this plan for next year, you must select Opt-Out Option 1 on the Medical Screen.
- If you are currently enrolled in the Health Flexible Spending Account, the election and yearly contribution will not rollover to the new plan year. If you want to continue with this program for the coming year, you must enter your annual contribution amount for these programs in the box provided on the Health Flexible Spending Account Screen.

To enroll in available benefit programs or make changes, access the Railroad Enrollment Services online enrollment for 2014 at [www.yourtracktohealth.com](http://www.yourtracktohealth.com) (formerly known as the Railroad Information Depot).

- Click “Login” located in the upper right corner of the screen.
- If you have already registered, enter your username and password.
- If you have not yet registered, select “New User?” at the bottom of the screen to complete your registration.

Once logged in, select the option to “Enroll Now for 2014,” located in the upper left corner of the screen.



# Your Track to Health — the new health and welfare benefits brand for Railroad Members<sup>1</sup>

**Your Track to Health** represents the wide array of health and welfare benefits and resources available to eligible<sup>1</sup> Railroad employees and their dependents.

Whenever you see **Your Track to Health** used on communications and in materials, you can know and trust that the information is important and is being provided to help you better understand and optimize your health and welfare benefits.

visit!  
register!  
win!

## New features on yourtracktohealth.com

The new website, **yourtracktohealth.com**, launched in July with a completely new look, feel and navigation, plus new healthy living content that may be used to help you improve your health. Note: This new website replaced the previous Railroad Information Depot.

## Secure registration now available:

- Create a unique login to access and manage your family’s health and welfare benefits account online. An email address is required to complete the online registration at **yourtracktohealth.com**.  
Note: Online site registration is secure and confidential.
- Use your new user name and password to securely log into the Railroad Enrollment Services online portal to easily and conveniently change or enroll in your 2014 benefits during Open Enrollment this fall.

## Register at yourtracktohealth.com and you could win!

Eligible Railroad members<sup>2</sup> will be automatically entered for a chance to win one of 15 amazing prizes including:

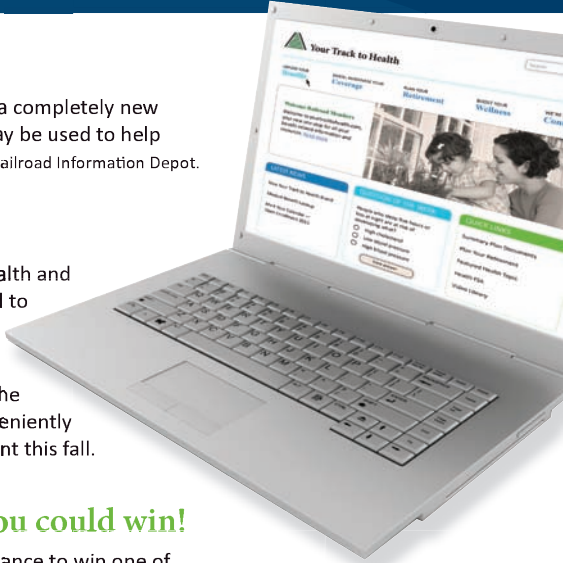
- An iPad® Mini (2)
- A Kindle® e-Reader (3)
- A SodaStream® soda maker (5)
- \$100 gift card to DICK’S Sporting Goods stores (5; redeemable online and in stores)

### TO REGISTER:

1. Go to **yourtracktohealth.com**.
2. Select the “Register” button in the upper-right corner of the screen.
3. Complete the online registration and be automatically entered to win a prize.

Your chance to win ends **November 11, 2013**.  
See the complete rules at [yourtracktohealth.com/PDF\\_Files/sweeps/rules.pdf](http://yourtracktohealth.com/PDF_Files/sweeps/rules.pdf).

Don't delay — register today!



Snap a picture of this code using the QR Reader on your smartphone and be taken directly to the site.

<sup>1</sup> Railroad employees and their eligible dependents currently covered under The Railroad Employees National Health and Welfare Plan or the National Railway Carriers and United Transportation Union Health and Welfare Plan.

<sup>2</sup> The opportunity to win a prize is open only to those Railroad employees and their eligible dependents ages 18 and over. See the complete rules at [yourtracktohealth.com/PDF\\_Files/sweeps/rules.pdf](http://yourtracktohealth.com/PDF_Files/sweeps/rules.pdf).



