



INVEST Act takes a step ahead

Bill with bus safety, 2PC mandates wins approval of U.S. House Committee

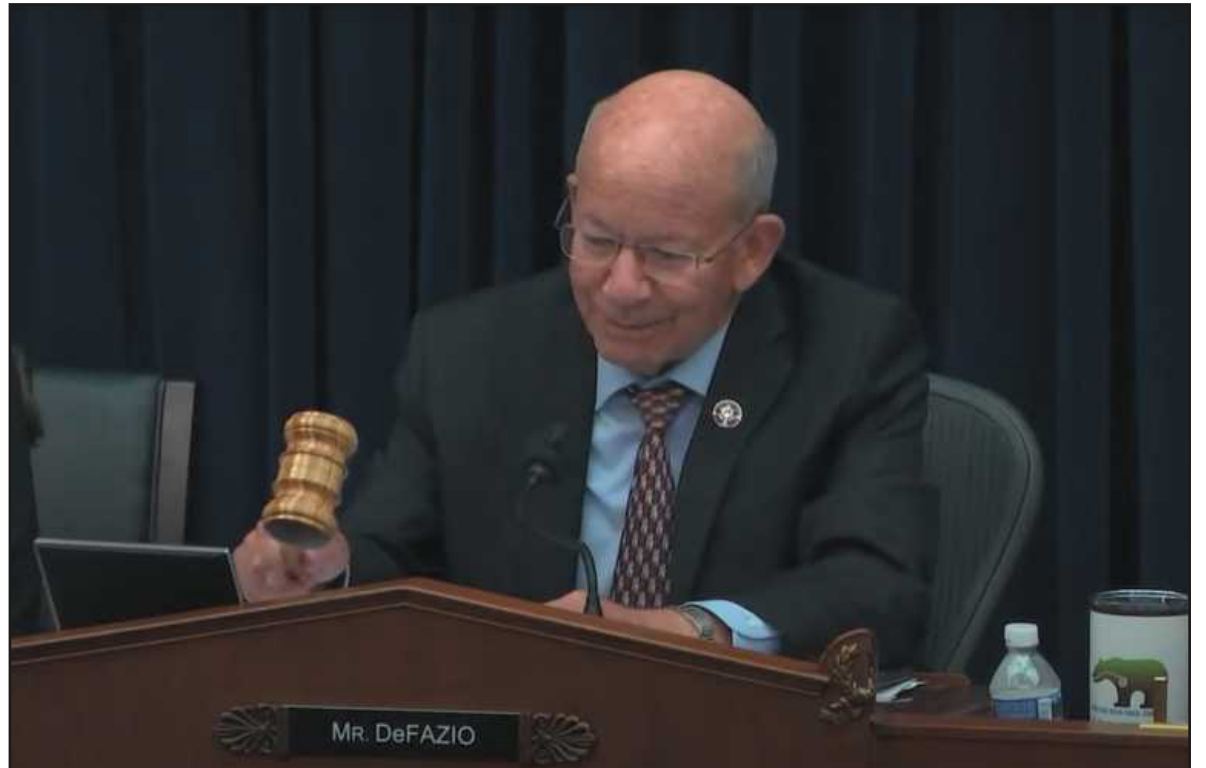
After a session that began the morning of June 9 and carried on overnight into the pre-dawn hours of June 10, the INVEST in America Act passed out of the U.S. House Transportation and Infrastructure Committee with two-person crew and other provisions important to SMART Transportation Division members intact.

"We are one step closer to success," SMART Transportation Division National Legislative Director **Greg Hynes** said. "This was a marathon session, but one that had the best possible outcome for our members. We thank the committee members for their work and now turn our focus to getting the legislation's passage in

the full House."

The bill, H.R. 3684, a five-year, \$547 billion surface transportation reauthorization bill, now moves to the full House for consideration after passing the committee 38-26. Two Republicans, Brian Fitzpatrick of Pennsylvania and Jenniffer González-Colón of Puerto Rico, voted along with 36 Democrats on the committee to pass the bill.

"I commend my colleagues for their hard work helping craft these two bills to deliver what Americans expect and deserve: safe roads and bridges, reliable transit options and a robust passenger rail network, wastewater systems that aren't on the brink of failure, and a com-



With the bang of his gavel before dawn on June 10, House Transportation & Infrastructure Chairman U.S. Rep. Peter DeFazio signals the advance of H.R. 3684, the INVEST in America Act, to the full U.S. House of Representatives by a bipartisan 38-26 vote. (Screen capture from House T&I Committee YouTube.)

mitment to address the existential threat of climate change," said Chair Peter DeFazio (D-Ore.). "In many ways, the choice couldn't be easier—because the best

part of rebuilding our infrastructure for the modern era is the incredible opportunity for our nation that comes with

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See Page 2 for more info about the INVEST in America Act and how, if passed, it would benefit SMART-TD members.

Alt. National Legislative Director Cassity now heads safety team

As the SMART-TD restructures to better serve our membership, the National Safety Team (NST) now has a new director. SMART-TD Alternate National Legislative Director **Jared Cassity** (Local 1377 in Russell, Ky.) has taken over as director for SMART-TD Chief of Staff **Jerry Gibson** (Local 313 in Grand Rapids, Mich.).

"I have the utmost faith that



Cassity



Gibson

Jared has the knowledge, experience and passion to lead this team," Gibson said.

No stranger to the NST,

Cassity joined the team in 2014 and served as an alternate director from 2016 to 2019. He has also served on the CSX Safety Model Executive Board.

Cassity started his railroad career with CSX in September 2005, and was promoted to engineer in 2008. He has held numerous positions within the union, including vice local chairperson, secre-

tary and treasurer, legislative representative, local chairperson, assistant general chairperson and Kentucky state legislative director.

"Safety is our priority, as it should be, but unfortunately we work in an industry that prioritizes profit before anything else. So, we must be vigilant to not just watch out for ourselves, but also to protect the backs of our brothers

and sisters," Cassity said. "As a union, we cannot let down our guard, and I pledge to maintain the necessary level of dedication and aggression that this job requires to get the job done."

"Our goal is simple: 'to get you home the same way you came to work.' I know that is an old saying, but it's true.

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H.R. 3684: The INVEST in America Act at a glance

AMTRAK

- **Tripling funding** to \$32 billion, allowing for enhanced service, ADA upgrades and investments to renew and support service on the NE Corridor, long-distance and state-supported routes.

BUS

- **Creates a Federal Transit Administration (FTA) training center** modeled on the successful National Transit Institute, but with a frontline employee mandate to focus on training for new technologies, safety and emergency preparedness.
- **Expands FTA's safety plan** to include a focus on passenger and personnel injuries, assaults and fatalities; a risk management process to address transit worker assaults; a joint labor/management safety committee empowered to approve the safety plan; and a comprehensive frontline workforce training program on safety and de-escalation.
- **Prevents a transit agency from deploying an automated vehicle** that duplicates, eliminates or reduces the frequency of existing public transportation service or a mobility-on-demand service. Transit agencies considering transit automated vehicles and mobility on demand service are required to develop a workforce development plan describing how the automated vehicle will affect transit workers. Ensures transit workers are given fair notice if their job is jeopardized by a transit automated vehicle or mobility-on-demand service.
- **Authorizes FTA research on redesigning bus driver compartments** to improve driver visibility, expand driver functionality and reduce driver assault.
- **Directs the transportation secretary to review the costs and benefits of requiring lap/shoulder belts in large school buses** and

FREIGHT RAIL

- **Requires federal Department of Transportation (DOT) to rescind any special permit or approval for the transport of liquefied natural gas (LNG) by rail tank car** issued before the date of enactment. Also prohibits DOT regulations on the transport of LNG by rail tank car from taking effect until DOT conducts a further safety evaluation. Directs the Pipeline and Hazardous Materials Safety Administration (PHMSA) and Federal Railroad Administration (FRA) to initiate an evaluation of the safety, security and environmental risks of transporting LNG by rail.
- **Improves rail safety by addressing highway-rail grade crossing needs.**
- **Requires a study** on the effects of long trains.
- **Requires FRA to increase its roster of rail safety inspectors** by 20 percent.
- **Requires FRA to collect data on train length and crew size** when an accident occurs.
- **Requires creation** of a standardized FRA safety investigation process.
- **Requires FRA to engage in a public process before granting waivers** from, or suspensions of, rail safety standards and regulations.
- **Creates a federal blocked crossing program**

TRANSIT

- **Establishes a working group** to improve the musculoskeletal health of transit and commercial vehicle drivers by developing stronger ergonomic seating standards in transit and commercial vehicles. Requires the working group to compare design standards for women to those for men.
- **Provides funding for corridor planning and development of high-speed rail projects**, reducing traffic congestion and shortening travel times.
- **Requires passenger and commuter railroad carriers to implement response plans and employee training in order to address assaults** against both passengers and employees. The section also requires railroads to report annual assault data to FRA.

to collect data and enforce a 10-minute blocked crossing limit.

