



# SMART

## Transportation Division News

Volume 45/46 • Number 12/1 • December 2013/January 2014 International Association of Sheet Metal, Air, Rail and Transportation Workers

## Obama appoints PEB 244 in Long Island Rail Road dispute

Following years of failed negotiations with the New York Metropolitan Transportation Authority's Long Island Rail Road, the official proceedings of Presidential Emergency Board 244 (PEB 244) began Dec. 2, 2013, at the New York Hilton in New York City.



Simon

MTA had been seeking three years of "net zero" wage increases and major concessions from labor on pension contributions, health and welfare contributions and work rule changes.

The hearings, including testimony from various industry and financial experts, legal counsel and union leadership, were a clear indication of the commitment of the SMART Transportation Division's leadership to

its membership of General Committee of Adjustment 505 on the Long Island Rail Road.

GO 505 General Chairperson **Anthony Simon** was joined by Transportation Division President John Previsich, Transportation Division Vice President John Lesniewski and members of GO 505 throughout the hearings as a coalition of unions worked tirelessly throughout the week to prepare and deliver labor's case and arguments before the board.

Simon has maintained a commitment to utilize the process of the Railway Labor Act in obtaining a fair agreement for the 2,500 SMART members employed on the LIRR.

"After an intensive and relentless week of deliberations, I can say that our organization left no stones unturned during these proceedings. We presented an excellent case before the board and we are determined to fight for our members in order to obtain a fair and well-deserved agreement for all," he said.

SMART International Representative Charles Fraley and SMART General Chairperson **John McCloskey** were also in attendance and participated in the process, showing solidarity among the transportation and sheet metal divisions of

SMART. SMART General President Joe Nigro has been kept informed of all matters in this ongoing dispute and has been supportive throughout the process, Simon said.

The board was provided an extensive history relative to other agreements in the industry, along with detailed financial information relative to the MTA's ability to meet labor's demands. The MTA has a robust financial plan that includes service restorations and extensive capital improvements, while standing firm on its unwillingness to provide wage increases to its represented workforce.

President Barack Obama Nov. 22 signed an executive order creating the Presidential Emergency Board 244 to help resolve the ongoing dispute between the Long Island Rail Road and some of its employees.

According to the White House, PEB 244 will provide a structure for the two sides to resolve their disagreements. The board will hear evidence and, within 30 days, will deliver a report to the president recommending how the dispute should be resolved.

*Continued on page 10*

## CONVENTION UPDATE

The SMART Transportation Division (formerly UTU) is beginning preparations for its June 2014 convention. All SMART Transportation Division (SMART TD) 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.

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 elections can be downloaded from the TD website at [www.utu.org](http://www.utu.org) by clicking on the "S&T Tools" link, then scrolling 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 Delegate, LCAs 2010," as well as "Special Circular No. 28 – August 2010," and "Department of Labor Guide on Conducting Local Union Officer Elections," which offer guidance on conducting delegate and alternate delegate elections. Those with additional questions should contact the SMART TD office at (216) 228-9400.

Locals are also reminded billings must be current as of April 2014 to be assured their delegate will be seated at the SMART TD convention set for June 30 through July 2, 2014, in San Diego, Calif.

Meanwhile, efforts are continuing toward finalizing the SMART Constitution, Article 21(b) of which will govern the SMART TD. Upon completion, the entire SMART Constitution will be posted on the website. Further instructions will be issued regarding submission of proposed constitutional amendments, as well as how Locals should conduct elections if additional delegates are warranted to attend the SMART Convention scheduled for Aug. 11-15, 2014, in Las Vegas, Nev.

## Legislative Office educates lawmakers on H.R. 3040



SMART Transportation Division Alternate National Legislative Director John Risch, left, and Transportation Division Georgia State Legislative Director Matt Campbell deliver the results of a survey by DFM Research on the support for two-person crews to the office U.S. Rep. Marcy Kaptur (D-Ohio). The survey of residents in various states was requested by the SMART TD.

The SMART Transportation Division's Legislative Office continues its campaign to educate Congressional lawmakers about the importance of bill H.R. 3040.

Introduced in the House of Representatives Aug. 2 by U.S. Reps. Michael Michaud (D-Maine) and Chellie Pingree (D-Maine), H.R. 3040 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."

National Legislative Director James Stem,

Alternate National Legislative Director John Risch and Transportation Division state legislative directors have been meeting with members of both the U.S. Senate and the U.S. House of Representatives to seek their support of the bill.

Risch said that progress is being made and that 10 percent of the House has signed onto the bill.

"The SMART Transportation Division has no better friend in the House than U.S. Rep. Marcy Kaptur," said Ohio State Legislative Director **Stuart Gardner**. "She has a 100 percent voting record on issues important to us this session and that matches her 100 percent voting record in the previous session."

Members are urged to contact their Congressional representatives by visiting [www.utu.org](http://www.utu.org) and selecting the "H.R. 3040 Two-person Crew Bill"



# Around the SMART TD

## Local 240, Los Angeles, Calif.

Local Chairperson **Harry J. Garvin Jr.** reports that the following retired members died late last year: brakeman **John A. Saddoris**, Nov. 11, after 15 years of retirement and more than 30 years of service; conductor **Donald H. Graham**, Nov. 25, after seven years of retirement and 42 years of service, and **L. Mike Pierce**, Nov. 18, after 35 years of service. "From all the members and officers of Local 240, our prayers go out to their family's for their losses, especially during the holiday season," Garvin said.

## Local 262, Boston, Mass.



New England States Legislative Director **George Casey**, left, presents brass lanterns to retiring conductors **Tom Braunbeck**, center, and **Kevin Murphy** Dec. 7 at the joint annual Christmas party of Locals 262 and 1462 at the Cornerstone Restaurant. Casey said the annual party also serves as a retirement celebration for the locals' retirees.

## Local 303, Springfield, Mo.

Members and family of this local rang bells for the Salvation Army during "Union Day" at the Battlefield Mall in Springfield, Mo., Legislative Rep. **Jeff Nichols** reports. Each local from different



Jeff Nichols and wife, Christina

Springfield area labor unions were assigned to one or more of 17 different entrances to the mall Dec. 7 and manned the red kettles over the 10-hour event. The event was organized by the Springfield Labor Council, AFL-CIO, in partnership with United Way of the Ozarks. Additional photographs can be found on Facebook by searching for United Way of the Ozarks. "And yes, it was cold," Nichols said.

## Local 363, Roanoke, Va.

Local Chairperson **Robert "Bubba" Chandler** reports that four retired members were recognized by the local in the fall and that each were presented with engraved brass lanterns. The retired members were **Roger D. Jones**, **Daniel C. Pickerel**, **William "Larry" Waller** and **Charles "Butch" Conner**.

## Local 473, La Grande, Ore.

Thirty operating employees from Union Pacific Railroad in the La Grande area who retired or left employment on disability in 2013 were honored at a retirement party Nov. 23, SMART Transportation Division Local Chairperson **Larry Romine** reports. The 30 members of both the SMART TD and the Brotherhood of Locomotive Engineers and Trainmen have more than 1,000 years of combined railroad service. Romine said the event included a variety of food, music, dancing, a no-host bar and a railroad archives room. Photograph albums and publications from the Old Timers' Group from 1960-1970 and a Junior Old Timer's photo album from 1983-1984 were provided for the railroad archive room.

## Local 662, Richmond, Va.

With an estimated 1,000 people in attendance at its Dec. 7 "Holi-Day" celebration, SMART Transportation Division Local 662 at Richmond, Va., reports the event was a resounding success. It



Staten Island Railway Conductor Naholyta "Joyce" Levasseur outside one of the trains where she convinced a suicidal man not to jump on the tracks.

## Conductor's kind words keep suicidal man safe

Staten Island Railway conductor Naholyta "Joyce" Levasseur has been nominated for the *New York Daily News* newspaper's Hometown Heroes in Transit Award after calmly and compassionately dealing with a distraught man who was contemplating suicide by jumping in front of one of the commuter railway's trains.

A member of SMART Transportation Division Local 1440 at Staten Island, N.Y., Levasseur, 31, said her train had just arrived at the Bay Terrace Station when a man approached her cab window and asked "When is the next express bound train coming?"

"Before I answered, I asked, 'Is everything ok?' He said, no everything is not alright, and I am about to jump in front of the next express train," Levasseur said. "I automatically said, no, your are not, and then contacted the rail control center."

