



SMART

Transportation Division News

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

Previsich assumes SMART Transportation Division presidency

Four SMART Transportation Division officers elevated – See page 3

John Previsich has been elevated to the position of president of the Transportation Division of the International Association of Sheet Metal, Air, Rail and Transportation Workers following the retirement of Mike Futhey.



Previsich

Previsich becomes the second president of the SMART Transportation Division and the eighth leader of what was formerly the United Transportation Union. He is a member of Transportation Division Local 31 in San Jose, Calif.

According to the current UTU Constitution, Article 2 states that “Vacancies occurring in positions not subject to attrition shall be filled as follows: President – By the Assistant President.”

“It is with immeasurable pride and humility that I accept elevation to the position of presi-

dent of the SMART Transportation Division. This is an honor that I do not take lightly,” Previsich said.

“I recognize the immense responsibility that comes with this office and I pledge to all of our members that I will continue, as I have always done, to serve in a transparent and effective manner, with the strong leadership that is essential to secure and protect the interests of our membership.”

Previsich began his railroad career with Southern Pacific Transportation Company, where he commenced work as a train service operations employee in San Francisco, Calif. He later transferred to engine service and achieved certification as both a railroad conductor and locomotive engineer.

Previsich started doing work as a local union officer in the 1980s. Thereafter, he moved into a system-wide position as a general chairperson in the early 1990s, followed by his election to International vice president in 2007. He was re-elected in 2011, elevated to the position of assistant president in 2012 and assumed the responsibilities of the general secretary and treasurer position Jan. 1, 2013.

During the course of his career, Previsich has

advocated on behalf of his members in mergers and consolidations in the rail and airline industries, 13(c) transactions, divestitures, national and local contract negotiations and countless arbitrations and mediations, securing and defending collective bargaining agreements on properties large and small.

Having a special interest in transportation-industry safety issues, Previsich is the SMART Transportation Division representative on the Federal Railroad Administration’s Rail Safety Advisory Committee and has served on numerous subcommittees associated with RSAC.

In addition, he was appointed by the secretary of the Department of Transportation to the National Freight Advisory Committee, a cabinet-level group that reports directly to the secretary on MAP-21, a program charged with assisting in the development of administration policy on a national freight plan for the 21st century.

At the conclusion of the SMART Transportation Division’s Boston regional meeting July 3, Futhey announced he would step down from office, pending resolution of arbitration proceedings regarding the union’s constitution. His retirement was effective Sept. 30.

CONVENTION UPDATE

Locals need delegate, seal prior to TD convention

With the SMART Transportation Division (formerly UTU) beginning preparations for its June 2014 convention, all transportation division locals are reminded of the need to have a duly elected delegate and alternate delegate, as well as a working local seal, prior to the convention.



The three-day convention will be held June 30-July 2 at the Hilton San Diego Bayfront Hotel in San Diego, Calif.

Locals with vacancies in either position must conduct elections as soon as possible, and advise the SMART TD office of the results.

Guidance on holding such elections can be downloaded from the TD website at www.utu.org by clicking on the “S&T Tools” link, then scrolling down to the bottom of the “Forms and Documents” column and clicking on “More forms...” to get to the following page: <http://utu.org/secretary-treasurer-forms>.

Documents on that page include “How to Hold Elections for Delegates, LCAs 2010,” as well as “Special Circular No. 28 – August 2010,” both of which offer guidance on conducting delegate and alternate delegate elections. Those with additional questions should contact the SMART TD office.

In addition, locals will need to have a working local seal to authenticate and certify delegate and alternate delegate credentials, which will be mailed out to each local in 2014. Those with no seals or with seals needing repair are advised to contact this office as soon as possible to make the necessary arrangements.

Ask your lawmakers’ support for two-person crews



The town center of Lac-Mégantic, Quebec, burns following the derailment and explosion of a Montreal, Maine & Atlantic train July 6. That train was operated by a one-person crew. Could this happen in your town? This photograph was taken from a Sûreté du Québec (Quebec Provincial Police) helicopter of Lac-Mégantic the day of the derailment.

Members of the SMART Transportation Division and all of rail labor have the opportunity to make it federal law to have two qualified persons working on all freight trains operating in the United States a reality.

Now is the time to contact your legislators in the House of Representatives and ask them to co-sponsor and support H.R. 3040.

Introduced in the House Aug. 2 by U.S. Reps. Michael Michaud (D-Maine) and Chellie Pingree (D-Maine), this legislation will require that “no freight train or light engine used in connection with the movement of freight may be operated unless it has a crew consisting of at least 2 individuals, one of whom is certified under regulations promulgated by the Federal Railroad Administration as a locomotive engineer ... and the other of whom is certified under regulations

promulgated by the Federal Railroad Administration as a conductor pursuant to section 20163.”

“This legislation is not only about the safety of the American public and the safety of railroading operating crews, it is an opportunity to prevent what in my opinion is an unsafe operating practice – having only one crew member aboard a train,” said SMART TD President John Previsich. “This measure will not only protect our communities, it will protect our jobs.”

The legislation reflects heightened concerns over crew size arising from the tragic July 6 derailment of a Montreal, Maine & Atlantic fuel train in Lac Mégantic, Quebec, which killed 47 and destroyed the center of the town. The MM&A train was crewed by a single person.

Continued on page 10

Around the SMART TD

Local 240, Los Angeles, Calif.

Local Chairperson **Harry J. Garvin Jr.** announces the retirement of brakeman and conductor **James W. Gilliam**, effective Oct. 7, after 41 years of service. Gilliam hired out June 24, 1972, with the former Southern Pacific Transportation Co. Prior to joining Local 240, he had served as local secretary & treasurer of former Local 1336 at Santa Fe Springs, Calif. "All the current and past union officers wish James and his family the very best," said Garvin.

Local 313, Grand Rapids, Mich.

Local 313 Chairperson **Justin Van Houdt**, 34, died unexpectedly Oct. 21 at his home in Hudsonville, Mich., State Legislative Director **Jerry Gibson** reports. Van Houdt, a CSX conductor, entered railroad service in 2000. He was elected local chairperson in 2010. He is survived by his wife, Alaina, and three small children, the youngest of which was born this year.



Van Houdt

Friends have established a fund at Fifth Third Bank in Grandville, Mich., to assist the Van Houdt family. Contributions may be made at any Fifth Third Bank by making checks payable to "FBO Justin Van Houdt" and including account number 7168329345 on the memo line. Gibson said he had just spent time with Van Houdt recently and his death comes as a complete shock. "I ask for our brothers' and sisters' thoughts and prayers at this time for Justin and his family," Gibson said.

Local 662, Richmond, Va.

Due to retirements and resignations, Local Secretary **Jamie Rainier** reports that the following members have been elected to local office, by acclamation, at the local meeting Oct. 2. **Anthony "Bruce" Allison** is the interim local chairperson for the 201-C local committee of adjustment; **Andrew Olsson** is the interim vice local chairperson for 201-C LCA, and **Ronald Hylton Jr.** is interim vice local chairperson for 201-B LCA. Also, **James W. Schumaker**, **Richard J. Craver**, **Luke M. Lenix** and **Hylton** have been re-elected to serve on the CSX District 6 Safety Committee.

Local 771, Needles, Calif.

A retirement party in conjunction with BLET Lodge 383 was held Oct. 9 at the Elks Lodge in Needles to honor 12 members from both organizations that have retired in the past year, Secretary & Treasurer **Mike Mathews** reports. Attendance at the dinner was 105, including active and retired members and their spouses. Chicken and steak were served at the event, with **Charles Anderson** serving as the master of ceremonies. The photo below was submitted by **Robert Yee**.



Local 1381, Hammond, Ind.

The members of this Indiana Harbor Belt Railroad local are seeking financial assistance for member **Cory Henman** and his family after he lost his right leg below the knee in an Oct. 1 switching accident, Local Chairperson **David Perez Jr.** reports. Henman, 35, with 29 months of service, has a wife and young daughter. Checks payable to Cory Henman may be sent to the Cory Henman Assistance Fund, P.O. Box 704, Griffith IN 46319. "I would like to recognize the efforts of conductor Brother **Matthew King** for his quick action in assisting Cory," Perez said. "We all



Conductor Max Chabo is recognized by Tacoma Rail after he pulled an inebriated man from the tracks in front of his moving train.