- **Has a two-person crew freight train mandate** that, like the 2020 bill, has some exemptions for short lines and train length.*
- **Has a cross-border provision** for the southern border of the U.S.
- **Makes yardmaster employees subject to FRA's hours of service** protections.
- **Directs FRA to take such actions as are necessary to ensure that certain older air brake control valves are phased out** on rail cars operating in cold regions of the United States, an issue brought to light by SMART-TD leadership in 2019.
- **Directs DOT to require railroad carriers to regularly report on failures of positive train control (PTC) systems.**
- **Directs the secretary of transportation to issue a final rule on fatigue management plans** within one year.

* Exemptions of the two-person crew mandate in the INVEST in America Act are:

- Operations are not on a main line.
- The train does not exceed a maximum speed of 25 mph on territory with an average track grade of less than 2% for any segment that is at least two continuous miles.
- The locomotives are performing assistance to a train that has incurred mechanical failure or lacks the power to traverse difficult terrain, including to or from the location where assistance is provided.
- The locomotives are not attached to any equipment

(except a caboose) and do not travel further than 30 miles from a rail yard.

- A location where one-person operations were being utilized one year prior to the date of enactment of this bill, only if the DOT secretary determines that the operation achieves an equivalent level of safety.

Short-line exception

In addition, a train may be operated with a reduced crew, if the carrier has fewer than 400,000 total employee work hours annually and an annual revenue of less than \$20,000,000.

No exceptions

A train must be operated by a two-person crew (no exception), if:

- It is transporting one or more loaded cars carrying material toxic by inhalation.
- It is carrying 20 or more loaded tank cars of a Class 2 material or a Class 3 flammable liquid in a continuous block.
- There are 35 or more loaded tank cars of a Class 2 material or a Class 3 flammable liquid throughout its consist.
- The train is 7,500 feet in length or longer.

INVEST in America Act takes step ahead to the full U.S. House

Continued from Page 1

it. We're talking millions of good-paying jobs that can't be exported, real and sustained support for U.S. manufacturing, and the chance to make our nation a world leader once again. This is a once-in-a-generation opportunity that we can't afford to miss."

H.R. 3684 contains many provisions important to SMART-TD members, and received a high recommendation from union leadership prior to its passage.

"Chairman DeFazio, Rep. Eleanor Holmes Norton and Rep. Donald Payne once again proved that they are receptive to the safety of and the needs of all SMART Transportation Division members," TD President **Jeremy R. Ferguson** said. "Every one of our members has a stake in this bill and in the protections and actions this legislation puts forth.

We are thankful for the representatives' work, and we support this effort to move the transportation industry ahead."

The bill triples funding for Amtrak to \$32 billion, allowing for enhanced service, ADA upgrades, and investments to renew and support service on the Northeast Corridor and long-distance and state-supported routes. Similar to a 2020 version of the bill, provisions of the legislation mandate two-person freight rail crews and take steps to address the problems of bus operator and transit worker assault as well as other issues faced by SMART-TD's bus, rail and transit members.

U.S. Rep. Scott Perry of Pennsylvania, who attempted to get the two-person crew provision removed from the 2020 version of the bill, was at it again.

Perry eventually withdrew Amendment 091 that would have struck the two-person crew freight requirement in the 2021 version. Before his withdrawal, the Republican argued in a glitchy video that Positive Train Control and technology made creating a federal crew standard unnecessary.

"It should be one or the other, not all the technology and then also with all the manpower. All it does is add additional cost to the freight rail system and the cost to consumers," he said.

Perry's 71 other amendments to the bill included eliminating Amtrak funding and prevailing wage requirements. All were rejected.

The INVEST in America Act moves to consideration by the entire U.S. House with a potential July 4 target date.

Cassity becomes leader of SMART-TD National Safety Team

Continued from Page 1

The safety of our brothers and sisters is worth fighting for, and the NST will do just that. Lastly, I would like to thank Brother Jerry for all the years he has dedicated to this team. What a difference for the better he has made."

Brother Gibson was co-director of the NST since 2013 and will remain acutely engaged to consult on safety matters.

"Safety has always been a passion of mine and something I worked diligently to improve my entire railroad career. I have always believed that, as a fraternal organization, the safety of our fellow brothers and sisters must top all other priorities as one loss or injury is one too many. I know with the leadership and commitment to safety President Ferguson and General President Sellers have, and the skills and ability Jared possesses, this team will receive the support it needs to be successful, therefore, the time was right to hand over the baton. While I am stepping back, I am not walking away and will always be a resource and advocate ... willing to assist at any time," he said.

Around the SMART-TD

Local 17 VP Pohle succumbs to injuries from accident



Pohle

Brother **John Pohle**, vice president of Local 17 (Marshalltown, Iowa), passed away in the hospital May 25, nearly a month after he suffered a critical injury while working April 30 in Union Pacific's Marshalltown Yard.

Brother Pohle, a member of the union for more than 13 years and a

local officer since 2012, had been in a medically-induced coma in the weeks since the accident amputated his right leg.

LCA-953B established an online fundraiser for Pohle, his wife and their three sons after Brother Pohle's injury. That fundraiser remains open to continue to assist them in this time

of devastating loss. Please follow the QR code at right to donate if circumstances allow.

SMART Transportation Division extends its deepest condolences to Brother Pohle's family, his friends and especially his brothers and sisters of Local 17, which he helped to lead for nearly a decade.



Scan me

L-1978, NEW YORK, N.Y.

Members of SMART-TD Local 1978 LCA-340A (Long Island Rail Road yardmasters) in late April unanimously ratified a proposed agreement that provides for general wage increases of 2%, and 2.25%, respectively.

Zero concessions in work rules and benefits were made in the two-year agreement, retroactive from April 16, 2019.

The contract was made on a non-precedential basis on the part of the carrier thanks to federal funding intended to offset operating losses incurred by LIRR because of the COVID-19 pandemic.

"This agreement could not have been achieved without the tactful negotiations and tireless effort by Brother **Anthony Simon** — Alternate Vice President and General Chairperson of GCA-505," said General Chairperson **Michael Miele** of GCA-340. "Brother Simon has always looked out for all SMART-TD members on the property, as well as other union membership without fail. I truly commend him for his efforts."

L-1892, HOUSTON, TEX.



Former local officer **Daniel Holak**, who served for years as a legislative representative and a local chairperson, retired May 14, 2021, after 42 years of service.

Brother Holak hired out in April 1979, and retired as a switchman for Union Pacific.

"Local 1892 is losing a great union brother with a wealth of knowledge, but it's a well-deserved retirement nonetheless," Local S&T **Robert Maldonado** said.



Holak

L-324, SEATTLE, WASH.

Member **Henry Clay Dennison** accompanied a reporter from The Militant newspaper to visit picket lines in Brookwood, Ala., in May to talk with striking coal miners about their fight and show solidarity from his local.

About 1,000 workers from Warrior Met have been on strike since April 1 over labor practices, wages, working conditions and safety concerns.

Dennison, a coal miner for the better part of two decades before becoming a switchman for BNSF, had in-depth conversations with picketing workers, The Militant reported.

"I came to Brookwood to



Dennison

bring a solidarity message from **Pete Gushwa**, president of my union, SMART-Transportation Division Local 324," Dennison was reported as saying by journalist John Benson.

"Workers in many industries face attacks by the bosses. My co-workers agree we have to stand together and use our unions to strengthen each other."

Dennison received 5,970 votes in a run for Washington's governor in 2020 as the Socialist Workers candidate. He is running for mayor of Seattle as a socialist candidate against 15 others. The mayoral primary is Aug. 3.

At press time, the strike in Alabama continued.

L-807, TUCSON, ARIZ.

Local Chairperson **Liz Knepp** (LCA-887B) had a letter published in the Arizona Daily Republic stating her opposition to right-to-work-for-less legislation and her support of the PRO Act that protects the right to organize.

"Wages are lower in Arizona and profits for the rich are higher than in states without the misnamed 'Right-to-Work' law. The PRO Act will change that! Arizona workers are smart enough to decide for themselves whether they should join a union. They do not need the government to make it easier for the bosses

to deny workers union protections.

"Workers in 'right-to-work' states make nearly \$9,000 less per year than workers in states without these laws, and the rate of workplace deaths is 37% higher in 'right to work' states.

"We do not need to help Big Business any more. The economy is recovering at a healthy pace. It is time to help Arizona workers. Tell your senators that it is time to pass the PRO Act, and give the citizens of this nation their rights back."

The letter was one way to support the union cause. There are others,

Knepp says.

"Supporting our union takes more than just paying dues, and then trusting in our general chairperson or the international officers to take care of us. It is more than paying a dollar-a-day to the PAC," she said.

"We have to keep pressure on the elected officials to make the decisions that will protect our jobs, and we have to inform the community of the issues that affect us and them. Also, stepping up to support other unions is a great way to expand our impact. If we help them, they will help us."