# Pan Am Railways violated whistleblower rights

BOSTON – The U.S. Department of Labor has ordered Pan Am Railways Inc. to pay \$50,000 in compensatory and punitive damages, as well as take corrective action, on behalf of an injured worker. The North Billerica-based commercial railroad charged the worker with lying when he filed a Federal Railroad Safety Act complaint with the department’s Occupational Safety and Health Administration.

The employee, who works in a rail yard in Waterville, Maine, filed an OSHA complaint on Dec. 6, 2011, claiming that the railroad had subjected him to disciplinary action earlier, including a letter of reprimand, for reporting an injury and unsafe working conditions. Shortly after the filing, Pan Am Railways held a second disciplinary hearing on Jan. 4, 2012. It alleged that the worker made false statements to OSHA and the railroad.

OSHA found that the employee engaged in protected activity when filing the complaint, and the railroad took retaliatory action by charging him with lying and by holding the second disciplinary hearing. Such adverse action can intimidate employees from exercising their FRSA rights, even if the charge is later dropped, as it was in this case.

“Employers must understand that their employees have a legal right to file a whistleblower complaint with OSHA without fear of retaliation,” said Marthe Kent, OSHA’s New England regional administrator. “Responding to an employee’s complaint with threats of disciplinary action is not acceptable and is prohibited by law.”

In addition to the compensatory and punitive damages, OSHA has ordered Pan Am Railways Inc. to expunge all files and computerized data sys-

tems of disciplinary actions and references to the hearing notice and the January trial. The company must also post a notice to employees about their FRSA whistleblower rights at all its Maine locations and on its internal website and provide all employees with copies of training materials related to FRSA. Finally, the company must pay reasonable attorney’s fees and compensate the employee for wages and benefits that were lost due to his attending the January disciplinary hearing.

OSHA enforces the whistle-blower provisions of the FRSA and 21 other statutes protecting employees who report violations of various airline, commercial motor carrier, consumer product, environmental, financial reform, food safety, health care reform, nuclear, pipeline, public transportation agency, maritime and securities laws.

Under these laws enacted by Congress, employers are prohibited from retaliating against employees who raise various protected concerns or provide protected information to the employer or to the government. Employees who believe that they have been retaliated against for engaging in protected conduct may file a complaint with the secretary of labor for an investigation by OSHA’s Whistle-blower Protection Program. Detailed employee rights information is available online at <http://www.whistleblowers.gov>.

Under the Occupational Safety and Health Act of 1970, employers are responsible for providing safe and healthful workplaces for their employees. OSHA’s role is to ensure these conditions for America’s working men and women by setting and enforcing standards, and providing training, education and assistance. For more information, visit <http://www.osha.gov>.



## Unemployment, sickness benefits to increase due to adjustment

Beginning Oct. 1, 2013, the U.S. Railroad Retirement Board (RRB) will reduce railroad unemployment and sickness insurance benefits by 7.2 percent due to federal budget cuts first implemented in March 2013. Since that time, these benefits had been reduced by 9.2 percent.

The adjusted reduction amount is based on revised projections of benefit claims and payments under the Railroad Unemployment Insurance Act. It will remain in effect through Sept. 30, 2014, the end of the fiscal year.

The 7.2 percent reduction in railroad unemployment and sickness benefits will reduce the maximum daily benefit rate from \$68.00 to \$63.10. As a result, the total maximum amount payable in a two-week period with 10 days of unemployment will drop from \$680 to \$631.04. Certain railroad sickness benefits are also subject to regular Tier I railroad retirement taxes, resulting in a further reduction of 7.65 percent. Applying the 7.2 percent reduction to these sickness benefits will result in a daily benefit rate of \$58.27, with a maximum two-week total of \$582.77.

Under the previous 9.2 percent reduction, the maximum two-week unemployment benefit was \$617.44, while the maximum for sickness benefits subject to Tier I payroll taxes was \$570.21.

These reductions are required under the Budget Control Act of 2011 and a subsequent sequestration order filed by President Obama to implement the mandated cuts. The law exempted social security benefits, as well as railroad retirement, survivor, and disability benefits paid by the RRB, from sequestration.

# Show your union pride with union gear

## American Products offers line of union-made SMART gear, clothing

It’s not too early to begin your holiday shopping and the SMART Transportation Division website is just the place to start, without ever leaving your home or going to a busy shopping mall. Just visit the SMART Transportation Division website at [www.utu.org](http://www.utu.org) and click on the “Gear” tile.

All of the SMART items featured there are sold through American Products and are union-made and/or are made in America.