Conductor has 'tunnel vision,' saves life of man on tracks

Tacoma Rail conductor **Max Chabo** was honored Sept. 26 for dragging a man off of railroad tracks in front of his moving train in July 2012.

Apparently, it helped to have "tunnel vision" that day.

"We were entering Olympia and we have to go through a tunnel that is about 1,000 feet long. We started in and I saw something up ahead. There's always a lot of debris in there, sleeping bags, garbage bags, that sort of stuff," Chabo said.

"As you transition from the bright sunlight to darkness, it takes time for your eyes to adjust. The tunnel goes into a curve and all of a sudden I see the locomotive light shining on this guy's face. I saw his face. He was sleeping."

Chabo pulled the emergency brake, but he and the engineer realized the train wasn't going to stop in time. He said he ran out the front door of the cab, stepped off the front of the train and ran. He grabbed the man by his jacket with both hands and dragged him.

"I just dragged him until the train stopped moving," Chabo said. When it stopped, his legs were under the front of the train."

Chabo estimates he dragged the man at least 20 feet down the tracks until the train had stopped. There was not enough room on the sides of the tunnel for the man to be safely dragged to the side – the train still would have hit him.

"I walked away to catch my breath and get myself together. I walked back up to him and said, 'Dude, you got to get up, you're under our train. It took me about five or 10 minutes to wake him up. I called the Olympia Police Department to come and get him. I think he was described as a 'chronic inebriant.'"

Chabo was presented with the governor's lifesaving award Sept. 26 by a local television personality during the governor's Industrial Safety and Health Conference in Tacoma. He was nominated by Tacoma Rail Safety Officer Mark Robertson last year, but it was not in time for the state to complete its vetting process.

Chabo started a new position in Tacoma Rail's safety office Aug. 1. He said he still holds his SMART membership and remains on the seniority roster.

"I was always wondering if I'd be able to answer the call in that situation and I was glad that I did. It was a very tense situation and I'm glad I did, and glad he was alive."

believe here on the property that he saved Brother Cory's life. He used his belt as a tourniquet to slow the bleeding until emergency medical help arrived. The accident was in the middle of the yard and emergency crews had a difficult time getting to them."

Local 1715, Charlotte, N.C.

Local 1715 and Transit Management of Charlotte, Inc., agreed to a contract extension Oct. 14 that will expire Nov. 11, 2013, at midnight, according to Local Chairperson **Kevin Moss**. Local 1715 represents bus operators for the Charlotte Area Transit System. A previous contract extension was set to expire at midnight Oct. 15, the same day the union and CATS management had scheduled a contract negotiations meeting. However, that meeting was canceled because a federal mediator who was scheduled to participate in the meeting was unable to attend due to the federal government shutdown. The company and the union agreed to have the mediator present at the meeting as this round of negotiations had reached an impasse, Moss said. "We thank all of the members of Local 1715 for their patience," Moss said.

GO 393, BNSF Railway



Pictured, from left, are GO 393 General Chairperson **Chad Adams**, GO 927 General Chairperson **Steve Simpson**, Transportation Division Vice President **Troy Johnson**, former Transportation Division President **Mike Futhey** and retired former Vice President **Paul Tibbit** at a dinner in Fort Worth celebrating Futhey's retirement Sept. 23. The group presented Futhey with an award for his years of service to the organization.

GO 505, LIRR

SMART, Oct. 21, rejected a proffer of arbitration from the National Mediation Board to the Transportation Division's General Committee of Adjustment GO 505, which represents a variety of crafts on the Long Island Rail Road in New York. "After three years of difficult negotiations, the two sides are far apart on the major issues of wages, health and welfare and pension contributions," said GO 505 General Chairperson **Anthony Simon**. "This release is a major step in getting us on the right path to obtaining a fair deal. Our organization has been working closely with SMART Sheet Metal Division General Chairperson **John McCloskey** and the leadership of the Transportation Communications Union and the National Conference of Firemen & Oilers in obtaining a positive outcome for LIRR workers," Simon said. "Together in solidarity, our organization will continue to work at obtaining a fair contract for our members. I ask for the continued support of our membership as we go through these very challenging times."

GO 851, CSX

General Committee of Adjustment GO 851 General Chairperson **John D. Whitaker III** reports that Assistant General Chairperson **Ben Davis** has resigned his position. While he remains an active CSXT employee, Davis will continue to serve the general committee and his local training and mentoring new Assistant General Chairperson **Ray Hudnall** of Local 903 at Jacksonville, Fla., and new Local 1221 Chairperson **Chris Whidden**. Davis, chairperson for Local 1221 at Tampa, Fla., served as local secretary and treasurer of his local for 10 years, chairperson for 27 years and assistant general chairperson for 14 years. "Brother Davis has been an anchor in this organization for many years and Brothers Hudnall and Whidden both feel extremely fortunate to be able to rely on Ben for counsel and advice," Whitaker said. "This type of unselfish act personifies Brother Davis' character, always placing the organization ahead of himself. He is one of the hardest working individuals in this union due to his love and belief in the SMART Transportation Division and its membership. His knowledge in so many areas will be sorely missed."

Four elevated to Transportation Division office

Following the retirement of former SMART Transportation Division President **Mike Futhey** and former Transportation Division Board of Appeals member **Don Seyer**, four members have been elevated to new International office positions.

Following a meeting of the Transportation Division Board of Directors earlier this month, Alternate Vice President Doyle Turner has been elevated to the office of vice president; Alternate to the Executive Board Chad Adams has been elevated to the office of alternate vice president; CSX GO 851 General Chairperson **John D. Whitaker III** has been elevated to the office of alternate to the executive board, and North Dakota State Legislative Board Secretary **Tessa Burkle** has been elevated to the board of appeals.

While serving as Transportation Division assistant president, John Previsich also held one of the vice president positions of the Transportation Division. When he was elevated to Transportation Division president following Futhey's retirement, the vacancy in that vice president position was filled by Turner.

A member of Local 1962 in Toledo, Ohio, Turner became interested in union affairs and was elected local chairperson in 1992. He was elected

local delegate to the UTU International convention held in 2003. He was elected general chairperson of CSXT Railway General Committee GO 347 in 1996 and continues to serve in that position. He also served as alternate vice president from 2003 to 2007.

Turner was elevated to the position of second alternate vice president – East, in October 2009 and re-elected alternate vice president in 2011. As a Transportation Division vice president, Turner also was appointed to the Transportation Division Board of Directors.

Adams was appointed alternate to the executive board by the board of directors in 2012. A member of Local 331 at Temple, Texas, he also serves as BNSF GO 393 general chairperson and local delegate.

A member of Local 1106 at Rocky Mount, N.C., Whitaker has served as general chairperson of GO 851 since Jan. 1, 2011.

Burkle is a member of Local 1137 at Fargo, N.D. She had previously served as North Dakota state legislative director and local chairperson and remains Local 1137's legislative representative and delegate.

"I look forward to working with each of our new officers and thank them for their commit-

New Transportation Division officers



Turner



Adams



Whitaker III



Burkle

ment to serving their fellow brothers and sisters of SMART. I am sure they will all be assets to this administration," Previsich said.

Morr is first female to sit on SMART GEC

Bonnie Morr, vice president for bus operations, SMART Transportation Division, has been appointed to the General Executive Council of SMART to fill the vacancy created by the retirement of **Mike Futhey**. She has the distinction of being the first woman



Morr

to serve on the council. SMART General President Joe Nigro said, "This appointment brings a needed voice to our deliberations and plans for attracting more women to this union in all of our operations."

Born in the Bronx, N.Y., of immigrant parents, Morr comes from a family of union workers. "My father was a union painter and my mother and aunts worked in sweatshops as young children from 5 a.m. until 7 p.m., every day. My mother and my aunts helped start the International Ladies' Garment Workers' Union. In the 20s and 30s, unions were different and people had to lay their lives on the line just to get a basic worker right, like being able to use a restroom," Morr said.