In this photo courtesy of Liz Knepp, (from left) retired conductor Dave Scherer, Local Chairperson Mike Curtis (LCA-887A) and Knepp, show solidarity at a organizing rally for nurses at St. Joseph Hospital in Tucson, Ariz.

L-445, NIOTA, ILL.

Illinois Alternate State Legislative Director **Jordan Boone** reports that his home local held food drives for food pantries in Galesburg, Ill., and Fort Madison, Iowa, with the help of Hy-Vee grocery stores.

Organized by Local 445 LCA Secretary and Philanthropy Chair **Wes Ekstedt**, members stood outside the Hy-Vee stores in Galesburg on Feb. 26, and in Fort Madison April 23 and 24 and collected cash and food for the

pantries.

"With the help of Hy-Vee, we collected a total of \$1,670.57 and 962 pounds of food for the local food pantries," Boone said.

The local gave 561 pounds of food and \$812.22 to the local Galesburg food pantry. In Fort Madison, the local collected \$858.35 and donated 401 pounds of food to the local pantry. UFCW Local 617 of Fort Madison heard about the cause and donated \$500 to the Iowa community

effort.

Ekstedt and Boone were joined by Vice President **Scott Lester**, Local Trustee **Michael Rankin**, member **Pete Weldon**, member **Chad Hocker**, member **Josh Gordon** and Local Chairperson **Richard Gustin** at both locations, along with many Hy-Vee employees at the food drives.

"It was great to see our union members volunteering their time for such a needed cause during this pandemic.



Members of Local 445 in Niota, Ill., took part in successful food drives in February and April in Illinois and Iowa. More than 900 pounds of food and \$1,670.57 were donated to local food banks.

The food pantries were blown away by the success we had," said Boone.

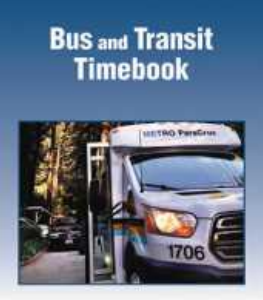

Around SMART-TD continued...

It's time to review the timebooks!

Members have been able to spend half a year now with the 2021 SMART-TD bus and rail timebooks that were revised last year with members' input. We're sure there are things you like about the revisions and things that you would want to have changed about the timebooks so they are of the best use to you.

Now through August is your chance to make suggestions for any changes or improvements to the books. Mid-September will be the deadline for local officers to place their orders for the 2022 edition.

Please send improvement suggestions in to Dora Wolf, at dwolf@smart-union.org.



L-974, NASHVILLE, TENN.



Members from four locals gathered May 20 for a joint meeting that included a meal and a visit from TD President Jeremy R. Ferguson.

Officers from Locals 974 (Nashville, Tenn.), 904 (Evansville, Ind.), 1308 (Bruceton/Hollow, Tenn.), and 1346 (Nashville) gathered in Brentwood, Tenn., for a meeting May 20 to review the state of affairs at the CSX properties they represent.

"President Ferguson has been champing at the bit to get out there with the membership, but the pandemic

had made that difficult," said GCA-433 (Illinois Central) Vice Chairperson **Andy Goeckner**, who attended the meeting in his role as an organizer. "This was his first opportunity to talk about membership retention, national negotiations and issues specific to CSX."

Tennessee SLD and General Chairperson **Adren Crawford** attended – as did

a representative from Wettermark and Keyes, a SMART-TD Designated Legal Counsel firm that provided dinner to the gathering.

Also collaborating to help organize the meeting were **Craig Spangler** and GC **Brian Killough**.

"I think it went very well – we all were very happy with the turnout," Brother Goeckner said.

L-23, SANTA CRUZ, CALIF.

The mission of a union not only involves protecting members, it also requires the courage and solidarity to stand together and speak truth to power when necessary.

While the contract of Santa Cruz Metro CEO/General Manager Alex Clifford was being considered by the carrier's board of directors in late May, members of our union made it clear that improvements were necessary.

"As you know, we have serious concerns about Alex Clifford's behavior as the CEO of Metro and we're asking you not to renew his contract," General Chairperson

James Sandoval (GCA-SCM) told the board. "In a survey put out to all of our members at both SEIU and SMART, 83% of our members said they have no confidence in Alex Clifford's leadership."

A petition expressed concerns about Clifford's lack of cooperation and "harmful choices."

Clifford was seeking a five-year extension with guaranteed step raises, but the concerns brought to the board's attention resulted in a three-year contract extension and raises contingent upon a review of Clifford's performance.

L-1741, SAN FRANCISCO, CALIF.



Members of SMART-TD Local 1741, representing bus drivers for the San Francisco Schools, took part in a May Day rally organized by Bay Area labor councils. More than 2,000 union members & community supporters participated, calling for passage of the labor-friendly PRO Act, the support of a just recovery for working families and communities, and for people to stand against racism. Local President Meghann Adams was interviewed by a reporter from KTVU Fox 2 and appeared on an evening news broadcast speaking about the importance of worker solidarity.

L-710, NEWARK, N.J.

Members of the local who are employees of Coach USA unanimously ratified a new three-year agreement that provides for yearly wage increases, reduces the cost of health care while expanding coverage and calls for the largest gain ever in members' 401(k) plans.

The agreement adds another two personal/sick days and three more months of leave if needed by the operators.


"I would like to thank Local 710 General Chairperson **Katesha Hollman**, Secretary **Vanessa Brydie** and N.J. State Legislative Direc-

tor **Ron Sabol** for their tireless dedication to getting this agreement," Bus Department Vice President **Calvin Studivant** said.


Studivant also reported that Coach USA won a bid from N.J. Transit to provide service in Hudson County. The 85 employees working with the prior service provider have been hired by Coach USA.

"They will be joining the union without going through a probation period," Studivant said.

Welcome to our new members in Local 710 who joined the union in mid-June!



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SMART GENERAL PRESIDENT'S COLUMN

COVID vaccines essential to protect yourselves

The past year has been one of the most painful in the recent history of the United States, Canada and the world. The shutdowns caused by the COVID-19 outbreak put the brakes on our economy, on jobs and on our children's educations as millions were forced to stay at home.

Today, the light at the end of the tunnel is getting brighter as we begin to slowly make our way to the other side of the dark times this pandemic brought us. To finish that journey, it is up to each of us to get vaccinated as soon as possible, for ourselves, our families and our communities.

Misinformation exacerbated the issues caused by this pandemic. The rise of social media amplified the voices of some whose agenda was not of health and science,



By Joseph Sellers Jr.

but one to cause vaccine hesitancy among regular everyday people. The truth about the vaccines is that they are safe, and the drop in new COVID cases within communities that have seen a rise in vaccinations proves their efficacy.

The authorized COVID-19 vaccines met the Food and Drug Administration's rigorous standards for safety and for effectiveness. Millions of people in the United States, over six of every 10 as of today, have received COVID-19 vaccines and will continue to undergo extensive safety

monitoring.

Some may wonder if the vaccine was developed too quickly. The vaccine was developed quickly because it was well-funded, innovative and used new science and technology to produce vaccines while they were still being tested. This was a global effort, which included the world's leading scientists and doctors backed by unprecedented resources in a search for a vaccine. The effort met the highest standards for safety and effectiveness testing.

In clinical trials, both the Pfizer and Moderna vaccines were shown to have 94% to 95% efficacy in preventing COVID-19 in individuals who received the vaccine. Remember, a COVID-19 vaccine reduces the likelihood that you will develop COVID-19 as well

as lessening the severity of infection. The vaccine works by creating an antibody, or immune system response, without getting the illness.

Now another new strain has developed as the spread continues. One week the COVID Delta variant was 3% of confirmed positive cases, the next week 6%. Now the Delta variant is one in five cases across the U.S. and has been found in 47 states. This strain is highly contagious and expected to spread quickly. The vaccine is the key to help prevent the spread of the virus and such mutations.

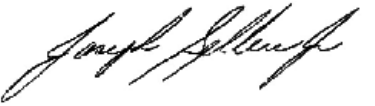
COVID vaccines are free to the public for those 12 years of age and older in the United States. As more vaccines are produced, it is expected every American and Canadian will be able to

receive them easily and quickly. Those who receive the vaccine will receive a certificate to be used in the same way a driver's license or other form of identification is used.

Again, the light at the end of the tunnel gets brighter every day. I urge each member to get a vaccine to protect yourself, your family and your community. We must remember that our personal care affects those around us.

I urge you to continue practicing safe social distancing and please stay safe!

Faternally,


Joseph Sellers Jr.
General President, SMART

Bus Department News

A message from your Bus Department leadership

Sisters and Brothers,

The Biden Administration has proposed "The American Jobs Plan," which is an investment in America to rebuild our decaying infrastructure and create millions of new jobs. Included in the plan is a proposal to modernize highways, roads and bridges, strengthen workers' rights and provide protection against future pandemics. The administration is seeking bipartisan support without using reconciliation to achieve a deal. As designed, this plan will significantly benefit our members in the bus department.