Levasseur alerted dispatchers to halt all train traffic, cut third-rail electricity and summon the police.

"He looked distressed, sweating, and looked like he'd been crying. He told me he wrote a letter to his son saying he would never see him again. His son was eight-years old. That's when it hit home."

"His reasons for wanting to jump were over our everyday dealings. Stress due to work, bills and feeling belittled by his wife."

"I told him, we all work, because we have bills. If your marriage doesn't work out, it won't be the first, or the last. I said, 'If your concern is for your son, why would you want to kill yourself and leave someone else to tend to him.' I myself have stress, and two kids, but I don't look toward death. Work, we all work. Some days are good, some days are not so good."

In December, Levasseur appeared on a holiday taping of the Rachael Ray Show, which featured other individuals who had been honored as heroes in the past year.

Staten Island Railway supervisor Danielle Marino nominated Levasseur for the newspaper's annual award. "I definitely think that, with her quick thinking, her caring, and her ability to calm him down, she saved his life," Marino said.

"I haven't seen him again, but I would love to," Levasseur said. "I would like to meet his son, too."

What is most distressing is that Levasseur has experienced two more suicide-related incidents since. "It's cool to save a person's life, but, at the same time, I don't want to live that."

"We have to make the best of whatever we have. I got home that evening and hugged my kids. Just when think we have it bad, someone out there has it worse."

was held in conjunction with CSX Transportation and other rail labor organizations and sponsored by the UTU/CSX District 6 Safety Committee at CSX's Newport News, Va., mechanical department car shop. The Holi-Day had many indoor and outdoor activities and those attend-

ing were asked to donate unwrapped Christmas presents and non-perishable food items for the Salvation Army Angel Tree Project and the Food Bank of Virginia, Local 662 Administrative Manager **Jimmy Galbraith** said. Local 662 thanks all of its members and CSX employees who volunteered for this event, as well as CSX Terminal Manager Steve Salyers and CSX Mechanical Department Car Shop Superintendent Charles Lantz. More information about SMART TD/UTU Local 662 is available at <http://0662.utu.org>.



Local 662 Chairperson Jeff Parker, left, with one of Santa's helpers at UTU/CSX District 6 Safety Committee's Holi-Day.

## Local 771, Needles, Calif.



Local members served more than 600 plates at this local's annual Christmas party held Dec. 15-16 at the Needles Elks Lodge, Assistant Local Secretary & Treasurer **Mike Mathews** reports. "Great food and good fun was enjoyed by all. A really big thank you to all the members that worked so hard to make this party such a success," Mathews said.

## Local 1216, Kansas City, Mo.

SMART TD Local 1216 is mourning the loss of retired member **Les Potterf**, 69, who died Dec. 9, GO 569 General Chairperson **Al Nowlin** reports. "Les had been a UTU supporter his entire career. He was the local's treasurer for more than 20 years and a delegate to two UTU International Conventions. He will be missed," Nowlin said.

## Local 1732, San Jose, Calif.

**Henry L. Dacanay Jr.**, 46, president of this local, died Nov. 14 following a heart attack. Dacanay worked for Amtrak as a conductor for 19 years. Besides serving as local president, he held various other positions including local vice president and local chairperson. He is survived by his wife of eight years, Rosie; four children: Kayla, Kiana, Dominic and Andrew; his parents, Henry Sr. and Rosie; two sisters and a brother. In lieu of flowers, the family requested that donations be made to Citibank, NA: In Trust For Rosie Dacanay and the family of Henry Dacanay Jr.

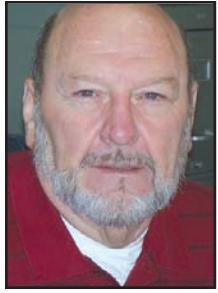
## Local 1892, Houston, Texas

This local honored 10 retirees at its August meeting with a barbecue dinner, engraved pocket watches and gift cards, Local Chairperson **Daniel F. Holak** reports. He also wanted to share a portion of a "thank you" message that was received by the local: "Brothers, I wanted to take this opportunity to say thanks for the big send off that the local gave for us retirees. I may have the chance to get to a meeting and tell you all face-to-face how much it meant to me. I really don't have the words to express the gratitude for the heartfelt gifts that were given to us. The engraved pocket watch is beautiful, and I will cherish it. It'll be something that I will be proud to pass on to my grandchildren... I already miss the fraternity of railroaders that I was proud to work with. Be safe, and know that you all are in my prayers, as I hope you will have me in yours. God bless you all. Fraternally, **Brad Sowers**, proud member of UTU Local 1892."



# Retired General Chairpersons Emert, Smith die

Former Norfolk Southern General Chairperson **Paul E. Emert**, 65, died Nov. 11 following a heart attack.



Emert

Emert, a member of SMART Transportation Division Local 750 at Knoxville, Tenn., retired in 2011 following 39 years of railroad service.

He had served as general chairperson of NS General Committee of Adjustment GO 898 since 2002 and had also served his local as chairperson, local secretary & treasurer and delegate.

Prior to his railroad service, Emert was honorably discharged from the U.S. Army. He was a deacon at Riverview Missionary Baptist Church for 37 years.

He is survived by his wife of 46 years, Vickie; daughter and son-in-law, April and Rusty Turby-

fill; son, Jed Emert and friend Angie Thompson; son and daughter-in-law, Justin and Kimberly Emert, and 10 grandchildren.



Smith

**Timothy J. Smith**, 66, died Nov. 28 after a hard fought battle with pulmonary fibrosis.

Smith worked 30 years as an engineer for Lake Terminal Railroad in Lorain, Ohio, with 22 of those years serving as general chairperson. He was a member of the former UTU Local

1391 at Lorain. He was a dedicated union leader willing to help out anyone in need.

Following his graduation from Admiral King High School in 1965, Smith enlisted in the U.S. Army and served his country honorably for three years.

He is survived by his wife, Cathy; sons, Timothy B. Smith and Kevin A. Smith, and granddaughter, Katie.

In lieu of flowers, donations may be made to the Pulmonary Fibrosis Foundation at [www.pulmonaryfibrosis.org/donate](http://www.pulmonaryfibrosis.org/donate). Online condolences may be sent using [www.rsgfuneralhome.com](http://www.rsgfuneralhome.com).

## NS GO 898 secretary completes marathon

As the office secretary for Norfolk Southern General Committee of Adjustment GO 898, Kimberly Emert knows a thing or two about running an office. And, according to General Chairperson **Mark Cook**, she knows something about running, too.

In November, Emert competed in the Indianapolis Monumental Marathon. It was Emert's second complete marathon and her time of 4:35:40 over the standard length of 26.2 miles was her personal best.

Emert is used to pushing paper with her daily duties of handling time claims, dismissals and public law boards, and now she is pushing herself.

"Actually, I didn't start running until about five years ago," Emert said. "At the time, I was very overweight. I got in with a crazy group of friends from our local track club and we started training with the same coach. I've lost about 90 pounds."

With a race date of Nov. 2, the marathon started at a chilly 38 degrees, but Emert said it was a great day for running. "I shed all of my extra clothing after about a mile and a half." She finished 185th out of 280 in her division, based on age group, and finished 2,427 overall.

Emert, 34, is the daughter-in-law of former General Chairperson Paul Emert, who died in November. She is married to Justin Emert and started working for the general committee office in 2003.

And she's looking forward to her next race.

"There's a point during the race when you think, 'I'll never do this again,' but when it's over, I knew I would."



Kimberly Emert

## Human Rights Committee reboots in Cleveland



Members of the SMART Transportation Division's Human Rights Committee met at the division's Cleveland office Dec. 5-6 for training under the leadership of new Director Glen E. Johnson. Pictured, from left, are William R. Smith (5), Robert Resendez Jr. (1422), division staff member Barbara Bankston, Billy D. Moyer (1971), Jessie Turner Jr. (1290), SMART Vice President John E. Lesniewski, David A. Stinson (1594), Samantha D. Taylor (1933), Johnson and Transportation Division President John Previsich.

## Metra, Belt Railway members ratify contracts

SMART Transportation Division conductors and assistant conductors on Northern Illinois Regional Commuter Railroad Corp. – known as Metra – and members of General Committee of Adjustment GO 65 employed by Belt Railway of Chicago have recently ratified new contracts.