Morr completed three years at Hunter College, with a major in sociology. After leaving school, she began working for Air Canada Airlines in ticketing and ground support. After settling in Santa Cruz, Calif., she returned to school at the University of California, Santa Cruz.

She started driving buses in 1982 for the Pajaro Valley Unified School District. In 1989, she moved on to the Santa Cruz Metropolitan Transit District. In 1990, she and 60 other operators were furloughed due to the economic downturn. Having the longest seniority, she returned to work 10 months later. It took four years to get the others back to work and it was this instance that began her interest in unions and how they worked.

"I swore that no one would be treated the way I and my co-workers were being treated during that furlough time," she said.

Morr was elected legislative representative of Local 23 in 1995 and general chairperson in 2000. She was elected alternate vice president-bus by delegates at the UTU convention in 2007 and elected vice president by delegates at the UTU convention in 2011.

SEPTA commuter rail members ratify agreement

SMART Transportation Division Local 61 members working at Southeastern Pennsylvania Transportation Authority recently ratified a new agreement governing the rates of pay and working conditions of conductors and assistant conductors on the regional commuter railroad.

With nearly 79 percent of eligible members casting ballots, a vast majority of those voting – 87 percent – approved the agreement.

The five-year pact includes a signing bonus, general wage increases, conductor certification pay, enhanced bereavement allowance, increased uniform allowance and enriched continuation of health and welfare benefits among its provisions.



Transportation Division Vice President John E. Lesniewski, who assisted with negotiations, expressed his gratitude to GO STA General Chairperson **Freddie Williams** and his negotiating committee consisting of Vice General Chairpersons **Francis McDermott**, **Martin Strom**, **Michelle Duncan** and General Committee Secretary **Nelson Pagan** for their enduring commitment to finding an equitable agreement for the benefit of Local 61 members.

SEPTA is a metropolitan transportation authority that operates various forms of public transit – bus, subway and elevated rail, commuter rail, light rail and electric trolley bus – that serves 3.9 million people in and around Philadelphia, Pa.

Lauby named to FRA post, Anthony tagged for RRB

Robert C. Lauby has been selected as associate administrator for railroad safety/chief safety officer for the Federal Railroad Administration and Steven Anthony has been nominated as management member of the U.S. Railroad Retirement Board.

Lauby will provide regulatory oversight for rail safety in the United States and oversees the development and enforcement of safety regulations and programs related to the rail industry.

He has 35 years of railroad and rail transit experience. He joined the FRA in August 2009 and has been a member of the senior executive service since March 2010.



Lauby

As the deputy associate administrator for regulatory and legislative operations, he was responsible for safety rule making activities and has served as chairperson of the Railroad Safety Advisory Committee (RSAC).

"Bob Lauby was formerly in charge of rail accident investigations at the National Transportation Safety Board and was very supportive of the UTU's efforts at the NTSB with our Transportation Safety Team. He was very helpful at our Boston regional meeting this year," SMART TD National Legislative Director James Stem said.

The FRA also announced that Les Fiorenzo, regional administrator for Region 1, will serve as acting deputy associate administrator for safety compliance and program implementation. In this role, Fiorenzo will be directly responsible for the

safety inspection and enforcement program in the FRA's eight regions.

President Barack Obama nominated Anthony Sept. 24 as the management member of the RRB, replacing Jerome F. Kever, whose term is expiring. His appointment will require Senate confirmation.

Anthony most recently served as senior general counsel and secretary for the Norfolk Southern Corporation from 2007 to 2012. Previously, he was a Washington lobbyist for NS from 1997 to 2007 and NS general counsel from 1981 to 1997.

From 1978 to 1981, he was secretary and general counsel of the Illinois Terminal Railroad.

Anthony received a bachelor of science degree in business administration from the University of Missouri and a juris doctorate from the University of Tulsa.

Kever was appointed to serve as management member of the RRB by President George H.W. Bush in 1992 upon the recommendation of the Association of American Railroads and the American Short Line and Regional Railroad Association. He was reappointed to a second term of office by President Bill Clinton in 1995, and then to a third term in May 2000, which ended in August 2003. He was reappointed by President George W. Bush.

The RRB is an independent agency in the executive branch of the federal government that administers comprehensive retirement-survivor and unemployment-sickness benefit programs for the nation's railroad workers and their families. As part of the retirement program, the RRB also has administrative responsibilities under the Social Security Act for certain benefit payments and railroad workers' Medicare coverage.

My goal is to keep the membership aware and informed

In this communication, my first to you as president of this great organization, I will begin by saying that I am honored by the opportunity to serve in this capacity. One of my goals for this administration is to be transparent in every way, allowing you, the membership for whom we work, to be aware and informed of the issues that affect you and your union.

Accordingly, I want to update you on a number of initiatives that are currently in progress at our offices in Cleveland and Washington. To begin, I will address the merger between Sheet Metal Workers International Association and United Transportation Union, an issue first and foremost in the minds of members at every meeting that I have had the opportunity to attend.

My goal for this administration is to be transparent in every way, allowing you, the membership, to be aware and informed.

The merger agreement provided that the constitutions of the UTU and the SMWIA were to be combined into a single constitution for the new International Association of Sheet Metal, Air, Rail and Transportation Workers' union (SMART). Both the merger agreement and the subsequent arbitration award pertaining to implementation directed the parties to meet and resolve conflicts between the constitutions of the two organizations.

Accordingly, the parties met for extended periods on numerous occasions throughout 2012 and 2013 and have made excellent progress in reconciling conflicts between our respective constitutions. Nonetheless, in mid-2013, it became apparent to all involved that although we had accomplished much of the necessary work, additional direction from the arbi-



SMART Transportation Division President's Column

By John Previsich

trator was needed in order to finalize the remaining issues. The parties submitted their respective views on the items still unresolved to the arbitrator and, at the time of this writing, are still awaiting an award that will offer guidance to move us to conclusion.

In order to meet all of the constitutional and regulatory requirements that apply to the two organizations, the former UTU – now SMART Transportation Division – convention originally scheduled for 2015 will be held June 30 - July 2, 2014, in San Diego, Calif. This will be followed by the first SMART convention to be held Aug. 11-15, 2014, in Las Vegas. Details regarding the two conventions are still being finalized and additional information will be distributed as soon as it becomes available.

Of course, the day-to-day business of representing our members continues without interruption. Among countless other initiatives, we are working hard in Washington to advance H.R. 3040, legislation that is intended to require two-person crews on trains. The Affordable Care Act and the recent Supreme Court decisions on same-sex spousal benefits require careful handling to ensure compliance, without negatively

impacting the benefits enjoyed by our members who are currently a part of the National Health and Welfare Plan. And, our Organizing Department is continuing to lead all others in successfully organizing properties where the employees have sought union representation.

In matters of negotiations, we are assisting general chairpersons in contract negotiations with numerous bus companies and passenger and short line railroads around the country. In addition, we have recently requested proffers of arbitration from the National Mediation Board on two properties, one rail and one air. We have received and rejected the proffer on the rail property and are hopeful that the proffer requested on behalf of our brothers and sisters on the airline property will soon be granted by the NMB. Once received, a proffer may then be rejected and the parties advance to the next level in the process of getting to self-help.

The foregoing is a brief update on just some of the many efforts underway to protect and improve the working conditions of our members. In future articles, I will expand on each of these items and also discuss what's ahead in 2014.



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For the latest news, visit www.utu.org; also, register on the SMART TD website to receive news alerts via email.

Success of merger based on representation, opportunity

Recently, I had the opportunity and pleasure of addressing the Western general chairperson's meeting in Phoenix, Ariz. Although I was there to listen and learn about the unique challenges facing you and our whole organization, I came away impressed and even more confident about our collective future.

Your decision, even before I arrived, to coordinate meetings with the Sheet Metal Division's local union business managers and councils throughout the western jurisdiction indicated to me that we're moving ahead in a most cooperative way.