The proposal specifies improvements in transit systems by replacing some diesel transit vehicles while investing in clean electric vehicles



By Alvy Hughes

and repairing aging light rail lines. There is also an effort to provide affordable transportation options to underserved communities.

These strategies will provide more jobs for the transportation industry and create more job opportunities for transit and rail operators if the plan is implemented.

The proposal's layout also allocates funding to school buses by reducing the gas emissions in buses through a new "Clean Buses for Kids Program"

at the Environmental Protection Agency (EPA), an investment to electrify at least 20% of school buses nationwide. It also addresses training to school bus operators while allocating funds for small businesses, which is beneficial to our sisters and brothers working in charter sectors.

Most of all, The American Jobs Plan proposal covers funding to strengthen federal labor enforcement agencies. The proposal includes protection against discrimination, enforces safety provisions and enhances health care and pension plans.

As our fights to promote union organizing and collective bargaining have been strategically under attack for a number of years prior to this, this is a signal of hope.

While there is much more in this plan to be excited about, we should assume some changes will likely be made before signed into law. I encourage all to reach out to your representatives to support this plan. If overall adopted, it will achieve better working conditions, wages and benefits for the future to come.

As our country is moving back to normalcy, let us not lose track of the progress we've made. Get vaccinated to protect yourself, your family and your fellow sisters and brothers.

Faternally yours,
Alvy Hughes
VP Bus Department, SMART-TD
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Auxiliary sticks together and keeps connected through pandemic

By Kathryn Seegmiller
President,
SMART-TD Auxiliary

Since receiving our first charter in 1888, we continue to push through hard times, and this pandemic has been no exception. We've been able to help in local communities with fundraisers, a blood drive and back-to-school drive, donated hygiene kits to a local school, and made and

donated masks to SMART-TD locals. The fundraisers we participated in were with the Leukemia and Lymphoma Society and Autism Speaks. We also hosted a blood drive with the American Red Cross right after the pandemic hit.

Six lodges made masks for SMART-TD locals in their area, and members made



get-out-the-vote calls for the election this past fall. One lodge collected items for hygiene kits that were donated to a local school and another lodge collected school supplies, getting the support of several candidates. The effort presented a great opportunity to spread the word about the TD Auxiliary.

Another way we continue to give back is with our yearly scholarship program. In a typical year, we give away a minimum of eight \$1,000 scholarships that renew for up to four years. For the 2021-22 school year, the Auxiliary Scholarship Fund Board gave 15 \$1,000 scholarships. That's in addition to more than \$500,000 given out since its inception in 2003.

As we continue these

efforts to connect with our members, we recently held a virtual game night and will be hosting an online workshop this summer to educate members on work- and family-related topics.

To learn more, visit smarttdauxiliary.org or follow the QR code at left. Membership is open to spouses and family of TD or Auxiliary members ages 16 and older. We are looking to open lodges in all areas.

MEMBERS CAN OPT IN TO GET PDF VERSION OF THE TD NEWS ...

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TRANSPORTATION DIVISION PRESIDENT’S COLUMN

A national contract takes time — here’s the latest

In recent months, some have asked, “Why am I working without a contract?” The simple answer is: “You are not working without a contract.” Under the Railway Labor Act (RLA), **a contract never expires**, it is only amended or changed. This means all working rules, conditions and pay rates must remain in place (status quo) until such time rail labor ratifies a new, or should I say, an amended agreement.

Sometimes this can be a long process under the Act — if you still have your copy of the January/February TD News (it’s also available as a PDF on our website), there were two pages devoted to explaining the ins-and-outs of the national negotiation process. It is not uncommon for the negotiations to take time, and it should come as no surprise that the carriers are not beating down our doors to ensure you get a well-deserved pay raise as soon as possible.

Some have also asked, **why don’t we have a contract yet?** COVID-19 has definitely played a role in delays as it made it impossible to put 100-plus people from both our 10-union Coordinated Bargaining Coalition (CBC) and the carriers in one room to negotiate in our traditional methods. Additionally, our coalition previously notified the membership of our respective organizations that thus far, no proposals from the carriers have warranted anything worthy of putting forward to the membership for ratification.

As of this date, nothing



By Jeremy Ferguson

has changed. As COVID restrictions are now being lifted, your negotiating committee looks forward to being able to once again meet face-to-face at the bargaining table with the carriers where we hope it will be much more productive than video meetings.

Negotiations are complex and involve a number of consultants and working groups that are reviewing economic data, health and welfare issues, and in some instances impacts and/or costs to either side of the equation.

We must keep in mind that an agreement by its very nature requires both sides to actually agree. How often do you agree with what your railroad does?

Now put all the railroads in one room with most of labor sitting on the other side of the table — it becomes a laborious process, to say the least. But the RLA will serve its purpose, and the parties will eventually hash out a deal. In the meantime, everything in your agreements that are currently in effect must remain fully intact — your contract hasn’t expired. Please note the bold language below from your 2017 National Agreement:

This Agreement shall be construed as a separate agreement by and on behalf of each of said

carriers and their employees represented by the organization signatory hereto, and shall remain in effect through December 31, 2019, and thereafter until changed or modified in accordance with the provisions of the Railway Labor Act, as amended.

The “term of this agreement” was defined to run from Jan. 1, 2015, through Dec. 31, 2019. The framers of the agreement were simply establishing the dates and time period for purposes of pay raises, and nothing is construed to leave anyone under the RLA and our agreements “without a contract.”

It is worth noting that negotiations for the 2017 agreement began with the filing of Section 6 notices in December 2014, and it then took 34 months before a tentative agreement was reached in October 2017 — that’s a period of nearly three years and there wasn’t a global pandemic to work through. The process does take time!

Another thing to note — only railroaders and airline employees fall under the Railway Labor Act. Airline pilots and flight attendants feel your frustrations when wanting to exercise a strike action against a carrier, the same as some of you probably do. We are a very specialized group and are governed under a very different set of rules than most other union workers.

The National Rail Contract negotiations are not the only thing on the agenda at this point in time, either. We

“We, the 10-union coalition, won’t negotiate via the media and will keep our game plans private within the union negotiating team.”

have two other major national issues that are contract-related going at the same time, with the same railroads with whom we have to negotiate a national agreement.

One is the crew-consist moratorium dispute, which was arbitrated this month in Sacramento, Calif., on June 15th and 16th and was one of the largest groups I have ever seen in one arbitration session. Another major issue is our current health and welfare dispute, scheduled to be arbitrated Aug. 31 in Washington, D.C. As I am sure you would agree, it is not easy to negotiate the direction of a new national agreement going forward into the future when we are having serious difficulties even agreeing with the carriers on what is in our previously agreed to contracts.

Some have asked **why don’t I update them more frequently about the status of negotiations?** First of all, we, the 10-union coalition, won’t negotiate via the media and will keep our game plans private within the union negotiating team. Football coaches do not go to the media talking about what plays they are going to run and what their strategies are before a game or as it is being played out. We cannot do that here either. I would also love to notify everybody anytime it looked like something positive was going to happen regarding a contract, but it would wear you out emotionally, especially if those positive possibilities

never came to fruition. Furthermore, all the union presidents in this coalition have agreed that we will only update the membership collectively as one voice through joint updates so there is no confusion that we stand together in solidarity.

Your union is pushing ahead in these negotiations with all your best interests in mind, fighting to protect what you now have and setting the stage to thrive in the future. We are proving every day that solidarity is the only way to accomplish our goals in all issues, contractual or safety-related, on behalf of the membership.

We have accomplished a lot in a very short time, battled through a pandemic and an economic downturn, and are poised to set the stage for the future of the nation’s freight rail industry in these negotiations. The updates will come in due time.

Until the CBC releases our next joint report, remain assured that your negotiators and leaders will remain as strong and proud as each and every one of you who has stepped up to the plate to make our union that much stronger in the name of safety and solidarity.

In solidarity,

Jeremy R. Ferguson
President,
Transportation Division

State Watch

News from SMART-TD State Legislative Boards

Ohio

The state legislative board held a “mini regional meeting” to help train new local chairpersons and legislative representatives in April.

The three-day-long Buckeye Mini-Regional focused on claims, investigation practices and reporting and handling safety concerns with both in-person and virtual presentations taking place.

Local chairpersons and legislative representatives from both the Norfolk Southern and CSX properties attended.

The first day focused on the LCs for the CSX northern properties. Speakers and instructors included General Chairperson **Rick Lee**, Vice President **Jamie Modesitt** and Ohio SLD **Clyde Whitaker**.

The second day gave more LCs who could not attend the first day the chance to learn and develop their talents in their new positions.

The local chairpersons courses gave new and current LCs the opportunity to understand the claim appeal

system, hours of service and the Federal Employers Liability Act (FELA).

The third day was geared toward legislative representatives. Speakers included Alt. National Legislative Director **Jared Cassity** and National Legislative Director **Greg Hynes**. Other speakers included DLC Robert Harrington from the Dunn-Harrington law firm; UTUIA’s Regional Insurance Manager **Matt Tolliver** (Local 1601); Operation RedBlock System

Coordinator **Michael Jackson** (Local 1374) and TD President **Jeremy Ferguson**.