With 85 percent of eligible ballots returned, the Metra employees approved a seven-year mediation agreement governing wages and working conditions, through calendar year 2018.

Included in the agreement are lump-sum signing bonuses, general wage increases each year of the contract, retroactive pay, enhanced deferred compensation, conductor certification pay for assignments paying the conductor rate of pay, a new training/qualifying understanding, a modified short term disability plan and seniority retention provisions.

SMART Transportation Division Vice President John E. Lesniewski and SMART International Representative John Babler, who assisted with negotiations, commended GO 721 General Chairperson **Barry Abbott** for his persistent and systematic attentiveness to the needs of our membership on his property. In turn, Abbott offered his thanks to Lesniewski and Babler for "bringing a wealth of experience and an enduring commitment to the bargaining table. This was truly a team effort," he said.

Metra is the commuter rail division of the Illinois Regional Transportation Authority. The system serves Chicago and its metropolitan area through 241 stations on 11 different rail lines.

SMART Transportation Division members

employed by Belt Railway of Chicago ratified a new agreement governing their rates of pay and working conditions.

The agreement mirrors that of the Sept. 16, 2011, UTU National Agreement, Lesniewski said.

While GO 65 members had already been governed by the health and welfare provisions of the 2011 National Agreement by virtue of the carrier's participation in national handling for health and welfare only, the remainder of the agreement had been stalled in mediation over disputes involving crew consist and other local issues.

"With those issues having been successfully set aside in favor of future voluntary and non-binding discussions, the agreement was ratified by an overwhelming majority of nearly 97 percent of voting members," Lesniewski said.

Lesniewski, who assisted with the negotiations, lauded the efforts of General Chairperson **Stelios Paras** and Vice General Chairperson **Graeme McClure** for "staying the course, ultimately securing the same favorable agreement our Class I members enjoy nationally, without any additional strings attached."

BRC, headquartered in Chicago, is the largest switching terminal railroad in the United States. It is co-owned by six Class I railroads, including BNSF Railway, Canadian National Railway, Canadian Pacific Railway, CSX Transportation, Norfolk Southern Railway and Union Pacific Railroad, each of which uses the switching and interchange facilities. BRC also provides rail terminal services to approximately 100 local manufacturing industries.



# Arbitrator's award will help us form a new Constitution

Happy Holidays! On behalf of the staff and officers of this great organization, I want to extend our wishes to all of our members and their loved ones for a joyous and safe holiday season.

May you and your families enjoy peace, good health and good cheer with our warmest thoughts and best wishes for a wonderful holiday and a prosperous and happy New Year.

In last month's column, I promised to keep you, the membership, updated on a regular basis regarding events that are of interest to you.

One of the most important developments that has occurred since the writing of last month's column is that we have now received the merger-related arbitration award anticipated in that column.

**I am pleased to report that the award gives the parties good guidance on a number of issues that should allow us to move forward to a satisfactory resolution of the few remaining constitutional issues.**

I am pleased to report that the award gives the parties good guidance on a number of issues that should allow us to move forward to a satisfactory resolution of the few remaining constitutional issues. Discussions are underway and although not completed at the time of this writing, the parties are confident that final resolution is near.

Resolution of the constitution is important for a number of reasons. As intended by the merger agreement and subsequent arbitration awards, a completed constitution will resolve conflicts between the former governing documents of both organizations to permit the con-

solidation of the two documents into one.

That one document will be known as the Constitution of the International Association of Sheet Metal, Air, Rail and Transportation Workers (SMART) and this constitution will govern all aspects of the combined organization.

When completed, the new constitution will be in full force and effect. Thereafter, the constitution can be changed or modified in accordance with its terms.

Completion of the combined constitution is a significant milestone in the merger process.

All of us who have been working on this difficult task are looking forward to having the document completed and distributed at the earliest possible date.

When ready, it will be posted immediately and will be followed up with additional information related to the upcoming conventions. That information will include guidance for locals and delegates on procedures to submit constitutional proposals to the conventions, selection of additional Transportation Division delegates to the SMART convention in August, and other matters of interest.



## SMART Transportation Division President's Column

By John Previsich

In addition to the constitution, efforts are continuing on a number of other fronts. The coming year will include continued work to consolidate the two organizations, two conventions – a June/July Transportation Division convention in San Diego and an August SMART convention in Las Vegas – the opening of the next round of bargaining on a national agreement, implementation of the requirements of the Affordable Care Act on our National Health Plans and numerous other issues and demands that are a part of the business of representing our members interests.

In the legislative arena, we will continue our efforts to move the two-person crew bill, H.R. 3040, in the House of Representatives and to promote the interests of our members with legislatures and regulatory agencies in Washington and across the country.

Happy Holidays!

John Previsich  
President, SMART Transportation Division



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

## SMART officers extend their season's greetings

As this year comes to a close, we extend season's greetings to you and your family.

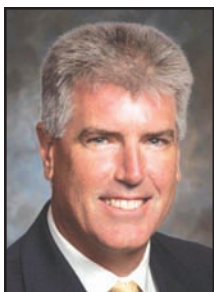
The past 12 months saw us move forward together in brotherhood and solidarity after coming together as one unified union. Together, we are stronger on all fronts, working to increase membership, addressing common issues on the legislative front, and representing our members to ensure their interests are best served.

While we give special thanks for our blessings, let's remain mindful of those whose holiday season will not be merry and bright. There are many who will depend on the kindness and solidarity of family and friends to see them through this season.

On behalf of the SMART General Executive Council, we wish you the very best of happiness, good health and success in the coming year in fulfilling a bright future for this great union.



Nigro



Sellers

Fraternally,

SMART General President

SMART General Secretary-Treasurer



# State Watch

## News from UTU-SMART State Legislative Boards

### Alabama/Georgia



SMART Transportation Division State Legislative Directors Neal Elders (Alabama), left, and Matt Campbell (Georgia), right, meet with House Minority Whip Steny Hoyer (D-Md.) to garner his support for H.R. 3040, legislation that will require two qualified personnel on freight trains.

### Kentucky



U.S. Senate candidate and Kentucky Secretary of State Alison Lundergan Grimes (D) meets with, from left, former Kentucky State Legislative Director David Miracle, Legislative Board Secretary Billy Owens and current State Director Jared Cassity after the board endorsed her candidacy. She may face Senate Minority Leader Mitch McConnell (R) in November's election. "Grimes' support for Kentucky coal and Kentucky coal jobs, as well as labor within the Commonwealth of Kentucky, has us excited and proud to endorse her as candidate for the U.S. Senate," Cassity said.

### Missouri



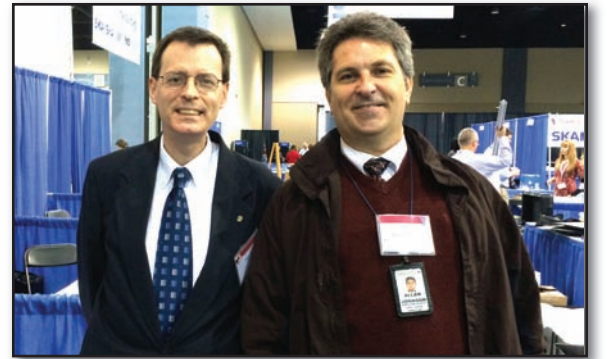
State Legislative Director Ken Menges attended a Christmas party Dec. 6 sponsored by the Greater Kansas City Building Trades Council at SMART Sheet Metal Division Local 2's Kansas City facility. Above, he is joined by Missouri Attorney General Chris Koster, a likely 2016 candidate for Missouri governor, and SMWIA Local 2 President Tony Keithley.

### Oregon



The Oregon State Legislative Board conducted its annual meeting at the Riverhouse Resort and Convention in Bend, Ore., Nov. 2-3. Pictured, from left, are Secretary Josh Johansen (1574), Assistant Director Greg Boam (471), Glenn Carey (1841), Director Randy Russ (283) and Michael O'Rourke (473). "In addition to our regular business," Russ said, "we had a presentation from Dean Mitchell, DFM Group, explaining the LAN (Labor Action Network) system and how it could improve our Oregon PAC contributions."

### Virginia



Assistant State Legislative Director Allan F. Johnson, right, meets with Kevin Page, director of Virginia's Department of Rail and Public Transportation, while attending the governor's transportation conference in Richmond, Va., Dec. 4-6. Virginia was the first state to fully fund their portion of the state-supported Amtrak service before last year's deadline. "Virginia's transportation funding has become a model in 2013 for rail service," Johnson said. "Kevin is a strong supporter of freight, passenger and commuter rail in Virginia. Our legislative department's efforts are championed by officials like him."