I've learned a lot about the value of solidarity as a second generation sheet metal worker. Growing up in Philadelphia, my father instilled in me the values of being a union member that served me well as an apprentice, training coordinator, and business manager/president of Sheet Metal Division Local 19.

I believe that when members are tightening their belts, so should the leadership.

I try every day as SMART's general secretary-treasurer to make sure I put those values into practice, never forgetting we stand together in good and bad times.

The last five years have been financially difficult, regardless of the industry in which we work. All of us, either in our personal or business lives, have learned to live on tighter budgets and to find ways to help our family and those we represent.

I believe that when members are tightening



SMART General Secretary-Treasurer's Column

By Joe Sellers

their belts, so should the leadership. That is how we have managed this combined organization, both on the local and International level.

General President Nigro and I believe our merger has always been about the membership and how we can better represent everyone with our combined resources.

The success of this merger is based on how we provide members with improved representation, safety, education, job security and new work opportunities. At the same time, we are doing this under an economic recession that has added new challenges to our efforts.

Our choice is to address these challenges by coming together as one union. We are extremely pleased to see sheet metal and transportation local unions coordinating many of their activities.

In New York, for example, sheet metal locals are standing shoulder to shoulder with their brothers and sisters on the Long Island Rail Road (LIRR) during a difficult negotiation process. In Chicago and other locations, we are jointly coordinating organizing, political and membership activities.

Already, there are reports of locals sharing facilities and meeting spaces in order to manage

more efficiently their limited resources.

Through such efforts, we are being more accountable in the use of our members' dues and also showing our employers that union work adds value to their bottom line.

It's not just the smart thing to do in the face of this economy, it's just plain common sense. A whole new generation of members will be looking back at us someday and measuring what we did during this important time in our history.

Our choice is to address these challenges by coming together as one union. We are extremely pleased to see sheet metal and transportation local unions coordinating many of their activities.

Like my father, I too have children in whom I instill our union values. I want them and all our children to remember us as the generation that made the tough decisions that made their lives better, not just for them, but for other working families. That's the measure of this merger's success.

Our history is replete with strong leaders and dedicated members and I believe, as inscribed on the National Archives building in the nation's capital, that the "past is prologue." The future is in our hands. Let's make the most of it, together, as union brothers and sisters.

State Watch

News from UTU-SMART State Legislative Boards

Colorado



Pictured, from left, are SMART Colorado AFL-CIO delegates Rick Padilla (SMWIA Local 9), Travis Lancaster (SMWIA Local 9), State Legislative Director Carl Smith, SMWIA Business Agent Jason Wardrip, Local 204 President Charlie Skidmore and Leonard Martinez (SMWIA Local 9).

State Legislative Director **Carl Smith** reports that he and other SMART union members attended the 29th Constitutional Convention of the Colorado AFL-CIO. By acclamation, he was elected as an affiliate vice president to the executive council of the state AFL-CIO. SMWIA Local 9 Business Agent Jason Wardrip was also elected to the executive board of the state AFL-CIO.

"Participating as full per capita members in the Colorado AFL-CIO is very important to building union strength and solidarity in Colorado to battle anti-worker legislation such as right-to-work paycheck deception, workers' compensation reform, and other legislation harmful to our families," Smith said.

Nebraska

State Director **Bob Borgeson** was nominated and appointed to the Omaha City Charter Review Committee, which debates potential revisions to the city's charter over an eight-week period that began Oct. 7. The city charter acts as Omaha's constitution.

Ohio



Pictured, from left, are Dennis Willard, Ohio State Legislative Board Vice Chairperson John Ball, State Rep. Chris Redfern (D), OSLB Vice Chairperson James Tschuor, OSLB Secretary Jeff Brandow, OSLB Assistant Director Dave Otten and State Legislative Director Stu Gardner. Gardner reports that the Ohio State Legislative Board Executive Committee members had a meeting at the board's office in Westerville Sept. 30 to strategize for combating right-to-work legislation. The board welcomed special guest speakers Ohio State Rep. and Democratic Party Chairman Chris Redfern and Dennis Willard, President of Precision New Media. Willard is well known for his efforts to defeat S.B. 5 in 2011, which would have taken collective bargaining rights away from state employees.

Missouri

Missouri State Legislative Director Ken Menges Oct. 15 joined about 40 Missourians rallying outside the office of U.S. Rep. Blaine Leutkemeyer, requesting that he "cease and desist" his support for the federal government shutdown. Menges was captured by a *News Tribune* photographer and was interviewed by one of the newspaper's reporters. "The members of Congress are showing children how bullying works, and are not working to improve the middle class. It's time for the government to get back to work and start creating new, good jobs for people, so that we can all have a good life," he told reporter Bob Watson.

Georgia



Three Transportation Division state legislative directors meet with U.S. Rep. John Lewis (D-Ga.) while in Washington for a workshop at the TD's Legislative Office. Lewis has long been a civil rights leader and was a Freedom Rider in the early 60s. Pictured, from left, are Georgia Director Matt Campbell, Lewis, Minnesota Director Phil Qualy and West Virginia Director Mark Meshaw.

Virginia



Local 854 Chairperson and Legislative Rep. Ronnie Hobbs, left, greets Rob Farinholt, candidate for the Virginia House of Delegates, after presenting Farinholt with a UTU PAC contribution. Farinholt is a firefighter, paramedic and fourth generation public safety worker.

Bus Department

By **Bonnie Morr**, Vice President-Bus
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Taking care of ourselves and protecting our jobs

Any bus or transit driver/operator that works for an employer that receives federal funding should be aware of the 13(c) provisions. These 13(c) protections were fought for and established to help us preserve our rights to negotiate all of our working conditions, including wages, health and welfare, and pensions. So, what is Section 13(c)?



Morr

Section 13(c) is included in the Federal Transit Law and is located at Section 5333(b) of Title 49 of the U.S. Code (49 U.S.C. § 5333(b)). This federal statute requires that employee protections, commonly referred to as "protective arrangements" or "Section 13(c) arrangements," must be certified by the Department of Labor and in place before any federal transit funds can be released to a mass transit provider.

The SMART Transportation Division Office sends out to every local that is impacted by federal transportation funding information on those grants. All local officers need to take the time and read the information being supplied to them. If legislation is being proposed in your area that impacts your working conditions, or violates your rights to negotiate certain areas of your collective bargaining agreement, you may have the right to protest federal money being provided as a grant to your employer. We all need to stick together to support and protect our rights to negotiate. If you think this is happening in your area, do your research and then contact the International.

I am pleased to announce that the AFL-CIO's Transportation Trades Department will host its second School Bus Summit on Monday, Dec. 2, 2013, at 9 a.m. at the AFL-CIO headquarters. I would like to formally invite unions that represent school bus drivers, and others interested in this topic, to attend this discussion. If you have concerns that you would like to see addressed, please email me at bmorr@smart-union.org.

As you may already know, President John Previsich has supported the removal of an exemption that has been blocking our over-the-road operators from being paid overtime. Thank you, President Previsich. I am also pleased to announce that I have been appointed to the SMART General Executive Council and will do my very best to represent this organization.

Stay in touch, and let's work together to keep labor strong.

SMART, TTD endorse mandates for two-person crews, bus ops

The SMART Transportation Division and the Transportation Trades Department of the AFL-CIO Oct. 29 endorsed potential federal mandates to require at least two crew members on all U.S. freight trains, protect bus drivers from physical assaults and make sure they are paid overtime when they work more than 40 hours a week.

The measures will make trains and buses safer for workers and the general public alike, the organization of 32 unions said.

Both Transportation Division President John Previsich and TTD President Edward Wytkind attended the Oct. 29 meeting at the AFL-CIO headquarters in Washington. Transportation Secretary Anthony Foxx, House Transportation & Infrastructure ranking member Nick Rahall (D-W. Va.) and T&I Aviation Chair Frank LoBiondo (R-N.J.) were at the meeting.

The call for stronger rules for train crews comes three months after a train manned by one worker derailed in a Canadian border town, killing 47 people.