Legislative representatives were given hands-on courses helping them to better use their positions in the local to address safety concerns to the carrier and how to elevate those concerns.

“With the cancelations of the Regional Meetings, we needed to act upon finding a way to safely get the local chairpersons and legislative representatives the training

they need to better understand their role and to represent their members,” Whitaker said. “We thought long and hard about how, under the current climate and restrictions, we could achieve this.”

The meeting proved to be a success, judging from the feedback Whitaker received from the attendees.

“We hope to do more in the future and expand on the curriculum,” Whitaker said.

Continued on Page 7

FROM THE DESK OF RRB LABOR MEMBER JOHN BRAGG

BA-6 service records have been sent

Brothers & sisters:

It is hard to believe that we are already approaching the mid-point of 2021. The Railroad Retirement Board (RRB) is still operating in a remote capacity with field offices closed to the public. Hopefully, in the not too distant future, I will be writing to advise you of plans for getting back to normal operations. Today, however, I am writing to share a friendly reminder with you about an action which every active employee should take on an annual basis – and may be of particular importance this year to some, in light of the unique work circumstances many encountered.

Each year, on or before the last day of February, employers must report service and compensation for each employee who performed compensated service in the preceding calendar year. The RRB, in turn, credits the service and compensation records of individual employees based upon these reports and in June of every year, RRB releases Form BA-6 to each employee for which compensated



Bragg

service for the preceding year was reported. The Form BA-6 contains the information recently reported for the preceding year, as well as the information reported for three preceding years.

Regardless of the amount earned, the amount of compensation shown on the Form BA-6 will always be limited by the maximum creditable Tier I compensation amount for the calendar year. For calendar years 2017 through 2020, the maximum amounts creditable are \$127,200, \$128,400, \$132,900 and \$137,700, respectively. In addition to showing the creditable compensation for the years 2017 through 2020, the Form BA-6 issued in June 2021 will show the months for which the employer reported railroad service for the employee during the years 2017-2020.

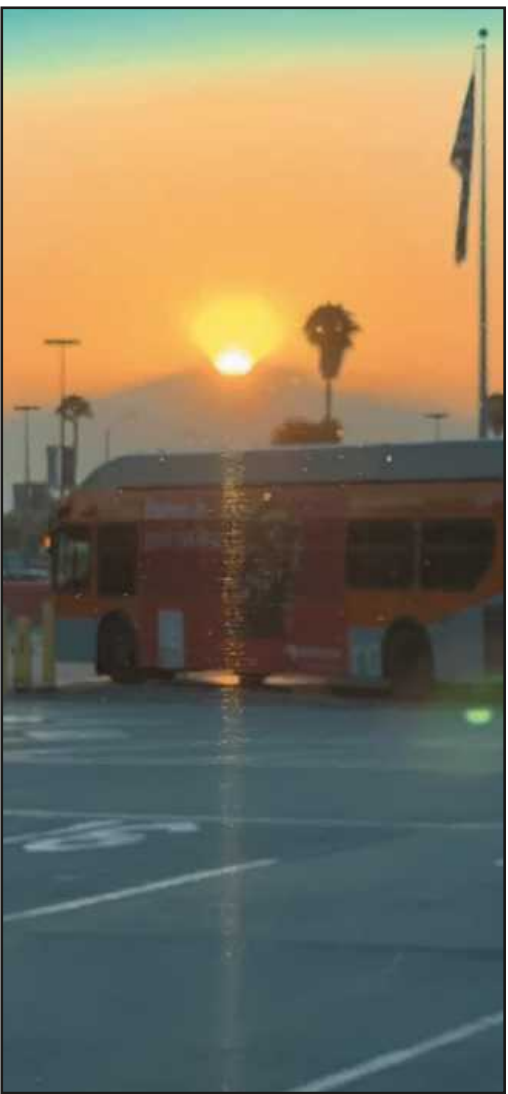
It is critical that individual employees review their annual Forms BA-6 to make sure that all the information contained on the form is accurate. For example, in addition to validating the creditable compensation, it is important to check to see if

the employer properly reported the months for which credit was given by the employer for a month of railroad service. Every month for which you believe you should have credit for railroad service should be coded with a “1”. If the code is “0”, you will not receive credit for any railroad service for that month. If the code is “D” then you will receive credit for railroad service pursuant to the rules governing the deeming of service months.

Employees who received pay for time lost, especially as a result of arbitration proceedings, during the years 2017 through 2020 are reminded of the importance of checking their Forms BA-6.

REMEMBER: The law limits the period during which corrections to service and compensation records may be filed to four years from the date the report was due at the RRB, so it is very important for employees to request a correction within that period of time. Any railroad employee who thinks that the Form BA-6 contains an error should be certain to follow the directions on how to file with the RRB a protest of the information contained on the Form BA-6.

FIERY DISPLAY



The sunrise over the San Gabriel Mountains looks like a volcanic eruption early on a May morning at Metro Division 9 in this photo submitted by Paul Magallanes, a Local 1563 (El Monte, Calif.) bus operator who works for the Los Angeles County MTA.

State Watch continued...

New Jersey

State Legislative Director **Ron Sabol** reported that the dependents of essential workers who died of COVID will receive annual increases in their workers compensation survivor benefits thanks to a bill signed by Gov. Phil Murphy.

“We thank Governor Murphy for his leadership and compassion in signing A-3998 into law,” New Jersey State AFL-CIO President

Charles Wowkanech said. “It’s been a year of unprecedented hardship for workers who put themselves at risk every day so that New Jerseyans were cared for, protected and educated, and so that essential services vital to our citizens continued to be delivered. This law ensures that the families of those who paid the ultimate price due to the nature of their jobs have greater financial

security.”

A-3998 provides a cost-of-living increase annually from workers compensation to the dependents of certain essential workers who contracted COVID-19 on the job and later died of the coronavirus.

At least three SMART-TD members from New Jersey: **Joseph Hansen, George Appiah-Kumi and Rameliah “Remy” Jennings** died from COVID-19.

Kansas

State Legislative Director **Ty Dragoo** and Local 44 (Phillipsburg, Kan.) Legislative Representative **Brandon Baker** both were appointed to three-year terms on the Kansas Rail Plan Advisory Committee overseen by the Kansas State Department of Transportation.

“This will be significant in protecting members’ interests and safety improvements instead of pet projects being selected by the railroads in the state,” Dragoo said.

Dragoo and Baker will participate in up to five committee meetings to discuss railroad issues in the state. The first meeting was in late April.

Dragoo and Vice President **Brent Leonard** also were guests of Gov. Laura Kelly at the governor’s mansion for the Sine Die legislative lunch in late May.

“Gov. Kelly expressed her grati-



Kansas State Legislative Director Ty Dragoo, Kansas Gov. Laura Kelly and Vice President Brent Leonard take a photo together at the Sine Die legislative lunch in May.

tude to SMART’s engagement in the Legislature and reaffirmed her commitment to working Kansans,” Dragoo said. “We spoke about issues that face rail and sheet metal brothers and sis-

ters in Kansas. She has been a steadfast supporter of our state’s two-person regulation and will continue to fight for all of our members’ benefit.”

Dragoo also was a guest with Nebraska State Legislative Director **Bob Borgeson** on the Talking SMART podcast where they discussed two-person crews and their efforts to bring awareness to the dangers of long trains.

“In the last month and a half, Mr. Dragoo has done some amazing work in Kansas,” said Alt. Legislative Representative **Kyle Brooks** of Local 1503 (Marysville, Kan.). “He is doing a superb job in educating the cities and counties that have railroads running through them in Kansas. I would like to congratulate him and thank him for his hard work, dedication and passion for railroaders and the safety of the public.”

Nevada

Gov. Steve Sisolak issued a proclamation praising America’s railroaders that declared April 28 as “A Day In Honor of Railroad Workers.”

SMART-TD’s Nevada State Legislative Board and BLET Nevada State Legislative Board worked jointly to lobby Sisolak regarding the proclamation. The two boards issued a joint statement, which read in part:

“Every day, front-line railroad workers report for duty as required and perform the tasks of their jobs in a manner which ensures that the movement of freight and passengers by rail, which is needed to keep this nation’s economy functioning is accomplished. In spite of various objectives and circumstances which create hurdles to be crossed in providing this vital service, the work which you do continues to deliver for those counting on it... On this special day, we salute and thank you for the work that you do, while encouraging you to stay focused on safety in the course of your work. We also ask that you join us in remembering those workers who have passed on before us, some in the line of duty, while committing to continue fighting for all still among us with whom we share struggles.”