### Washington

State Legislative Director Herb Krohn reports he has partnered with "Sonics Without Subsidies," a group dedicated to preventing for-profit pro-sports teams from receiving tax subsidies.

Billionaire Sonics owner Chris Hansen is seeking a deal with the city of Seattle that involves \$731 million in public subsidies over a 32-year period that a *Seattle Times* editorial called an "illegal kickback." In 2006, voters approved Initiative 91, legislation preventing for-profit pro-sports teams from receiving tax subsidies.

Krohn said that if the subsidy is provided, it may cost the city thousands of rail and port jobs, because the team's new arena will be built near the port. "We don't care if they build an arena somewhere, it's the location that is the issue," Krohn said. "We have to protect those jobs." Visit [www.sonicswithoutsubsidies.org](http://www.sonicswithoutsubsidies.org) for additional information.

## Bus Department

By Calvin Studivant, Alternate Vice President-Bus  
mccoperator2@yahoo.com

### Addition of new members brings additional responsibility

I hope this edition of the SMART Transportation Division News finds that all our members enjoyed a safe and happy holiday season.

The SMART TD has been successful in recent organizing campaigns, adding new members to our union in general, and the bus department in particular. With the addition of new members comes the task of getting good work agreements. I will work with the Bus Department to do just that.



Studivant

When comparing our labor agreements with other organizations, I am proud to say the SMART TD has secured some of the very best agreements in the bus industry. We represent the finest operators on the roads today and with their help, we were able to secure those agreements. With the Republican Party's continued assault on organized labor, now is the time for us to stand strong and deliver.

I want to thank our legislative officers in Washington, D.C., for staying abreast of the ever-changing regulations from the Federal Motor Carrier Safety Administration and for providing us with the necessary tools to make sure our members are some of the most well informed operators in our industry. I also want to thank the SMART TD leadership for providing the same.

With their support, now is the time to make this bus department bigger and stronger than ever. To achieve this goal, we must work harder and be wiser in getting our message out to our members. We will stand side by side and not be bullied by anyone trying to undermine the important contributions we make to the communities we serve.

I am proud to congratulate the entire negotiating committee of Local 1715 in Charlotte, N.C., where our membership recently ratified a new three-year agreement.

I am also proud to welcome the operators of First Transit in New Brunswick, N.J., who by more than a 90 percent margin, voted to join our bus family.

Brothers and sisters, thank you for all that you do to keep this union strong. It is you, the membership, whom we all serve.

### Local 1715 averts strike, gets new three-year deal

SMART Transportation Division Local 1715 bus operators employed by Transit Management of Charlotte, Inc., Dec. 12 ratified a three-year agreement with management, averting a possible strike.

The new agreement calls for annual wage increases, paid retroactively to July 1, plus the return of travel-time pay, a contract provision that previously had been negotiated away when the operators were represented by the Teamsters.

The contract also calls for an additional personal day and new bidding procedures during the run assignment that is more favorable to SMART membership.



The company is also required to use a health care provider supported by the union, or one that is comparable, resulting in a reduction in the health care contributions paid by our members.

SMART TD Alternate Vice President Calvin Studivant participated in the recent negotiations with Charlotte Area Transit System management when a strike by the operators appeared likely. He recognized the efforts of General Chairperson Kevin Moss, Vice General Chairpersons Hasson Trent and Brenda Moore, Local President Bruce Wright and General Committee Secretary William R. Brown for their tireless efforts in "resolving the issues at hand and working to get their members the best possible contract."

Studivant also thanked Vice General Chairpersons Christy Kiser and Donell Taylor and Local Secretary & Treasurer Christopher Johnson for their roles in reaching the agreement.

"A lot of the bus operators here, we have families as well. We know the impact a strike would have caused on the people in the community," said Moss.

"This has been a period of difficult negotiations, but we ended up with an agreement that's within our financial parameters," said Carolyn Flowers, CATS CEO.

### FMCSA operation removes 52 unsafe bus companies

The U.S. Department of Transportation's Federal Motor Carrier Safety Administration (FMCSA) announced Dec. 12 that 52 bus companies and 340 vehicles were put out of business and removed from the road as a result of Operation Quick Strike, an eight-month effort to shut down unsafe motorcoach companies.

"Bus travel is increasingly popular because it is a convenient, inexpensive option for students, groups and families," said U.S. Transportation Secretary Anthony Foxx. "But it must also be safe. Through Operation Quick Strike and our regular enforcement efforts, we're shutting down companies that put passengers at risk and educating the public on safe motorcoach travel."

The effort was part of FMCSA's three-phase Motorcoach Safety Initiative to raise the bar for safety in the motorcoach industry.



# Membership Toolbox answers your questions about representation, benefits

The SMART Transportation Division website includes a Membership Toolbox with answers to members' concerns and questions.

Here, members can get answers to their questions about contacting their local officers, filing a grievance against their employer, contacting a union representative to report safety violations and more.

While the information below directs members about how to reach various parts of the SMART Transportation Division website, the toolbox at [www.utu.org](http://www.utu.org) will do most of the work for you.

## Membership Questions

**Q: I have been notified that I am under investigation. What should I do?**

Consult your local chairperson immediately. Read the publication *You Are Hereby Notified* located at [www.utu.org](http://www.utu.org). You can view that booklet by going to the SMART Transportation Division homepage at [www.utu.org](http://www.utu.org) and by clicking on the gray "Organizing" box, then by clicking on "UTU Publications and Videos" under the heading "Why Union."

**Q: Where can I view a copy of the latest national railroad agreement?**

Go to [www.utu.org](http://www.utu.org) and click on "2011 Rail Contract" under the heading "Updates" in the middle of the home page.

**Q: To what local do I belong and when and where does it meet?**

If you do not know your local number, it can be found to the right of your name on your monthly *SMART Transportation Division News* address label. To view a listing of locals by state or to view more detailed information about your local, go to [www.utu.org](http://www.utu.org) and click on "UTU/UTUIA Directory" under the "About UTU" drop down menu. You may also call the SMART Transportation Division office at (216) 228-9400 and ask to be connected to the directory administrator at Ext. 3908.

**Q: Who is my local chairperson and how can I contact him or her?**

Go to [www.utu.org](http://www.utu.org) and under the "About UTU" drop down menu, select "UTU/UTUIA Directory," then click on "Local Summaries" under the heading "UTU Locals."

**Q: Who is my general chairperson and how can I contact him or her?**

Go to [www.utu.org](http://www.utu.org) and under the "About UTU" drop down menu click on "UTU/UTUIA Directory," then click on your craft listed under the heading "General Committees of Adjustment." You may also select "Contact UTU" under the "About UTU" pull-down menu and select the appropriate choice.

**Q: Who is my state legislative director and how can I contact him or her?**

Go to [www.utu.org](http://www.utu.org) and under the "About UTU" drop down menu click on "UTU/UTUIA Directory," then click on "Legislative Boards" under the heading "State Legislative Boards." You may also select "Contact UTU" under the "About UTU" pull-down menu and choose "UTU State Legislative Directors."

**Q: Who is my UTUIA field supervisor and how can I contact him or her?**

Go to [www.utu.org](http://www.utu.org) and under the gray "Insurance" drop down menu, click on "UTUIA Field Supervisors."

**Q: Who are the officers of the UTU International and how can I contact them?**

Go to [www.utu.org](http://www.utu.org) and under the "About UTU" drop down menu, click on "Officers."

**Q: What is the UTU Transportation Safety Team and how can I contact them?**

Go to [www.utu.org](http://www.utu.org) and under the gray "Safety" drop down menu, click on "UTU Transportation Safety Team."

**Q: What is the UTU Railroad Safety Task Force and how can I contact them?**

Go to [www.utu.org](http://www.utu.org) and under the gray "Safety" drop down menu, click on "UTU Rail Safety Task Force."

**Q: What is the SMART Transportation Division Human Rights Committee and how can I contact them?**

Go to [www.utu.org](http://www.utu.org) and under the "About UTU" drop down menu, click on "Contact UTU," then click on "UTU Human Rights Committee."