"It is imperative that a second crew member be on hand, not only in cases of emergency, but also because long shifts and unpredictable work schedules out of the hands of rail employees can lead to incidents caused by fatigue," Wytkind said in a statement.

The group wants members of Congress to support a legislative effort from Rep. Michael Michaud (D-Maine), called the Safe Freight Act (H.R. 3040), which would go beyond steps that the Federal Railroad Administration (FRA) took to strengthen train safety after the July crash.

Wytkind said that the unions have "serious concerns" about the ability of the FRA's review process to bring about strong new rules on its own.

Additionally, the labor group wants lawmakers to get behind Sen. Chuck Schumer's (D-N.Y.) Driver Fatigue Prevention Act, that would require that intercity bus drivers get paid overtime when they work more than 40 hours per week.

Buses are currently run like "sweatshops on wheels," Wytkind said, with drivers working long hours for low pay.

Making sure drivers are paid overtime would reduce how long they have to work to make ends meet, which could lead to fewer crashes, the unions said.

Another way to safeguard drivers would be stronger protections to make sure they are not assaulted or abused on the job, and that they have clean bathrooms to use.

"It is time for labor and management, together with the federal government, to sit at the table and come up with solutions to protect workers and the traveling public," Wytkind said.



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Local 278

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| Idaho | 5.17 |
| Oregon | 4.45 |
| New Mexico | 4.19 |
| Michigan | 4.09 |
| Arkansas | 3.95 |
| Wisconsin | 3.93 |
| Nebraska | 3.68 |
| Missouri | 3.48 |
| North Carolina | 3.43 |
| Wyoming | 3.38 |
| Indiana | 3.02 |
| Colorado | 3.01 |
| Illinois | 3.00 |
| Utah | 2.93 |
| Minnesota | 2.70 |
| Kansas | 2.69 |
| Nevada | 2.68 |
| Iowa | 2.50 |
| North Dakota | 2.37 |
| District of Columbia | 2.30 |
| Texas | 2.20 |
| California | 1.90 |
| Louisiana | 1.83 |
| Florida | 1.78 |
| Oklahoma | 1.63 |
| Tennessee | 1.57 |
| Virginia | 1.57 |
| Delaware | 1.47 |
| South Dakota | 1.36 |
| Maryland | 1.35 |
| South Carolina | 1.34 |
| Washington | 1.32 |
| New Jersey | 1.31 |
| Mississippi | 1.21 |
| Georgia | .97 |
| Alabama | .87 |
| Alaska | .83 |
| New England | .82 |
| West Virginia | .82 |
| Pennsylvania | .78 |
| Kentucky | .77 |
| Ohio | .72 |
| New York | .30 |
| Connecticut | .24 |

(Average UTU PAC contributions per member per month)

| <u>Local</u> | <u>City</u> | <u>Amount</u> |
|--------------|---|---------------|
| 1129 | Raleigh, N.C. Jared Costello, Legislative Rep. | \$20.20 |
| 1081 | Glendale, Ariz. Robert S. Jones, Legislative Rep. | 19.65 |
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| 339 | Jackson, Tenn. Adren Crawford, Legislative Rep. | 10.22 |
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[illegible]

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UTU
Alumni

UTU Alumni Association

News, information for members of the UTU Alumni Association

Retirees spread warmth, provide warmth to Coats for Kids, Salvation Army

Retirees got together Oct. 23 for a good cause. Joining in with Cleveland's local Salvation Army, **Jerry Lambert** and 46 other local retirees and their spouses assembled to hand out coats with the Coats for Kids organization in conjunction with the Salvation Army in their annual Christmas Assistance Program. The event lasted for three days at four Salvation Army locations in the Cleveland area.

Earlier in October, the group met to unload and sort two semitrailer loads of coats to be distributed and came back on Oct. 23 to distribute the coats they had sorted.

This is Lambert's sixth year of working with Coats for Kids.

"What actually got me started was when my boss at CSX, Terry Turner – who was really big into charity work – asked me to find something we could do together, and Coats for Kids was one of the organizations that I reached out to," Lambert said.

"It's so rewarding when you see the people that humble themselves," Lambert said. "They're all new coats and every family gets eight coats. If they need more for more people in their family, they can get gently used coats that have been dry cleaned as well."

The Salvation Army also provides toys, if they can get them, for the children from wish lists that have been submitted. Qualifying families also get a \$25 gift certificate to Dave's Super Market to be



Pictured, from left, are retiree volunteers Tim Leonard (378), Joe Dipuccio, Thomas J. Walker (1), Darryl Albert, Jerry Lambert (378), Joe Napolitan (421), Ken Melaragno (1638), Ken Rodebaugh, Tina Rodebaugh, John Leonard, Bill Burns (378) and Ella Burns.

used for Christmas dinner. The group also collected \$1,200 for the organization.

"It went very well. This year, we gave out 10,000 coats," Lambert said.

"Oh, I love the kids," said Cheryl Lambert, Lambert's wife. "I always ask them what color they

would like. Some of them are anxious to talk to you and pick one out, others are shy. If there wasn't a need, then we wouldn't be here. So, if we all help each other, what a better world this would be."

Interested volunteers should visit the website www.salvationarmyusa.org for more information.

Former GC Percy Moore dies

Former Norfolk & Western GO 681 General Chairperson **Percy E. Moore**, 83, died Oct. 26, General Chairperson **James A. Houk** reports.

Moore served the general committee for eight years as a chairperson of GO 681. After his retirement, he took a job as a data entry operator for the U.S. Postal Service, retiring a second time in 2002. He was a member of the UTU Alumni Association, Masonic Lodge No. 139, the Scottish Rite of Freemasonry, American Legion Post 248 and VFW Post 1264.

He is survived by his wife of 55 years, Gail, a sister, a son, a daughter and his grandchildren.



Moore

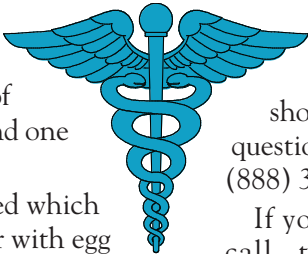
Flu season is here, shots covered by Medicare

It's that time again. Flu season is upon us and the flu shot is available to be taken now. There are between 135 and 139 million vaccinations available this year. Medicare Part B (including Railroad Medicare) normally pays for one flu shot per flu season.

There are two ways to take the vaccine – by injection or nasally – and there are different types of vaccine options. The vaccine traditionally protects against three or four different kinds of flu viruses: two that are influenza A and one or two that are influenza B.

Several of the vaccines are egg-based which means they're manufactured in eggs or with egg protein. Those who are sensitive to eggs should discuss with their doctor which type of flu shot they should get.

If you are in one of the following categories, you should get a flu shot:



- You are age 50 years or older;
 - At high risk of developing complications from the flu, such as pneumonia;
 - Have asthma, diabetes or chronic lung disease or other conditions, or,
 - Are a resident of a nursing home.
- You can receive your vaccination at clinics, pharmacies, health departments or your doctor's office. If your provider accepts Medicare, then Railroad Medicare should also be accepted. If they have any questions, they can call the Provider Contact at (888) 355-9165 from 8:30 a.m. to 4:30 p.m.
- If you have questions about your coverage call the Railroad Medicare Beneficiary Contact Center at (800) 833-4455 between 8:30 a.m. and 7 p.m., EST, Monday through Friday or visit www.PalmettoGBA.com and click on "Railroad Beneficiaries" along the left side.