SMART-TD President **Jeremy R. Ferguson** and BLET National President Dennis R. Pierce said, “Our unions thank Governor Sisolak for honoring railroaders with this proclamation and for recognizing the important role SMART-TD and BLET members play in keeping our economy strong. We also thank **Jason Doering**, SMART-TD Nevada state legislative director, and Matt Parker, BLET Nevada State Legislative Board chairman, for their efforts in helping to secure this proclamation and for their dedication to railroad safety.”

STB head to carriers: You’ve cut workforce too deep

The chair of the federal Surface Transportation Board (STB) Martin J. Oberman reached out to all Class I CEOs May 27 asking them whether the carriers are prepared to reverse the workforce cuts they have made in anticipation of handling an economic rebound as the coronavirus pandemic wanes.

“I am specifically requesting that you also address whether you have any long-term plans, including your hiring plans for 2021 and 2022, to reverse any of the diminishing workforce levels, which have resulted from your strategies in recent years,” Oberman said in his letter.

Rail employment data collected by the board indicate that since the onset of the COVID-19 pandemic in March 2020, that overall Class I rail employment has declined from 127,867 to 115,485, a reduction of 12,382 jobs. Train and engine personnel employment has



Oberman

been reduced by Class Is by nearly 5,000 workers from 51,801 in March 2020, to 46,951 in April 2021, the latest month for which STB data is available.

Oberman expressed concern that recent rail service problems reported by some shippers may relate to that broader trend of rail labor reductions over the last several years in addition to the furloughs and quarantines brought about by the COVID-19 pandemic.

“I recognize that these rail service challenges, at least to some extent, have been related to workforce reductions resulting from COVID-19 cases, quarantines and furloughs based on the temporary decline in demand and the resultant adjustments made by railroads in nearly every facet of their businesses,” he wrote. “But I am also concerned by the extent to which these service issues may be related to or exacerbated by a broader trend of rail labor reductions that has been occurring over

the past several years.” Precision Scheduled Railroading (PSR), adopted by CSX under the helm of the late E. Hunter Harrison, has become an acceptable operating scheme among the largest U.S. railroads focused on reducing operating ratios by lengthening trains and emphasizing cost reductions by slashing employment, reducing the time available for inspections and mothballing equipment, as reported by The Associated Press and VICE Magazine.

From an economic perspective, Oberman said the STB has received some significant reports of flaws in the Class Is’ service model.

“Although many shippers have reported that railroads are providing consistent and dependable service, the Board has also received concerning reports from a meaningful number of rail customers of subpar performance, including missed switches, railcars delayed at intermediate yards or interchanges, extended out-of-route

movements, and prolonged dwell at origin for some unit train traffic,” Oberman observed. “Additionally, we have been made aware of instances of significant congestion at various intermodal facilities, which has resulted in delayed train arrivals and disruptions to container availability.”

A review of share prices since Harrison was placed atop CSX by a hedge fund in March 2017, shows that shares for most of the Class I carriers have more than doubled, except for Canadian National and BNSF (which is privately owned).

Conversely, STB rail employment data from April 2021, indicates that overall Class I employment has declined by nearly 34,000 jobs from 149,323 in March 2017, while train and engine personnel employment has gone down by 12,240 jobs from 59,191 in March 2017.

SMART Transportation Division President **Jeremy Ferguson** said he was pleased to see STB Chairman Oberman and the board taking an active role in

protecting rail shippers and making sure T&E crews are properly staffed.

“This is a good first step in getting people back to work and getting the rail workforce to an adequate level,” President Ferguson said. “Let’s get our members some relief so they’re able to receive adequate rest and a quality of life they deserve.”

As of June 18th, all seven of the U.S. Class I carriers had responded to Oberman’s letter. Most of the responses from the carriers centered around reporting the recall of workers furloughed as a result of the COVID-19 pandemic.

CN, CP, CSX, KCS and NS all reported that they anticipated hiring additional train & engine service employees throughout the remainder of 2021. BNSF made no mention of conductor hiring, and Union Pacific CEO Lance M. Fritz also did not make mention of any plans of the carrier to hire additional personnel, instead touting the carrier’s Precision Scheduled Railroading implementation.

HELPING LOCAL S&Ts DO THEIR JOBS

New officers might come across different challenges as they take over the administrative and financial responsibilities of running their locals, whether it involves filing reports to meet federal or organizational deadlines or questions about how their local meeting should be run.

From the local’s president to the trustees, questions about how to run a local and to best serve the membership can arise almost non-stop. One of the most vital officer positions is the local secretary & treasurer (S&T).

What do the local secretary and the local treasurer do?

According to the SMART Constitution Article 21B, Section 63:

“The Secretary shall keep an accurate record of all proceedings, receive all communications, conduct the correspondence, and shall have charge of the seal and records of the local. They shall notify all officers of their election or appointment and shall notify other locals of action taken by their local which might affect, interest, or concern them.”

KNOW YOUR UNION

Think of the secretary’s duties as administrative: recording local union business, including meeting minutes and keeping track of informational updates such as membership status changes.

According to the SMART Constitution, Article 21B, Section 64:

“The Treasurer shall receive all money due to be collected by the local and give their receipt for the same ... The Treasurer shall hold and keep secure all local funds and shall be bonded as provided in Section 71 of Article Twenty-One B (21B). They shall sign all papers requiring their signature and perform other duties required by Article Twenty-One B (21B) and the bylaws of the Local. They shall keep an accurate account for all receipts and expenditures of the local on forms provided for that purpose. These records shall be open at all times for

inspection and audit by officers of the International or their representatives.”

The treasurer duties are fiduciary — tracking, recording, filing and reporting anything that has to do with the local’s money in an honest and clear manner.

Because there may be substantial overlap, secretary and the treasurer duties can fall on the same person in some locals or be split in others depending on the structure set forth by the local charter.

How does the SMART Transportation Division assist the local S&T?

A big focus for the Transportation Division is to educate and assist the local’s S&T because without precise tracking of a local’s financial situation, problems can emerge since a number of regulations must be followed for the union to stay in federal compliance. An



entire department of the Transportation Division called the Field Support Team is dedicated to assist local S&Ts in their duties.

What are some of the resources available to the local S&T?

There’s a repository of documents maintained on the SMART-TD website called the Local Toolbox, and both in-person and online trainings are held to educate them on their responsibilities and assist them with some of the tools available to them, such as how to use the union’s proprietary software. The Field Support Team also has been working to expand its offerings with more on-demand accessibility to its Help Desk.

What if an S&T really needs to discuss an important matter?

The SMART-TD Field Support team recently extended help desk hours over the spring in order to work around the non-conventional schedules that a number of local officers work. The after-hours Help Desk hotline is 216-227-5280, and is avail-

able 6 to 10 p.m. CST on Tuesdays, Wednesdays, Thursdays and Sundays. Outside of the extended hours, a message can still be left at the regular Field Support Help Desk direct line at 216-227-5444 or email fshelpdesk@group.smart-union.org. Concerns also can be expressed directly to Field Support Administrator **Katy Andrijowych** at 216-227-5432 or kandrijowych@smart-union.org.

Where can any member go if they have a question?

The best way to get questions taken care of is to ask your local officers first. Regarding disciplinary matters, contact your local chairperson. Regarding safety, contact your legislative representative. Regarding change-of-address or other membership-related information, contact your local secretary. There also is a Members Toolbox section on the SMART-TD website that can help get you in the right direction with some common issues.

What YOUR UNION is doing for YOU

Here is a list of recent arbitration victories reported to SMART Transportation Division’s leadership.

General chairpersons who wish to report a recent success should email Vice President **Alvy Hughes** (ahughes@smart-union.org) for bus department victories and Vice President **David B. Wier Jr.** (dwierjr@smart-union.org) for rail victories.

SMART-TD Vice Presidents **David B. Wier Jr.** and **Jamie C. Modesitt** report that the organization has received numerous favorable decisions from cases arbitrated at the First Division of the National Railroad Adjustment Board. Of the many cases that the organization received sustaining decisions on from the First Division, the cases referenced below are of significant interest:

■ **In NRAB First Division Award No. 30530** (Simon, 2021), CSX terminated a trainman for purportedly misusing FMLA leave. At the formal investigation, the claimant tendered medical documentation to justify his absences from work into the record of the proceeding. Based on the medical documentation submitted by the claimant to excuse his absences from work, the board concluded that the carrier failed to demonstrate that the claimant abused his FMLA leave privileges. In light of that finding, the board rescinded the claimant’s termination and ordered the carrier to make him whole for all of his lost wages. GO 49 General Chairperson **Rick Lee** and GO 49 Vice General Chairperson **Kevin Serres** progressed this case to the NRAB First Division.

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■ **In NRAB First Division Award No. 30567** (Bass, 2021), Indiana Harbor Belt Railroad dismissed a trainman for allegedly causing two railcars to sideswipe. Although the board found that the record of the formal investigation contained substantial evidence to corroborate the charges brought against the claimant, the board maintained that the quantum of discipline was unjustifiable. Recognizing that the assessed penalty of termination was not commensurate with the alleged offense, the board mitigated the claimant’s termination to a 60-day suspension from service. Accordingly, the claimant was reinstated to service and awarded back pay for his lost wages, minus 60 days. GO 449 General Chairperson **Justin Wolters** progressed this case to the NRAB First Division.