**Q: I would like to apply for membership in the UTU or have my prior membership reinstated. How can that be accomplished?**

Go to [www.utu.org](http://www.utu.org) and click on "About UTU" in the red menu bar at the top of the page, then click on the "Application for membership" link or the "Application for re-admission" link under the heading "Join the UTU."

**Q: Where can I view the UTU Constitution?**

Go to [www.utu.org](http://www.utu.org) and click on "Documents" in the gray menu bar. Scroll to the bottom of the page and click on "UTU Constitution."

## Representation Questions

**Q: I have been notified that I am under investigation. What should I do?**

Consult your local chairperson immediately. Read the publication *You Are Hereby Notified* located at [www.utu.org](http://www.utu.org). You can view that booklet by going to the homepage and by clicking on the "Organizing" tile in the gray menu bar, then by clicking on "UTU Publications and Videos" under the heading "Why Union."

**Q: I have concerns about unsafe working conditions? To whom do I express my concerns?**

You should first contact your local legislative representative and/or your local chairperson. A list of those individuals can be found by going to [www.utu.org](http://www.utu.org) and by clicking on "UTU/UTUIA Directory" under the "About UTU" drop down menu. Then click on "Local Summaries" under the heading "UTU Locals."

**Q: I was injured on the job. What should I know?**

The UTU has produced a booklet, *How to Protect your Rights when Injured on the Job*, that can answer most of your questions. You can view that booklet by going to our homepage at [www.utu.org](http://www.utu.org) and by clicking on the gray "Organizing" box, then by clicking on "UTU Publications and Videos" under the heading "Why Union." The booklet is the second listed.

**Q: What are UTU Designated Legal Counsel? Why would I need their services?**

Go to [www.utu.org](http://www.utu.org) and click on "Designated Legal Coun-

sel" under the "About UTU" drop down menu to be directed to a webpage that describes your rights under the Federal Employers' Liability Act and why you should contact a SMART Transportation Division Designated Legal Counsel if you believe you have a FELA claim against your employer.

**Q: What are my rights with regard to employer retaliation? How will I be protected if I report allegations of fraud, waste or abuse by my employer?**

You are protected by federal law from employer retaliation when you make such reports. These "whistleblower" protections are described at [www.utu.org](http://www.utu.org). Click on the gray box labeled "Safety," then by clicking on "Be aware of your whistleblower protections" in the gray box on the right, under the heading "Important issues."

**Q: I have a grievance against my employer. What do I do?**

You first should talk over your predicament with your local chairperson. Go to [www.utu.org](http://www.utu.org) and under the "About UTU" drop down menu click on "UTU/UTUIA Directory," then click on "Local Summaries" under the heading "UTU Locals" to find a listing of your local chairperson and how to contact him or her.

**Q: I am a local officer and need help to support a grievance. How can the UTU International help me?**

Go to [www.utu.org](http://www.utu.org) and click on the gray box labeled "Documents" and then click on "Awards and Agreements" to be directed to the awards and agreements page of the SMART Transportation Division website. There you will be able to search a vast database of grievances and awards that you can use to help build your case.

You may also click on "National Mediation Board Knowledge Store" under the heading "Award Search by Text" from the "Awards and

**Q: I have questions about drug and alcohol testing. Where can I learn more?**

Go to [www.utu.org](http://www.utu.org) and click on "Safety" in the gray box, then click on *What You Need to Know About Federal Drug and Alcohol Testing* under the heading "Fatigue, Drug and Alcohol Testing." You will be directed to information about federal drug and alcohol testing rules and procedures, post-accident testing and more.

## Benefits Questions

**Q: What is the United Transportation Union Insurance Association (UTUIA)? What insurance and investment products are offered?**

Go to [www.utuia.org](http://www.utuia.org) to learn more about the UTUIA, its products and your UTUIA field supervisor. Field supervisors are sales representatives for UTUIA products.

**Q: What is the Discipline Income Protection Program? What are the benefits of enrollment?**

Go to [www.utu.org](http://www.utu.org) and click on "DIPP" in the gray box to be directed to the Discipline Income Protection Program's webpage.

There you will find a description of the program, an explanation of benefits, and an application form.

**Q: How can I contact a UTUIA field supervisor to receive information on the many insurance and investment products offered by the UTUIA?**

Go to [www.utu.org](http://www.utu.org) and select "UTUIA Field Supervisors" from the drop down menu under "Insurance." There you will find a list of field supervisors and their contact information, along with the locals each representative services.

**Q: Where can I find a directory of UTUIA local units?**

Go to [www.utu.org](http://www.utu.org) and click on "UTU/UTUIA Directory" in the drop down menu under "About UTU," then scroll down to the heading "UTUIA" and click on "Local Units."

**Q: What is the disability insurance I pay for through the SMART Transportation Division? What are the benefits? How do I make a claim?**

If you are a railroad worker, go to [www.utu.org](http://www.utu.org) and click on "Rail Disability Insurance" in the drop down menu under "Insurance" in the gray box to be directed to a webpage that describes the national group voluntary short-term disability insurance plan offered through Anthem Life Insurance Company. On that page, you can view a description of benefits, a list of frequently asked questions and instructions for filing a claim and downloading a claim form.

If you are a bus worker, go to [www.utu.org](http://www.utu.org) and click on "Bus Disability Insurance" from

the drop down menu under "Insurance" in the gray box to be directed to a webpage that describes the national group voluntary short-term disability insurance plan administered by Anthem Life Insurance Company. On that page you can view a description of benefits, a list of frequently asked questions and instructions for filing a claim and downloading a claim form.

## Miscellaneous Questions

**Q: I know of a group of workers that would benefit from membership in the SMART Transportation Division. How do I contact a union organizer?**

Go to [www.utu.org](http://www.utu.org) and click on "Contact an Organizer" from the drop down menu under "Organizing" in the gray box to be directed to a list of SMART Transportation Division organizers.

**Q: I would like to start contributing or increase my contributions to my union's political action committee (UTU PAC). How do I do that?**

Go to [www.utu.org](http://www.utu.org) and click on "UTU Political Action Committee" from the drop down menu under "Washington" in the gray menu bar to be directed to the UTU PAC page. There you can contact the PAC administrator for a UTU PAC contribution form.

**Q: My payroll deduction is incorrect. Who do I contact to get it straightened out?**

Contact your local treasurer by going to [www.utu.org](http://www.utu.org) and under the "About UTU" drop down menu, click on "UTU/UTUIA Directory," then click on "Local Summaries" under the heading "UTU Locals."

**Q: How are my union dues divided and spent?**

Go to [www.utu.org](http://www.utu.org) and click on "About UTU," then click on "Why Are Your Dues Important?" under the heading "Your Union Dollar" to be directed to a webpage that explains how your union dues are utilized.

**Q: I am a local secretary/treasurer and need assistance with my billings. How can the UTU International help me?**

Call the SMART Transportation Division office at (216) 228-9400 and ask to be connected to the local auditor for your local. Or, email "auditing@smart-union.org."

## Address Change

This feature allows members to change their mailing address at the click of a mouse. There is no need to write a letter or pay the cost of a postage stamp.

## SMART TD News Online

All issues of the *SMART Transportation News* dating back to January 2001 can be found here in PDF format.

## Email Alerts

Information is power and the SMART TD is trying to give you as much information as we can, as soon as possible. We want important news to reach you even faster. By registering to receive email news alerts, you'll have your union's latest important information sent directly to you. Your email address will be kept confidential. It will not be sold, traded nor given to anyone else.



UTU  
Alumni

UTU Alumni Association

News, information for members of the UTU Alumni Association

## Retiree refurbishes old locomotive switchers

Many people like to get away completely from what they did before they were retired, but not William “Bill” Namink, 64, of Wallaceburg, Ontario. For the past two years, Namink, a retired conductor and past president and local chairperson of Local 344, along with some friends and his son, have been refurbishing two locomotive switchers – a 1946 model rated at 60,000 tons and a 1958 model 45,000-ton unit.

Namink got interested in working on this project when a community colleague who had purchased the three locomotives online informed him about the project.

“After some investigation, it was quite evident that two of the three locomotives deserved further investment and to be placed back in service,” Namink said. “When I inquired and took a trip to Quebec to see the units, I took a former CN colleague of mine, Grant Raymond, a retiree who worked for CN Diesel shops. His knowledge of electronics convinced me to take on this project.”

Although restoring the locomotives proved to be challenging at times, Namink never thought about giving up.