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 |
|-------|----------------------|--------------------|-------|-----------------------|--------------------|-------|------------------------|-------------------|
| 1 | Powell, William A. | Lancaster, N.Y. | 338 | Ricketts, Leland S. | Sale Creek, Tenn. | 1370 | Hipsley, George J. | Brick, N.J. |
| 113 | Harms, Raymond L. | Winslow, Ariz. | 367 | Brickell, Franklin T. | Omaha, Neb. | 1377 | Huffman, Billy J. | Russell, Ky. |
| 113 | O'Connell, Thomas L. | Winslow, Ariz. | 407 | Ray, Herman F. | Andrews, S.C. | 1393 | Harig, Richard V. | Hamburg, N.Y. |
| 171 | Vicory, Ronald D. | Aurora, Ill. | 418 | Hulst, W. W. | Willmar, Minn. | 1400 | Erickson, Harold | Portland, Maine |
| 195 | Gillett, Larry D. | Avon, Ill. | 866 | Ross, Charles R. | Tyler, Minn. | 1403 | Jimenez, Joe P. | Kansas City, Kan. |
| 202 | Boal, Robert | Westminster, Colo. | 891 | Long, Roy S. | West End, N.C. | 1518 | Soules Sr., William R. | Terre Haute, Ind. |
| 202 | Sprouse, Allen R. | Denver, Colo. | 923 | King, Lester Dwayne | Green Forest, Ark. | 1525 | Collyer, Ronald P. | Raton, N.M. |
| 239 | Smith, Roy M. | Alpharetta, Ga. | 1074 | Seibert, Harold L. | Carnegie, Pa. | 1598 | Denney, Frankie E. | Woodbury, Ga. |
| 259 | Gascoigne, Jerry L. | Cosby, Mo. | 1183 | Forbes, Robert L. | Port Huron, Mich. | 1957 | Berry, Roy G. | Silsbee, Texas |
| 283 | Goodrich, Bobby H. | Portland, Ore. | 1227 | Gillespie, Vernon | Star City, Ark. | 1976 | Kitzman, Henry A. | Dousman, Wis. |
| 284 | Mooney, Walter J. | Dunnellon, Fla. | 1290 | Thomas, Samuel S. | Tunnel Hill, Ill. | | | |
| 318 | Kelly, Charles A. | DuBois, Pa. | 1308 | Webb, James C. | Bruceton, Tenn. | | | |

The October 2013 issue of the SMART Transportation Division News incorrectly listed Alumni Association member Stephen R. Jones of Pana, Ill. (Local 768) as deceased. Brother Jones advises friends that he is alive and well. SMART Transportation Division News regrets this error and apologizes to Jones and his family.

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Courage driving force behind conductor’s cancer walk

The ability to confront difficulty and uncertainty without being overcome by fear or being obstructed from a chosen course of action is the definition of courage, according to the dictionary. After the uncertainties former Union Pacific employee **Matthew Helmke** recently faced, he can only be described as courageous.

This past September, Helmke went for a little walk – across the state of Nevada – to prove a point. He wants his conductor job back. Apparently, UP needs some convincing.

The former vice president of Local 1775 at Elko, Nev., Helmke was diagnosed with brain cancer on Sept. 12, 2012. A Persian Gulf War veteran who served two tours of duty as a Navy captain launching fighter planes from aircraft carriers, he was facing a new and unknown challenge.

Almost immediately, he underwent surgery and grueling chemotherapy treatments that lasted several months. “I wasn’t sure if I would make it through this,” he said. But, with great courage and with support from his family and friends, he confronted the pain and difficulties of his treatment until his cancer went into remission.

With small steps, he began a routine of physical conditioning by walking. In time, he got his legs back and was able to walk greater distances. He eventually began participating in local charity walking events and his mother lovingly joked that maybe he was ready to walk across the great state of Nevada. That idea turned into reality.

Walking 450 miles through desert terrain is

enough to exhaust any person, but doing so exactly one year after being diagnosed with brain cancer shows unbridled grit.

On Sept. 12, 2013, which marked the one-year anniversary of the day he received his original diagnosis, he began a 450-mile hike across Nevada in Lake Tahoe. Twenty-three days later, he reached West Wendover.

“I just put one foot in front of the other and stayed hydrated,” Helmke said. “I wanted to help others with cancer know that there is hope and that they really can make it through their ordeals.”

Helmke comes from a family with a Navy heritage. “The Navy is in my blood. Both my father and grandfather served in the Navy. It’s what we do,” he said.

But Helmke’s battles are not over. As a consequence of his illness and the resulting inability to conduct trains while sick, he lost his conductor position with his employer and is battling to regain it. Helmke said his doctors have given him a clean bill of health. And coming from a man who is a war veteran, who has beaten cancer and then walked across a desert as an afterthought, who could argue otherwise?

Helmke’s message of courage and hope was extremely helpful to one of his supporters, whom he met on the first day of his journey. She approached him and told him that her husband had recently been diagnosed with cancer and that Helmke’s walk provided her and her husband with hope. She thanked him for his example.

Besides regaining his job, Helmke said raising



Matthew Helmke reaches the end of his 450-mile, 23-day trek across the state of Nevada at West Wendover, at the eastern edge of the state.

awareness about cancer is another of his goals. He has been able to raise money for various charitable organizations including, the American Cancer Society (www.cancer.org), Live Rude Girls (www.facebook.com/liverudegirls) and the Fisher House Foundation (www.fisherhouse.org). In fact, the Live Rude Girls were instrumental in his trek by donating money and the necessary supplies for his walk.

He also noted that the Fisher House Foundation provides a network of comfort homes to family members of U.S. military veterans at which they can stay at no cost while a loved one is receiving medical treatment. Helmke’s family members were able to stay at one while he underwent treatment.

Donations can be made on Helmke’s behalf by contacting any of these organizations.

Ask lawmakers' support for two-person rail crews

Continued from page 1

The Association of American Railroads (AAR) and the American Short Line and Regional Railroad Association (ASLRRA) recently sent memos to Capitol Hill opposing this important piece of legislation, stating in part: "H.R. 3040 mandates freight trains operate with a certified locomotive engineer and a certified conductor without taking into consideration the realities of current industry practices and the overall rail safety record in the United States."

In a recent letter to all members of Congress, the SMART TD's Legislative Office wrote: "The reality is that 99+ percent of America's trains already operate with two federally-certified crew members. It was the recent July 6, 2013, accident at Lac-Mégantic, Quebec, where 47 people lost their lives and a town was destroyed, that gave rise to this legislation."

"That accident happened because a crew member, working alone, had his train roll away causing horrific death and devastation."

"There are many tasks that must be performed by the crew of a freight train that one person cannot accomplish alone."

"Under current Federal Railroad Administration regulations and railroad operating rules: a single person crew cannot make a Class I air brake test; one person cannot act as a first responder when a collision at a road crossing occurs; one person cannot inspect his or her train when it breaks in two or derails, including when there is the possible release of hazardous materials; and one person cannot inspect his or her train when cars in that train become defective."

"Another reality is that freight train crews work long hours, day and night, with few set shifts, and are on call 24/7. With as little as 1 hour and 15 minutes' notice, we are required to report to work for a 12-hour shift, often operating trains laden with hazardous materials. Fatigue in the freight railroad industry is our number one safety problem, and having two crew members is the main way that we help mitigate fatigue. Having two crew members is also the best way to assure compliance with our complex operating rules. Rules such as properly securing your train so it doesn't roll away and destroy a town."

"H.R. 3040 – the Safe Freight Act – is a bipartisan bill that will ensure that trains are operated safely everywhere in America. We respectfully ask that you support this important bill and consider becoming a co-sponsor."

To send a message to your House and Senate representatives to co-sponsor and support this legislation, visit www.utu.org and select the "H.R. 3040 Two-person Crew Bill" tile at the bottom right corner of the homepage.

By entering your ZIP code and street address, a webpage prepared by the South Central Federation of Labor (of Wisconsin) will identify your representatives in both the House and Senate. After entering your email address, the website will send a prepared message to your legislators

Party labels aside, Americans want to ride Amtrak

WASHINGTON – New polling data shows that Americans across the ideological spectrum support more public funding of Amtrak passenger rail service.

"We polled people who mostly do not live in large passenger rail regions and yet they overwhelmingly said they want the same level of or more federal funding for Amtrak," said John Previsich, president of the SMART Transportation Division.

"What's interesting about this poll is that a majority of Democrats, Independents and Republicans alike all want to maintain or expand Amtrak service. It is now time for Congress to listen."