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■ **In NRAB First Division Award No. 30594** (Wesman, 2021), San Joaquin Valley Railroad Company, a subsidiary of Genesee & Wyoming, terminated a locomotive engineer for allegedly occupying a main track without authority. While the claimant was removing his crew’s bags from their locomotive to transfer them to a waiting taxi, his conductor released their track warrant to the train dispatcher while their locomotive was still occupying the main track. However, the claimant was neither privy to the radio conversation between the conductor and train dispatcher,

nor had knowledge of the conductor’s intentions to release the track warrant. After analyzing the case, the board found that the carrier failed to establish that it had a reasonable basis to assess discipline to the claimant in this case. Based upon that determination, the board reinstated the claimant to service and directed the carrier to make him whole for all wages and vacation benefits he was deprived of during his unreasonable discharge period. GO 887 General Chairperson **Gary Crest** and GO 887 Vice General Chairperson **Todd Campbell** progressed this case to the NRAB First Division.

Public law boards

■ **In Public Law Board 6918, Award No. 362** (Moreland, 2021), Union Pacific terminated a switchman for a purported violation of the Union Pacific TE&Y Attendance Policy. The subject attendance policy was promulgated by Union Pacific approximately three months prior to the claimant’s dismissal from service. After reviewing the instant case, the board found that the carrier’s newly implemented attendance policy is a “no fault” attendance policy, meaning that employees are automatically assessed penalizing points against their record for absences from work, regardless of whether the absences were excusable. The board found that the carrier’s attendance policy presupposes that all absences are inexcusable and glosses over the just case provision contained in the collective bargaining agreement. Observing that the just cause provision contained in the agreement must be rigidly applied in disciplinary cases, the board concluded that just cause necessitates an objective review of an absence to determine whether it is inexcusable before discipline can be assessed to an employee. In the final analysis, the board held that the claimant submitted legitimate medical documentation to excuse his absences from work. As a result of that finding, the board fully sustained the organization’s claim on behalf of the claimant for reinstatement to service, compensation for all lost wages, and restoration of all benefits. GO 577 General Chairperson **Roy Davis** handled this case before Public Law Board 6918.

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■ **In Public Law Board 7579, Award No. 138** (Capone, 2021), Norfolk Southern terminated a trainman on account of his crew allegedly passing a stop signal without authority. After analyzing the instant case, the board rationalized that the carrier’s decision to terminate the claimant constituted

an abuse of managerial discretion. Finding that the quantum of discipline assessed to the claimant was excessive, the board converted the claimant’s termination to a 60-day suspension. Accordingly, the claimant was reinstated to service and compensated for lost wages, minus 60 days. GO 687 General Chairperson **James Ball**, GO 687 Assistant General Chairperson **Brian Sharkey**, GO 687 Secretary **Nicholas Greficz**, and International Vice President **David B. Wier Jr.** handled this case before Public Law Board 7579.

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■ **In Public Law Board 7579, Award No. 144** (Capone, 2021), Norfolk Southern dismissed a conductor for allegedly speeding, failing to comply with restricted speed and running through a misaligned switch. According to the evidentiary record of this case, the claimant was located on the front of his crew’s lead locomotive in preparation for throwing a misaligned switch located at the end of the siding. In reaching its conclusion that the carrier failed to support the charges with substantial evidence, the board observed that the claimant did not have access to the train’s speedometer to quantify the train’s speed and he did not have any mechanism to intervene to stop the train’s movement from his location on the front of the locomotive. Based on those findings and conclusions, the board reinstated the claimant to service and awarded him compensation for all lost wages. GO 687 General Chairperson **James Ball**, GO 687 Assistant General Chairperson **Brian Sharkey**, GO 687 Secretary **Nicholas Greficz**, and International Vice President **David B. Wier Jr.** handled this case before Public Law Board 7579.

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■ **In Public Law Board 7579, Award No. 149** (Capone, 2021), Norfolk Southern terminated a conductor for allegedly engaging in inappropriate behavior in a verbal altercation with a co-worker and causing unnecessary delay to his job assignment. As a basis for terminating the claimant, the carrier solely relied upon the claimant’s co-worker’s version of the incident. The carrier completely discounted the claimant’s version of the event. Notwithstanding the carrier’s position, the board found that the claimant’s version of the facts remained consistent through the entire timeline of the incident, while the co-worker’s account of the episode was inconsistent and varied. Consequently, the board determined that the carrier was misguided in sheltering to the notion that the co-worker’s inconsistent statements

provided it with a reasonable basis to find the claimant guilty as charged and terminate his employment. Additionally, the board held that the record of the instant case did not disclose evidence to support the carrier’s assertion that the claimant delayed his train. Finding that the carrier failed to satisfy its burden of proof, the board reinstated the claimant to service and awarded him compensation for all lost earnings. GO 687 General Chairperson **James Ball**, GO 687 Assistant General Chairperson **Brian Sharkey**, GO 687 Secretary **Nicholas Greficz**, and International Vice President **David B. Wier Jr.** handled this case before Public Law Board 7579.

Bus awards

SMART-TD Vice Presidents **Alvy Hughes** and **Calvin Studivant** report that the Bus Department has received several favorable mediation awards. Here are some decisions from Federal Mediation Conciliations Services (FMCS), referenced below:

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■ **In the matter of SMART Local 1715 and Transit Management of Charlotte (TMOC) case # 202111320024**, an operator was terminated for multiple alleged violations of TMOC’s policies. The operator was accused of unbecoming of a transit employee, insubordination and intimidating or threatening behavior toward a passenger, TMOC stated. A passenger entered a transit vehicle and started a verbal altercation with the operator en route. During the argument, the passenger threw a drink at the operator. TMOC believed that the operator could have de-escalated the situation. The organization argued that the passenger was the aggressor, and the operator did call dispatch for assistance. A mediation was held, and both sides agreed to reinstate the operator with no loss of seniority, including a period of probation. This was advanced by General Chairperson **Joseph Paglia** (GCA-TMD) with the assistance of Vice President **Alvy Hughes**.

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■ **In the matter of SMART Local 1715 and Transit Management of Charlotte (TMOC)**, the organization accused TMOC of violating the current report in procedures for extra board operators. The organization argued that runaround occurred when an operator was falsely put in DOT non-driving status and placed on the bottom of the extra board list. An operator next on the extra board list was awarded a remedy of runaround pay from the conclusion of the mediation. General Chairperson **Joseph Paglia** (GCA-TMD) advanced this mediation with the assistance of Vice President **Alvy Hughes**.

SMART
TD Alumni

News and information for our retirees and members of the SMART TD Alumni Association

Are you getting close to retirement? You can get the TD News & other benefits for just \$9 a year! Call 216-228-9400, email arayner@smart-union.org or visit www.smart-union.org/td/alumni

Biden budget proposal increases RRB staffing


The 2022 fiscal year budget proposed by the Biden administration May 28 offers a net increase in funding to the Railroad Retirement Board (RRB) to cover accumulating administrative costs and to improve customer service.

The White House’s budget request of a little over \$125 million for RRB, if approved by Congress, would result in a gain of \$11 million for RRB to cover staffing needs to better serve railroad workers nearing retirement, retirees and their survivors.

In its budget request to U.S. House leadership and

to Vice President Kamala Harris, RRB reported that it has a staffing deficit of 12% from its minimum levels and that the RRB’s programs office has been operating at a reduced capacity because funding for the agency has been nearly flat for five years. Its workforce also is aging, with nearly a quarter of its workers now eligible to retire and 231 employees eligible to retire in the next year.

The added funding will allow RRB to increase its ranks to 801 full-time employees at a time when it needs workers to take care



of retirement, survivor claims and numerous other customer-facing duties that had been hampered by the COVID-19 pandemic and chronic understaffing. In its budget request, RRB reported that just 35% of the 1.2 to 1.3 million calls its Bureau of Field Services received were

answered in FY2020.

“We are operating in a transitional state that requires a sufficient investment in staffing to sustain benefit determination and payment operations, which still rely heavily on manual processing, while ensuring that the agency retains the knowledge of our laws and systems critical to modernizing benefit payment systems,” the agency stated.

“The RRB believes that an increase in staffing is critical to the success of the agency over the next few years.”

The budget request is not the only way the current

administration is working to improve RRB.

The agency’s years-long project to upgrade its IT infrastructure finally received full funding through Biden and Congress’s American Rescue Plan. The agency said that the modernization of RRB’s systems should also help to open the door to better service and more efficiency once fully implemented.

“We are grateful to the Congress for providing annual and supplemental appropriations that have fully funded RRB’s IT Modernization program,” RRB stated.

Local 771 ‘oldhead’ gives advice before retiring

Local 771 in Needles, Calif., took time to celebrate the career of **F.T. “Teddy” Rockwood**, who hired out at age 18 and retired after 48 years of service.