“Whenever there was a challenge in finding the right parts, it was study, learn and ask those within the industry, and step-by-step, we got it done.”

“I have a background in mechanics and knowing the basics of how a locomotive works, I was able to determine which jobs had to be done first, and which had to be done last.”

Along the way, Namink and his colleagues on the project cut and rewelded parts, replaced the engines, rewired the units and repainted them inside and out.



Bill Namink is pictured with one of the locomotive switchers inside a homemade greenhouse, so he and his team could work on the locomotive in the winter.

“My son would help me after school with cleaning and painting. I also had several other men from the community between jobs help me with welding and fabrication,” Namink said.

The units are now finished and are up for sale.

“Both units are in excellent working order and are in new-like condition from the 8.3 Cummings diesels to generators to traction motors and wheels. New gauges and controls, all air component in new condition, the GE 60 tonner has a new 26L brake system from front to back.”

“This was a great project. I have run trains from Sarnia to Toronto for years, but this was a great way to better understand all the internal workings and components. Identifying different parts of a locomotive and how and what they do. I enjoyed this challenge.”

## Landfall Travel offering 2014 western excursions

Landfall Travel – the official travel agency of the UTU Alumni Association – is offering two new trips scheduled for 2014. The first trip is an Alaskan cruise aboard the Golden Princess.

This eight-day cruise leaves from Seattle, July 19, 2014, and features time spent at Glacier Bay National Park, the ports of Ketchikan, Juneau, Skagway and Victoria, B.C. The cruise returns you to Seattle July 26.

For those who are not yet ready to return home or for new travelers, join the second eight-day tour being offered from July 27 to Aug. 3, exploring the Pacific Northwest and California.

The tour starts out with a sightseeing of Seattle, followed by a visit to the Mt. St. Helen’s Visitor Center and an overnight stay in Portland. Next, travelers will see Mt. Hood, the Columbia River Gorge, Bonneville Dam and the Cascade Mountains. Finish the night off with a dinner cruise along the Willamette River and Lake Oswego. Other points of interest include a cruise up the Rogue River, explorations of Bandon State Natural Area, time spent at the Redwood National Park, crossing of the Golden Gate Bridge as well as time spent in San Francisco and more.

Interested parties can contact Landfall Travel directly at (440) 799-8977 or (800) 835-9233 for more information. All members are welcome. You do not have to be a member of the Alumni Association to enjoy these excursions.



## Retirees host annual coastal crab pickin’, fish cookout



A good time was had by all at the annual coastal crab pickin’ and fish cookout hosted by retired railroaders Jimmy Hendley and Bobby Tuten of SMART Transportation Local 1031 at Savannah, Ga. About 50 active and retired SMART TD members attended the Oct. 15, 2013, event. “We would like to thank Georgia State Director Matt Campbell and his father and all the members who turned out for a great time that was had by all,” UTU Alumni Association Coordinator Carl Cochran said. “It’s good to see our young and old members talking railroad union talk of today and yesterday. Jimmy Hendley was so proud of his 55-year SMART/UTU membership pin,” said Cochran. “I only have a 50-year pin.”

## Happy birthday, centenarians!

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

- Allan G. Bond (832), Oct. 10, 2013
- Charles A. Krieg (610), Oct. 7, 2013
- Thaddeus J. Prorok (1393), Oct. 5, 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
6	Stewart, Donald H.	Anderson, Ind.	600	Mellotte, Franklin H.	Ridgeley, W.Va.	1293	Zunker, Duane G.	Superior, Wis.
14	Brown, Charles W.	Perryville, Ky.	650	Detlie, Donald L.	Northfield, Minn.	1312	Roses Sr., Vincent W.	Pensacola, Fla.
98	Oltman, Anthony G.	Rogue River, Ore.	662	Abbott, Joseph H.	Newport News, Va.	1334	Wade, Ray T.	Soso, Miss.
204	Million, Logan W.	Pueblo, Colo.	694	Hood Jr., Harry H.	Dunsmuir, Calif.	1390	Toth, Stephen J.	Spotswood, N.J.
238	Staley, Irvin L.	Evanston, Wyo.	706	Moore, Percy E.	Roanoke, Va.	1393	Michael, John J.	Tonawanda, N.Y.
243	Batson, Javous A.	Ft. Worth, Texas	750	Emert, Paul E.	Rockford, Tenn.	1470	Wood Sr., John W.	Lutherville-Timonium, Md.
243	Kerr, Kenneth P.	Telephone, Texas	792	Glassman, Charles	Delray Beach, Fla.	1502	Milligan, Cecil C.	Jacksonville, Fla.
265	Eriksen, Warren C.	Pocatello, Idaho	911	Zilge, Terrance L.	Cochrane, Wis.	1770	Gahring, Merle E.	Fountain Valley, Calif.
298	Benner, William P.	Lemont, Ill.	950	Mitchell, Jesse E.	Memphis, Tenn.	1892	Kramer, Reinhardt F.R.	Brenham, Texas
352	McCarroll, R.N.	Broad Brook, Conn.	971	Jernigan Jr., James A.	Cape Charles, Va.	1908	Tucholski, Joseph S.	Buffalo, N.Y.
528	Mahoney, Richard W.	Cape Coral, Fla.	1000	Westerheim, Stanley D.	St. Paul, Minn.	1948	Headley, Dwayne R.	Linesville, Pa.
528	Stearns, J.F.	Arlington Heights, Ill.	1075	Doede Sr., Warren E.	Flat Rock, Mich.	1949	Werb, Robert H.	Sayreville, N.J.
573	Farley, Robert E.	Danville, Ky.	1188	Blakeley, Jimmie D.	Oklahoma City, Okla.	1951	Hoffman, Herbert R.	Chenango Forks, N.Y.
586	Smith, Timothy J.	Lorain, Ohio	1216	Potterf, Leslie R.	Pleasant Valley, Mo.	1951	Smith, James P.	Sun City West, Ariz.



# Don't let cancer treatment costs send your life's savings down the drain

## Protect your family and your savings with a UTUIA Cancer Hospital Indemnity policy

UTUIA's Cancer Hospital Indemnity policy offers peace of mind. The benefits are paid directly to the policyholder to use as he or she sees fit. Use them to meet household expenses and other continuing expenses. This policy supplements regular hospitalization insurance, thereby protecting savings. Some benefits may vary based on state of residence.

With monthly premiums starting as low as **\$9 per month**, this plan fits into any budget.

### UTUIA's Cancer Hospital Indemnity policy offers:

- ✓ \$300 per day for hospital confinement
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- ✓ \$100 per day for home recovery
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**(800) 558-8842 or**  
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### Information, please

I would like more information on UTUIA's Cancer Hospital Indemnity insurance plan.

Please print



Full name	Date of birth	UTU local number	
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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 01/14

## Member trades fishing vacation for volunteer venture

The salmon are plump and plentiful in Alaska where, each summer, Local 265 trainman/brakeman **Dan Williams** used to vacation with his family at his father-in-law's wilderness hideaway. It was a great place for him to escape the hustle and bustle of city life.

But for the past two years, Williams has chosen to forego the pristine wilderness in place of the more equatorial climes of Africa.

His new vacation destination is the city of Jinja, in the African Republic of Uganda. His big catch is no longer salmon, but the satisfaction derived from a humanitarian pursuit.

Jinja is situated along the equator, on the shores of Lake Victoria, at the mouth of the Nile River. Since Jinja lies at the equator, there are no distinct seasons except wet and dry. It is a perpetually hot summer, with average annual daylight temperatures of 86 degrees. The heat, coupled with over 200 rainy days per year, make conditions very equatorial, indeed.

So why would Williams trade his annual Alaskan fishing trip for Africa, moose for mosquitoes and Northern lights for Nile flu? Because his wife, Bobbette, suggested it, of course. "You should always listen to your wife," Williams said.

Bobbette's sister co-founded the Rock of Ages School, located in the village of Mbiko, a suburb of Jinja. At Bobbette's suggestion, the couple decided to forego their Alaskan adventure to help children and families in dire need of humanitarian aid, good people who deserve to be helped.

"Contrary to popular belief, the people of Africa like Americans and welcome us," Williams said. "Although poverty's roots run deep there, the people really are not down on themselves and the world. They are not despondent. Instead, they are good-natured and, for the most part, happy."