In a poll conducted by DFM Research of St. Paul, Minn., from February to September 2013, eight districts in Colorado, Illinois, Indiana, Iowa, Kansas and Missouri were polled and 70 percent of respondents said they support a robust federal government role in funding Amtrak. In Illinois' 3rd District, which includes the Chicago Amtrak hub, the percentage jumped to 80 percent.

"This new polling confirms what we have always known: Americans want more, not fewer, transportation choices," said Edward Wytkind, president of the Transportation Trades Department (TTD) of the AFL-CIO.

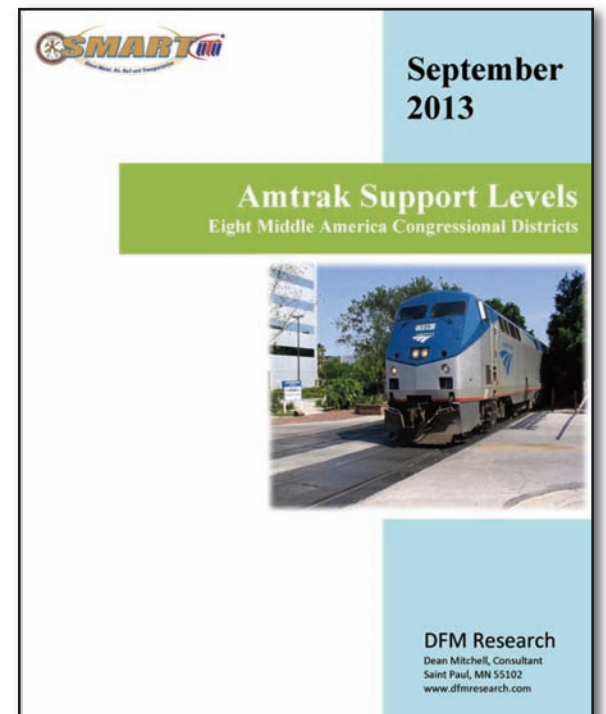
"And while too many politicians in Washington are saber rattling about government spending, people across the nation, from conservatives to liberals, believe the federal government has a responsibility to play in supporting and funding Amtrak passenger rail service."

Previsich added that in the weeks ahead, SMART Transportation Division activists will be working with TTD and other rail unions to make the case for more federal funding for Amtrak as lawmakers prepare to rewrite federal passenger rail law (known as PRIIA).

that reads, in part: "I am writing to you today to ask you to support H.R. 3040, the Safe Freight Act, which will improve railway safety by eliminating the risky practice of single-person train crews. It would ensure each train is operated by a crew of at least two people, including a certified engineer and a certified conductor."

The SCFL webpage link was established by SMART TD Wisconsin State Legislative Director **Craig Peachy**.

Contact your legislators today.



"This polling will boost our effort to advocate for common sense passenger rail legislation that gives Amtrak and its employees the resources they need to deliver first-class passenger rail service that Americans are clearly telling us they want."

The full survey results can be found on the SMART Transportation Division website at www.utu.org. Enter the terms

"Amtrak report 8" in the Search box near the top right-hand corner of the homepage.

The Transportation Trades Department, AFL-CIO, represents 32 member unions in the aviation, rail, transit, motor carrier, highway, longshore, maritime and related industries. For more information, go to www.ttd.org or find TTD on Facebook or Twitter.

Arbitration successful in regaining 'past practice' pay

Following a change in "past practice" operating procedures that resulted in changes to trip payment rates and seniority rights on assignments for bus operators, SMART Transportation Division's General Committee of Adjustment GO DEL was successful in an arbitration pursuit against First Student Bus Co.

General Chairperson **Theresa Costantini** and Local 172 at Darby, Pa., with the assistance of SMART TD Alternate Bus Vice President Calvin Studivant, went to arbitration after the company changed guaranteed trip payment rates, resulting in changes to the seniority bidding process. The bus operators provide service for the William Penn School District.



Studivant

Until 2012, members were always paid by the estimated time listed for a trip, plus any extra time it took to complete it. If a job was estimated to take two hours and 20 minutes, but took only two hours, the operator was paid the two hours and 20 minutes that he or she bid on. If the trip took the driver two hours and 30 minutes, the driver would be paid the full two hours and 30 minutes.

In 2012, it was decided by management, without union approval, that members would be paid

the actual time it took to do the job, rather than the estimated time. According to the new policy, the member was paid for only two hours, instead of the two hours and 20 minutes.

Because seniority provisions allow members to choose their runs based on trip rates and travel time, Local 172 members felt the change violated their contract.

When First Student changed the process by which drivers were paid, it negatively impacted the seniority system and made the seniority issue null, because drivers no longer had a guarantee of how much money they would be paid per run.

Prior to the arbitration, Costantini pursued mediation and the mediator had informed the company that they were wrong, but since mediation was not binding, the case was pursued through arbitration.

Arbitrator Thomas G. McConnell Jr.'s ruling found the company in violation of the collective bargaining agreement and ordered the company to pay its employees back-pay.

"I am ecstatic that they prevailed, because it represents a substantial amount of money in back wages and wages going forward," Studivant said. "First Student delayed us as long as they could, but we refused to be denied. It took a year to hear the case and get an award, but the victory was worth the wait," Studivant said.

First Student management admits that no dry runs are ever done to determine estimate trip times and that the company relies on VersaTrans software to estimate the times for them.

Although the contract states that hours stated for a job are estimates and not exact times and that hours are not guaranteed, the contract does not state that actual times instead of the estimates would be used for payroll purposes.

McConnell ruled that since the company had followed the practice of paying the drivers by estimated times throughout the 2008-2011 contract, the company would need to have negotiated a contract change in the 2011-2014 contract, as precedence had already been set. He ruled the company violated the collective bargaining agreement and directed it to return to their prior practice of paying by times estimated and not by actual time.

"I applaud General Chairperson Costantini, General Committee Secretary **Kathy Sitongia** and Vice General Chairperson **Denise Hall** for their diligent work in this effort. They kept meticulous records," Studivant said. "They were witnesses that together hold over 70 years of experience. I was very confident in the case that we presented."

Visit www.utu.org and enter "Local 172 arbitration" in the Search box at the top right-hand corner to view the complete arbitration award.

Great Lakes Airlines pilots seek your support

You may have read the Aug. 15 article entitled “Great Lakes faces shortage of pilots,” that was written by James Chilton and published in the *Wyoming Tribune Eagle*.

In the article, a Great Lakes Airlines’ spokesperson said the Airline Safety and Federal Aviation Administration Extension Act of 2010, that went into effect Aug. 1, has made it harder for Great Lakes and other regional airlines to hire and retain pilots.

But members of SMART Transportation Division Local 40, which represents pilots and flight attendants employed by Great Lakes, say the article didn’t tell the full story.

While it is true that the FAA’s recently published final rule increased the qualification requirements for first officers from 250 to 1,500 flight hours (among other things), it was hardly the unexpected. The Act was created in 2010.

The regulations were quickly imposed following the tragic crash in February 2009 of Colgan Air Flight 3407 in Buffalo, N.Y., in which 50 lives were lost.

Back in 2010, other airlines immediately began planning for this law and implementing new programs to ensure their compliance with the mandate. Great Lakes, however, did not.

Any pilot shortage that Great Lakes is experiencing is completely self-imposed, Local 40 members say. In 2012, the company had hired 74 new flight-crew members, while during the same time period, 43 members left. This was a net increase of 31 people. In 2013, the company hired 15 new flight-crew members, furloughed 25, and 78 members took employment elsewhere. This was a net loss of 88 people. Instead of taking proactive measures immediately following the new law being passed, Great Lakes chose to ignore reality until it was too late.

Local 40 members say the company had options to offset the attrition rates and still does. They could pay competitive wages to attract pilots who are just beginning their careers. They could retain pilots by agreeing to the proposed collective bargaining agreement changes that would provide for pay increases, decent benefits and an improved quality of life, enticing qualified individuals to stay.

Instead, in April 2013, Great Lakes Airlines attempted a last minute change in their operations hoping to sidestep the new qualification requirements for pilots by petitioning the FAA for what is known in the industry as a “split certificate.” A split certificate would, in effect, allow the airline to run two separate airline operations under the same company name. One operation would fall under the Part 121 certificate, which the airline currently has, and the other would fall under the new Part 135 certificate. Part 121 is what the public generally thinks of when they think of flying – scheduled revenue flights with predetermined departure and arrival times. Part 135 flights are generally considered “on-demand” or charter flights.