American Products is offering several new items this fall that were debuted at the regional meetings this summer and will feature some additional items for sale by the end of this month. Please be sure to check the website for details on all the new items.

All items carry a 100 percent quality guarantee against defects in materials and workmanship. Volume discounts on customized orders are available to UTU and SMWIA locals.

Watches and clocks carry a two-year manufacturer’s warranty against defects.

All of the featured items can be ordered by credit card directly through the company’s secure website, or by calling the company’s toll-free telephone number: (800) 272-5120.

Members may also download and print a custom order form that can be mailed to UTU Merchandise.com, 1600 North Clinton Avenue, Rochester, NY 14621.

Apparel prices may vary depending on size. Visit the SMART TD online store for complete details about prices and available sizes.



Lime SMART TD T-shirt



SMART Baseball Cap



White SMART Polo



Ash SMART T-shirt



SMART Travel Mug



SMART Jacket



SMART Banner



Green SMART Polo



SMART Portfolio Bag







www.utu.org / www.utuia.org

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## Photo of the month

UTU-SMART is always looking for good photos, and awards prizes to monthly photo winners.

UTU-SMART seeks photographs or digital images of work-related scenes, such as railroad, bus or mass transit operations, new equipment photos, scenic shots, activities of your local, or photos of your brothers and sisters keeping America rolling.

Printed photographs should be mailed to UTU-SMART, 24950 Country Club Blvd., Suite 340, North Olmsted, OH 44070-5333.

High-resolution digital photographs should be in the JPEG format and emailed to "news\_td@smart-union.org".

With each photograph, please include your name and UTU-SMART local number, the names of the persons in the photo (left to right), where the photo was taken, and all other pertinent information.

All photographs submitted become property of UTU-SMART.

Remember to review your employer's policies regarding use of cameras on the property or during work hours.



This photo was taken by Local 1035 (Lakeland, Fla.) UTU Alumni Association member **Curtis A. Wall**. "This was a Seaboard Coast Line caboose we had in Mulberry, Fla., back in the 80s. I found it on a short line between Winter Haven and Bartow, Fla.," Wall said.



# SMART

## Transportation Division News

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International Association of Sheet Metal, Air, Rail and Transportation Workers

## NS sued by Equal Employment Opportunity Commission

ATLANTA – Norfolk Southern Railway Company unlawfully discriminated against an employee because of his disability, degenerative disc disorder, the U.S. Equal Employment Opportunity Commission (EEOC) charged in a lawsuit it filed Sept. 23 in Atlanta.

According to the EEOC's suit, NS violated federal law by not allowing a laborer to return to work after receiving treatment for his disability and being cleared by his treating physician to return to work with no restrictions.

According to the EEOC's complaint, NS's medical director disregarded the treating physician's opinion as to the employee's ability to work and determined he was medically disqualified from working without ever examining him. Norfolk Southern subsequently terminated the employee.

Disability discrimination violates the Americans with Disabilities Act (ADA), which requires employers to not discriminate against employees with disabilities or a record of a disability.

In addition, employers who perceive employees as disabled when they are not disabled also violate the ADA. The EEOC filed suit (EEOC v. Norfolk Southern Railway Company, Civil Action No. 1:13-cv-03126) in U.S. District Court for the Northern District of Georgia,

Atlanta Division, after first attempting to reach a pre-litigation settlement through its conciliation process. The EEOC is seeking reinstatement, back pay and compensatory and punitive damages for the employee, as well as injunctive relief designed to prevent future discrimination.

"An employer cannot terminate an employee because of a disability, or merely because it perceives that person to be disabled," said Robert Dawkins, regional attorney for the EEOC's Atlanta District Office. "Here, the employee was ready, willing and able to work, but was fired based on preconceived notions about his abilities. Such conduct violates the ADA."

Bernice Williams-Kimbrough, district director of the Atlanta office, said, "The EEOC is committed to stopping workplace disability discrimination in Georgia and across the country. Given the size of the employer, this lawsuit could assist in protecting the rights of a large number of employees."

The Atlanta District Office of the EEOC oversees Georgia and parts of South Carolina.

The EEOC is responsible for enforcing federal laws against employment discrimination. Further information is available at [www.eeoc.gov](http://www.eeoc.gov).



## Inside this issue of UTU-SMART News:



Hilljack Russell meme is 'Union Pride' choice. See page 3.



SMART TD members celebrate Labor Day. See pages 6 and 7.



Dunlevy's work moves from statehouse to his house. See page 8.



Show your union pride with union gear. See page 11.