In most respects, Uganda is a third world republic and a significant number of its inhabitants live in extreme poverty. Annually, the average household income of the "working urban poor" is \$100. For those with jobs, small-scale farming and agriculture are the main sources of income.

The rearing and selling of local breeds of animals, such as poultry and cattle, are often the means by which people obtain sustenance. However, due to a lack of knowledge on proper agricultural methods, many of these ventures are unprofitable and fail. While working at the Rock of Ages School, Williams befriended a farmer named Abdu, whose wife, Betty, runs the school.

Williams sponsored Abdu on a trip to the U.S., where Abdu was educated on proper agricultural methods. He also assisted Abdu with drilling a hand well on his chicken farm and he provided Abdu with a cow-head catch to assist in handling Abdu's 20 dairy cows. Thanks to Williams, Abdu's newfound skills and equipment have improved productivity and revenues on his farm.

Williams' travels to Africa have also instilled in him a strong sense of gratitude for the often unrecognized abundance that Americans enjoy. "The conditions there are very poor and it makes me so



Union Pacific trainman and SMART Transportation Division member Dan Williams of Arimo, Idaho, and his friend, Abdu, with Abdu's new cow-head catch.

glad to be an American. Most of the time, Americans do not realize how fortunate they truly are. But coming to a place like this really opens your eyes and makes you realize that, rather than complaining about our own situations, we should be focusing on helping those who really are in need."

The bulk of Williams' humanitarian work is done for the Rock of Ages School. The building is in constant need of maintenance. Toward that end, he assists in organizing funding and in administration. Donations to the school and sponsorship of its children can be offered at the Rock of Ages School link on [www.hands4uganda.org](http://www.hands4uganda.org).

"We have a duty to help those much less fortunate than ourselves," Williams said. This has been the most rewarding experience in my life."



## Obama appoints PEB 244 for Long Island Rail Road

*Continued from page 1*

President Obama appointed the following members to Presidential Emergency Board No. 244:

- Ira F. Jaffe – Chair, Presidential Emergency Board No. 244
- Roberta Golick – Member, Presidential Emergency Board No. 244
- Arnold M. Zack – Member, Presidential Emergency Board No. 244

SMART Transportation Division President John Previsich, who is assisting LIRR General Committee of Adjustment GO 505 with this round of negotiations, expressed satisfaction with the establishment of the presidential emergency board.

“The board members are highly respected arbitrators with years of experience in our industry and we welcome their participation in bringing this matter to a satisfactory conclusion,” Previsich said.

Jaffe, appointee for chair of Presidential Emergency Board No. 244, has been an arbitrator and mediator of labor and employment disputes since 1981 and has presided over more than 4,500 cases in a wide variety of industries in the private and public sectors. Jaffe serves on more than 60 permanent arbitration panels and has served on four separate PEBs, one in 2001, two in 2007, and one in 2011 in which he served as chair. He is a member of the National Academy of Arbitrators (NAA) and served as the National President of the Society of Federal Labor Relations Professionals in 1990.

Golick has been an arbitrator and mediator since 1974, focusing on labor-management disputes. During this time, she has handled thousands of cases in both the private and public sectors. She served as the 2011-12 president of the National Academy of Arbitrators. This is Ms. Golick’s fourth presidential emergency board appointment. She was a panel member most recently on the 2011 PEB regarding a dispute between major freight rail carriers and their unions.

Zack has been an arbitrator and mediator of over 5,000 labor disputes since 1957 and a member of five presidential emergency boards, serving as chair twice. He served on Presidential Emergency Board No. 243 involving a coalition of the nation’s freight carriers and two coalitions representing 11 railroad unions in 2011.

## Deal reached on same-sex couple dependent benefits

Rail labor organizations and rail management through the National Carriers Conference Committee have reached an accord to extend medical, dental and vision benefits to same-sex couple spouses, effective Jan. 1, 2014.

The plans affected are the National Railway Carriers/UTU Health and Welfare Plan, the Railroad Employees National Health and Welfare Plan, the Early Retirement Health and Welfare Plan, the Railroad Employees’ National Dental Plan and the Railroad Employees National Vision Plan.

The NCCC states that there is no requirement under applicable law or under the current collective bargaining agreement to provide this coverage, but the change was agreed upon based on recent changes to federal law allowing same-sex couples to access federal tax benefits provided to other married couples.

Railroads participating in the aforementioned health care plans will be announcing these changes on their company websites and will notify employees in the near future by mail.

The announcement comes one day after a lawsuit was filed Dec. 3 in U.S. District Court in Seattle that said same-sex spouses were routinely denied medical coverage. The employees filing the suit worked for BNSF Railway.

SMART Transportation Division President John Previsich said the parties had recently concluded the discussions to extend benefits to same

sex married couples, and formal announcement was on hold pending the resolution of final details. That announcement was moved up, said Previsich, to inform affected members and avoid unnecessary litigation on the matter.

The Seattle lawsuit was filed by two engineers – one man and one woman – and their same-sex spouses. It says BNSF had a “stated policy” that “one man and one woman” is what constitutes marriage. “BNSF does not get to judge what marriage is,” the suit said.

BNSF, which is owned by Omaha’s Berkshire Hathaway Inc., said the matter was properly handled through the National Railway Labor Conference, which could have handled it either through collective bargaining or, as it did, via the governing committee.

“This was the correct way to deal with the issue, as our prior statement indicated,” said Steve Forsberg, BNSF’s director of external relations. “Changes to the plan must come through the collective bargaining process or through the plan’s governing committee, because the agreement involves multiple employers and multiple unions.”

Spouses of salaried employees in same-sex unions, Forsberg said, are eligible for health care coverage if they were married in a state where such marriages are legal. Such unions are not legal in Nebraska, where BNSF employs about 5,000 people.

## Rail safety agency stretched thin, getting thinner

The nation’s foremost railroad watchdog is potentially facing a serious workforce shortage, raising questions about its ability to ensure safety after a string of high-profile accidents.

With 324 safety inspectors across the country, government investigators say, the Federal Railroad Administration can oversee only one percent of all railroad operations, *The Washington Times* reported.

“FRA is a small agency with limited resources available to execute the large scope of its oversight responsibility, especially compared to the size of the industry it regulates,” says a report by the Government Accountability Office.

Congress’ investigative branch released the

report in December after a New York City commuter train went off the rails at 82 mph on Dec. 1.

The GAO estimates that it takes four months to four years to train a safety inspector, but said the FRA has not been planning for a workforce shortfall or new class of recruits.

“If this nation is going to have a safe and efficient rail system, Congress must do more to invest in infrastructure and our workforce,” said Democratic West Virginia Sen. Jay Rockefeller, Chairman of the Transportation Committee.

To view the GAO’s report, visit the SMART Transportation Division website at [www.utu.org](http://www.utu.org) and select the link under “Safety” at the bottom left corner of the homepage.



FEDERAL RAILROAD ADMINISTRATION

## Local officer gets red suit, beard was already in place

For 10 years, SMART Transportation Division engineer Rance Miller of Local 1816 has been making children in the Toledo, Ohio, area happy as that famous man in the red hat and suit.

It all started when a friend asked him to dress up as Santa Claus for his kids. The friend had

already bought the suit and Miller already had the natural silver beard to go with the outfit.

“I put on the suit and people said I just evolved,” Miller said. “It all just kind of fell into place.”

Mrs. Miller joins in on the fun and dresses up as Mrs. Claus. She also makes all of Miller’s San-

ta outfits. He has a new vest and new lollypop-toed leather boots this year.

As Santa, Miller does a lot of charity work. If someone tries to pay him, he asks that individual to please make a donation in his or her name to the Make-A-Wish Foundation.

“Kids in hospitals are the toughest part of my job,” Miller said. “The first thing you learn is that you never, ever, promise anything that you can’t deliver, or that a parent can’t deliver. I’m never going to promise a terminally ill child that he or she is going to get better. I say Santa will pray for you.”

“Most kids who are ill don’t ask to get better. They ask, ‘Will you make sure my mom and dad, brother and sister are okay when I’m gone?’ They don’t ask for toys, they ask for their family to be okay.”

As Santa Claus, Miller gets asked a lot for puppies and other animals. “I tell the kids that Santa Claus doesn’t do live animals. Elves don’t make live animals – they make toys. I say ‘that’s up to your mom and dad, not me.’ I don’t want to promise anybody an animal when the family may not approve for whatever reason.”