The FAA granted the split certificate in June, requiring the airline to physically remove 10 passenger seats from each 19-seat Beechcraft 1900D to comply with Part 135 requirements, thereby reducing the number of available seats on Part 135 routes.

But flights operated under Part 135 are not held to the same federal regulations and safety standards as flights operated under Part 121. This means that the airline would be able to dodge the new law and continue to hire pilots with less than 1,500 hours of flight time, since Part 135 operations are not required to comply with the new ruling.

The new law did not “force the airline to drop 30 pilots” as the company stated. The company simply chose to drop those pilots, some of whom had been flying for the company for over a year, because they were no longer qualified under the new regulations. Should those pilots have been required to get their 1,500 hours at their own expense to continue flying for Great Lakes? Of course not, but the airline required them to do just that. This approach was not only unfair to the pilots, but also to the flying public, whose service is now being disrupted while the essential air service tax dollars Great Lakes receives continue to flow into the airline’s pocket.



Great Lakes Airlines pilots prepare for a flight from Telluride Regional Airport in Telluride, Colo.

Prior to Aug. 1, 2013, the SMART Transportation Division had been researching possible solutions to the quickly approaching deadline in an effort to save the jobs of approximately 40 pilots – a full 15 percent of Local 40’s membership. For months, SMART had encouraged the company to explicitly make the contractual scheduling rules more flexible to allow the lower-time pilots to optimize their opportunity for flight hours. Local 40 members say the company hindered those efforts. Individual pilots networked with ATP Flight Schools, who bent over backwards to offer the airline incredible deals that would have saved the company time and money.

The SMART Transportation Division approached Congress and the FAA to request a short-extension “grandfather clause” to allow the affected pilots the ability to continue flying under the old regulations in order to achieve the required hours. Congress indicated they would agree, pending a forthcoming collaborative letter from the airline. The company refused to write the letter.

Great Lakes’ pilots need your help. Contact your mayor and town council. Contact your airport manager, your congressional representative, your senator. Contact your local newspaper, your local television station, your favorite blogger. Your best friend’s cousin who knows a “guy.” Give them the link to the Airline Safety and Federal Aviation

Administration Extension Act of 2010 from the SMART TD website.

Tell them that you don’t think it’s right that Great Lakes Airlines uses loopholes to avoid legislation. Tell them that you don’t think it’s right that the pilots at Great Lakes Airlines are working for less than minimum wage. Tell them that you don’t think it’s right that Great Lakes Airlines substitutes the Part 121 service that they agreed to provide to your EAS community with a Part 135 service because you, the flying public, will have fewer seats available, a less-experienced flight crew, and less frequent service while the Airline will continue to receive EAS taxpayer funding.

Tell them that you don’t think it’s right that the pilots at Great Lakes Airlines are required to work more grueling schedules, under more difficult conditions, with less sophisticated equipment, into more challenging environments, while working for lower wages and under rest rules that provide for less sleep than other pilots.

Tell them that you don’t think it’s right that Great Lakes Airlines profits off the backs of hundreds of hardworking employees, just like you, who do the right thing and come to work every day, just to make sure that your family gets home safely.

Tell them.

See these related items on www.utu.org: “A tired pilot is a tired pilot, regardless of plane” and “Inside the secret world of tired pilots.”

SMART TD partners with KUMC in hearing loss study

Sixty percent of the U.S. population has hearing loss and most of those incidences are the result of exposure to noise. The University of Kansas Medical Center (KUMC) and the SMART Transportation Division have launched a partnership that could benefit you if you are suffering from this disability.



Staecker

The partnership between KUMC and the SMART TD provides active and retired members with:

- The most up-to-date information and research on hearing health through regular newsletter articles;
- Access to state-of-the-art testing that can help the KUMC team find the best treatment or device for your hearing loss, and
- An opportunity to participate in research if you qualify for any of the active studies.

As an international leader in hearing loss research, Dr. Hinrich Staecker of KUMC has been working for more than 20 years on a way to restore hearing. The product of this groundbreaking research is beginning to reach the clinic and patients could begin to participate in that research soon. The hope is that by using gene

therapy, KUMC’s program will be able to restore hearing in those suffering from hearing loss.

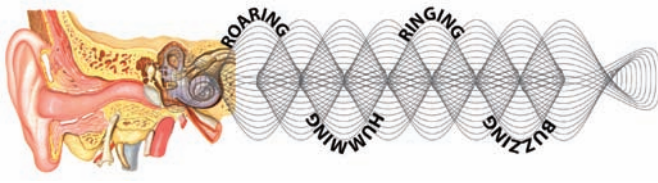
The initial program launch will be in the Kansas City area, with plans to expand to satellite locations. The KUMC team is in the process of developing a registry for members who are interested in more information. This will be launched soon, so look for updates in future newsletters and on the www.utu.org website.

If you are an active or retired SMART member with hearing loss/concerns, and have interest in being evaluated by the KUMC team, or are interested in receiving more information about research opportunities, please email the team at ENTResearch@kumc.edu or contact Christine Adams at (913) 945-5077. You will be contacted to discuss the multitude of services that may be helpful to your needs.

For general questions, contact a SMART general chairperson in the Kansas City area.

The KUMC Ear, Nose, and Throat team is excited about this partnership and looks forward to working with SMART TD to help improve the hearing health of its membership.

Through the advancement of state of the art testing, education and the best treatments available, this program shall serve to encourage members of SMART TD in exercising care and treatment of their hearing health.





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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 1168 (Clovis, N.M.) member **Tomas Huerta**. "This picture was take at Alamogordo, N.M. The train was traveling about 50 mph. I had just arrived at the crossing as the gates were going down and had the camera handy," Huerta said.

Volume 45 • Number 11 • November 2013

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

Amtrak sets ridership record for fiscal year 2013

WASHINGTON – Amtrak carried a record 31.6 million passengers in fiscal year 2013, delivering nationwide benefits, providing vital transportation services, advancing America's economy and demonstrating the value and convenience of the national passenger rail network. It is the 10th ridership record in 11 years.

"Amtrak moves people, the economy and the nation forward everywhere the trains go," said President and CEO Joe Boardman.

"In towns all across America, Amtrak brings economic opportunities for people, businesses and communities to grow and prosper," stated Tony Coscia, chairman of the Amtrak board of directors.

During FY 2013, Amtrak's state-supported corridor services grew to a new record of 15.4 million passengers. In addition, all long distance routes combined had the best ridership in 20 years with 4.8 million passengers. Ridership for all Northeast Corridor services reached 11.4 million passengers, the second-best year ever.

As evidence of a strong ridership rebound following Super Storm Sandy, the Northeast Regional service set a new record.

Also, FY 2013 produced eight individual monthly ridership records, the single best month in Amtrak history and new records on 20 routes. In addition, ticket revenue increased to a record \$2.1 billion.



State-supported services are vital links in the Amtrak national network. The power of increasing demand for passenger rail is recognized through state investments to improve service, speed and safety.

In addition, states and communities realize stations served by Amtrak are anchors for economic development, catalysts for historic preservation and tourism growth, sites for commercial and cultural uses, and points of civic pride.

Amtrak itself is an economic engine that returns nearly three dollars to local communities for every one dollar of federal investment (FY 2010-FY 2012).

This support has allowed Amtrak to place more than \$12.6 billion back into the economy through the purchasing of goods and services and employee salaries to maintain, operate and improve its national network.

"This year's record ridership was achieved station by station in the more than 500 communities across America that Amtrak serves," said Boardman.

Inside this issue of *UTU-SMART News*:



Conductor has 'tunnel vision,' saves life of man on tracks. See page 2.



SEPTA commuter rail members ratify agreement. See page 3.



Courage driving force behind conductor's cancer walk. See page 9.



Great Lakes Airlines pilots seek your support. See page 11.