“I play Santa to make people happy. If I can bring a smile to someone’s face, that’s everything. Especially in these hard times, when there are so many in need.”

“I have a lot of fun doing it. It’s free, and I don’t want to turn it into a business, because that would take the fun out of it. This is the best job I ever had in my life.”



Local President and Chairperson Rance Miller serves his community as Santa Clause when he is not serving the members of Local 1816 at Toledo, Ohio.



# UTUIA Scholarship: A Key to Success



## DISTRIBUTION

Fifty continuing \$500 scholarships are awarded each year upon verification of enrollment for the fall term. The scholarships are prorated according to the number of SMART Transportation Division members in each of nine districts. The names of the 50 scholarship winners for the academic year 2014/2015 will be drawn at UTUIA headquarters in North Olmsted after the March 31 deadline for submission of applications.

## ELIGIBILITY

Requirements of a UTUIA scholarship applicant are that he or she be a U.S. citizen, at least a high school senior or equivalent, and age 25 or under.

**Applicants must be associated with the UTUIA by either owning a UTUIA insurance policy, or by being the child or grandchild of a current UTUIA policyholder. Scholarship applicants must also be associated with the SMART Transportation Division by belonging to the union, or by being the child or grandchild of an active or lifetime SMART Transportation Division member.**

Applicants also must be accepted for admittance, or already enrolled, for at least 12 credit hours per quarter or semester at a recognized institution of higher learning (university, college or junior college, nursing or technical school offering college credit). Graduate schools are not included. Families of full-time International officers are not eligible.

Previous scholarship winners are exempt from the new UTUIA policyholder connection requirement; they may renew their annual scholarship if otherwise eligible. This exemption is for the renewal of existing scholarships only, and all new applicants must meet the UTUIA and SMART Transportation Division association requirements above.

## AWARDS

Scholarships are awarded on the basis of chance, not grades. A UTUIA scholar, however, is expected to maintain a satisfactory academic record to keep the scholarship for the full four years.

## ADMINISTRATION

The UTUIA Scholarship Committee decides whether individual scholarships should be continued or discontinued. Each successful applicant must provide annual proof of eligibility on or before a deadline set by the scholarship committee to qualify for a continuing award. The day-to-day management of the program is handled by the office of the UTUIA general secretary & treasurer.

UTUIA Scholarship Districts		
District		Scholarships
1	Connecticut, Maine, Massachusetts, New Hampshire New York, Rhode Island, Vermont	5
2	Delaware, District of Columbia, Maryland, New Jersey, Pennsylvania	5
3	Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, Virginia, West Virginia	8
4	Indiana, Michigan, Ohio	5
5	Illinois, Wisconsin	4
6	Arkansas, Louisiana, Oklahoma, Texas	6
7	Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, South Dakota	6
8	Arizona, California, Colorado, Nevada, New Mexico, Utah	8
9	Alaska, Idaho, Montana, Oregon, Washington, Wyoming	3

### A message from UTUIA President John Previsich

Education is the key to success, and the key to an education can be a United Transportation Union Insurance Association scholarship.

With college enrollment time upon us, we strongly urge all eligible persons to take a few minutes to fill out the UTUIA scholarship application form printed below and apply for a UTUIA scholarship. It will be one of the smartest things they ever do.



This is the 40th year UTUIA is making available 50 continuing \$500 scholarships for its members, and the sons, daughters and grandchildren of its members. We are very proud of our scholarship program, a pride that comes from helping thousands of college students over the years.

We realize the amount awarded, \$500 a year, doesn't meet the full cost of the recipient's education, but in this way we can help a larger number of students with educational costs. Recipients may use the scholarship money for tuition, learning materials or other related expenses.

UTUIA scholarship winners will receive the full amount of the award each year for up to four years of undergraduate study as long as they maintain a satisfactory academic record.

With a UTUIA scholarship, we hope to give the recipient the opportunity for a full-time education instead of a part-time education, day school instead of night school, higher education instead of basic training.

We are proud in knowing that UTUIA scholarship recipients are enrolled in some of the finest and most prestigious colleges and universities in the world. We also can point proudly to the many achievements of past scholarship winners who have contributed so much to our great nation.

UTUIA is proud and happy to provide these scholarships for they are an opportunity for achievement. The success of deserving students is our success and the benefits are boundless. The key to success is education, and the key to education is a UTUIA scholarship. Take a minute to apply for the chance of a lifetime.

As the saying goes: "If you think education is expensive, try ignorance."

A handwritten signature in black ink, appearing to read "John Previsich".

John Previsich, President  
UTUIA

## UTUIA SCHOLARSHIP APPLICATION FORM 2014/2015

(PLEASE TYPE OR PRINT)

STUDENT'S NAME	_____	BIRTH DATE	____/____/____
	(LAST) (FIRST) (M.I.)		(MM/DD/YY)
MEMBER'S NAME	_____	UTU Local	_____
	(LAST) (FIRST) (M.I.)		
ADDRESS OF MEMBER	_____		
_____			
OCCUPATION	_____		
EMPLOYER	_____		
STUDENT'S RELATIONSHIP TO MEMBER	_____		
COLLEGE YEAR, 2014-2015	<input type="checkbox"/> FRESHMAN	<input type="checkbox"/> SOPHOMORE	<input type="checkbox"/> JUNIOR <input type="checkbox"/> SENIOR
SIGNATURE OF STUDENT _____			
SIGNATURE OF MEMBER _____			
(Please include date of death if member is deceased.)			

Applications must be received **no later than March 31, 2014**. Please submit **only one application per student**. Incomplete, photocopied or duplicate applications will not be accepted. The application form printed on this page is the official UTUIA scholarship application form and is the only one you will receive. If you need another application form, call (216) 228-9400, ext. 3015, or email "amartinez@smart-union.org." Please include your UTU local number with all requests.

Complete the form above, cut it out and mail to:

**UTUIA Scholarship Program**  
**United Transportation Union Insurance Association**  
**24950 Country Club Blvd., Suite 340**  
**North Olmsted, OH 44070-5333**







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 1700 (Perris, Calif.) President **Gary Miller**. "I see our monthly publications, and they seem to post information mostly on the rail side or over-the-road or fixed-route busing. That being said, here is a photo of one of our paratransit buses taken in Riverside, California," Miller said.



## Transportation Division News

Volume 45/46 • Number 12/1 • December 2013/January 2014 *International Association of Sheet Metal, Air, Rail and Transportation Workers*

## Whistleblowers can now file complaints online

WASHINGTON – Whistleblowers covered by one of 22 statutes administered by the U.S. Department of Labor's Occupational Safety and Health Administration will now be able to file complaints online. The online form will provide workers who have been retaliated against an additional way to reach out for OSHA assistance online.

"The ability of workers to speak out and exercise their rights without fear of retaliation provides the backbone for some of American workers' most essential protections," said Assistant Secretary of Labor for Occupational Safety and Health Dr. David Michaels. "Whistleblower laws protect not only workers, but also the public at large and now workers will have an additional avenue available to file a complaint with OSHA."

Currently, workers can make complaints to OSHA by filing a written complaint or by calling the agency's (800) 321-OSHA (6742) number or an OSHA regional or area office. Workers will now be able to electronically submit a whistleblower complaint to OSHA by visiting <https://www.osha.gov/whistleblower/WBComplaint.html>.

The new online form prompts the worker to include basic whistleblower complaint information so they

can be easily contacted for follow-up. Complaints are automatically routed to the appropriate regional whistleblower investigators. In addition, the complaint form can also be downloaded and submitted to the agency in hard-copy format by fax, mail or hand-delivery. The paper version is identical to the electronic version and requests the same information necessary to initiate a whistleblower investigation.



OSHA enforces the whistleblower provisions of 22 statutes protecting employees who report violations of various securities laws, trucking, airline, nuclear power, pipeline, environmental, rail, public transportation, workplace safety and health, and consumer protection laws. Detailed information on employee whistleblower rights, including fact sheets and instructions on how to submit the form in hard-copy format, is available online at [www.whistleblowers.gov](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 [www.osha.gov](http://www.osha.gov).

## Inside this issue of *UTU-SMART News*:



Conductors kind words keep suicidal man safe. See page 2.



Retiree refurbishes old locomotive switchers. See page 8.



Member trades fishing vacation for volunteer venture. See page 9.



UTUIA Scholarship: A Key to Success. See page 11.