A second-generation railroader, his early career was closely linked to that of his father, **George Rockwood**. His first student trip was with his dad, and he and his father worked together for the last three years of George’s career. Promoted to conductor in 1978, Brother Rockwood was a regular attendee of his union meetings and a local trustee.

Teddy said he learned his place in a union meeting and got a clearer picture of the roles each member of the crew filled.

Brother Rockwood said he always

felt an obligation to his brothers and sisters to help them along.

As an oldhead to the younger generation, he had this advice:

“I don’t care what you get called for — pack a 24-hour lunch for a one-way trip because Mother Nature and derailments don’t care what train you’re on,” he said. Come out with a 16-hour attitude, and if you make it in under 10 hours, consider it an excellent day.”

Another key to success, he said: triple check everything.

In retirement, he plans to spend time working on his home and restoring a 1963 Chevy and a 1951 Ford truck.

Congratulations to Brother Rockwood on a long career — your retirement packet from SMART-TD is on its way!

50-YEAR PIN RECEIVED AT LOCAL 1823 IN ST. LOUIS



Local 1823 Secretary & Treasurer Justin Shacklette, left, presents his father, Norbert, his 50-year pin at the local’s April meeting.

To Norbert’s right is retired local chairperson Jim Queathem. In the second row, from left, are Local Chairperson Matt Craig, Legislative Representative David Seliak, President Aaron Mosier and Vice President Paul Bailey.

THE FINAL CALL

Following are the names of deceased members who were active TD members or maintained annual membership in the SMART-TD Alumni Association, according to reports received at the TD office. These brothers and sisters will be missed by their many friends and by fellow Alumni Association members.

Local	Name	City/State	Local	Name	City/State	Local	Name	City/State
2	Pasch, J.M.	Northwood, Ohio	426	Casey, John D.	Seattle, Wash.	1313	Montgomery, James E.	Amarillo, Texas
7	Cotton Sr., Gary L.	North Platte, Neb.	427	Brand, John E.	Bogue Chitto, Miss.	1348	Wheeler, Thurman	Portland, Ore.
18	Golden Jr., John S.	El Paso, Texas	464	Adams, Robert C.	Edmond, Okla.	1374	Scalzo, Joel J.	Shenango Twp., Pa.
30	Stewart, William C.	Inverness, Fla.	492	Crowder, Richard D.	Roseville, Calif.	1402	Lambert, Billy M.	Dupo, Ill.
31	Rowan, Daniel T.	Watsonville, Calif.	597	Tucker, David C.	Oak Lawn, Ill.	1477	Gooding, Leo M.	Dearborn Hts., Mich.
113	Carlisle, Wade L.	Holbrook, Ariz.	762	Walters, David W.	Prattville, Ala.	1518	Hubbard, Donald E.	Indianapolis, Ind.
202	Kenney, Michael N.	Lakewood, Colo.	768	Estes, Brandon L.	Taylorville, Ill.	1522	Johnson, Carl A.	Bruceton Mills, W.Va.
225	Ruffing, Jason J.	Attica, Ohio	807	Hillman, Melvin D.	Tucson, Ariz.	1534	McKeown, Thomas P.	Montgomery, Ill.
265	Clayton, Jack C.	Rigby, Idaho	872	Sandy, Merrill	Kingman, Ariz.	1545	Bonner Jr., Floyd H.	Bastrop, La.
265	Whitworth, Arthur L.	Inkom, Idaho	934	Mockerman, Michael W.	Alliance, Neb.	1709	Tolliver, Weston E.	Sterling Hts., Mich.
286	Lemmer, Michael D.	Stapleton, Neb.	971	Spencer, Robert C.	Crewe, Va.	1785	Robinson, Dwayne L.	Palmdale, Calif.
286	Macomber, Michael R.	N. Platte, Neb.	980	Rust, James R.	Harvey, N.D.	1816	Power, Richard O.	Toledo, Ohio
286	Von Behran, Harold D.	N. Platte, Neb.	1059	Olson, Rolland E.	Minot, N.D.	1840	Bailey, David W.	Glasgow, Mont.
286	Walker, Robert E.	Lincoln, Neb.	1059	Siverling, Louis J.	Minot, N.D.	1869	Jones, Don	Williamson, W.Va.
313	Wilson, Bobby G.	Rockford, Mich.	1081	Colbath, R.F.	Mesa, Ariz.	1908	Montes, Ebony	Buffalo, N.Y.
367	Liebig, Ronald J.	Columbus, Neb.	1137	Anderson, Roy W.	Staples, Minn.			

He’s Dunn — and his career’s been a great one

After 44 years with Union Pacific and Missouri Pacific, **John Dunn** of Local 756, a great advocate for members in the great state of Texas in which he lives, has called it a career.

Dunn joined our union back in November 1977, after hiring on with Missouri Pacific in July 1977.

That began a long association where Brother Dunn served six years as a vice general chairperson of GCA-927, 16 years as local chairperson for LCA-927, 13 years as an alternate legislative representative and two years as his San Antonio local’s legislative representative. He served as the assistant Texas state legislative director starting in February 2020, and even had a stint on the SMART-TD Executive Board prior to his retirement, effective May 31.

“I guess I’m well-known because I’ve represented so many people,” Dunn said when contacted as he drove home from a union meeting at Local 1670 in Laredo, Texas, a mere four days before pulling the pin. “I’ve been doing this for so long ... my reputation preceded myself.”

Brother Dunn became an engineer in 1980 and started a notable streak of union activism in 1987 after his



From left, Texas State Legislative Director Kamron Saunders; SMART Transportation Division President Jeremy Ferguson; Lisa & John Dunn; TD Vice President Chad Adams; and Alt. Vice President/General Chairperson GCA-927 Scott Chelette, attend a celebration for John Dunn’s retirement on May 26.

uncle, the local delegate, suggested he run for alternate delegate. Dunn ended up attending his first convention in Miami Beach, Fla., to start a streak of nine conventions that “Big Bad John” attended as Local 756’s delegate, taking the time to kick off his opportunities to speak with a reminder to all that he hailed “from the great State of Texas.”

In 1997, Brother Dunn began to get more involved in the representational aspect of things.

“I was very lucky that they had regional meeting seminars – I went to those,” Dunn said. “Education is vital to be a successful local chairperson.”

Dunn even had people from other rail labor organizations asking for representation. He also saw the sore spots where carriers needed to improve treatment of workers.

Dunn recalled having to defend one worker in a disciplinary hearing for an attendance violation years ago who took time off because his young child had died.

“Things are going to happen to workers’ lives outside of work and there needs to be a change in attitude on the part of the carriers,” he said.

His dependability and advocacy in defending and serving his fellow union brothers and sisters also earned him the respect of his peers.

“John was the go-to guy for

everyone in and around San Antonio,” Texas State Legislative Director **Kamron Saunders** said. “He worked tirelessly for our membership.”

Often, his family life and union commitments crossed. His 25th wedding anniversary plans with wife Lisa were disrupted because Dunn was assigned to investigate a fatality. He also remembered a time when he had his daughter, then 7, sit off to the side while he was engaged in an arbitration hearing. But all these served as signs of his commitment to represent and help his union brothers and sisters be treated fairly.

In addition to being honored by Local 1670, Brother Dunn’s career also was

celebrated May 26 at the Local 756 monthly meeting as more than 50 people, including SMART-TD President **Jeremy Ferguson**, Vice President **Chad Adams**, Alt. Vice President **Scott Chelette** and Saunders, attended.

“There are so many accomplishments that Brother Dunn achieved throughout the years,” Chelette said. “But his drive, motivation and caring spirit will be missed the most. For the last 21 years or so, John has went to every ‘new hire’ class held in San Antonio and talked to them about the union and what to expect as a railroader.”

Post-retirement, Dunn said he’ll be spending more time with Lisa, his wife of 28 years; his daughter, Mallory, who is attending nursing school on a UTUIA scholarship; and his son, Jake, a pipefitting apprentice.

Plans will include traveling and reigniting his hobby of welding — Dunn has constructed a massive barbecue trailer in the shape of a steam engine and also has a computerized plasma cutter he might use to craft with as his wife continues to work.

SMART-TD thanks Brother Dunn for his decades of service and wishes him many years of a happy and healthy retirement.

IN MEMORIAM

Wade Carlisle, Local 113 member, former Ariz. Senate candidate, passes away after non-work accident

Wade Carlisle, a loyal member of Local 113 (Winslow, Ariz.), died in a non-work-related accident May 1 at age 50.

He was a member of our union for six years, and worked as a trainman/brakeman for BNSF.

He was vocal on worker safety issues and participated



Carlisle in an in-depth interview with the Arizona Daily Sun in 2018 regarding train automation and the importance of maintaining two-person crews.

Brother Carlisle ran for political office in 2018, narrowly losing a race for the Arizona State Senate, District 6 seat by a little more than 1,700 votes to a Republican incumbent. He also was a minister, small business owner, a city councilman and most importantly, husband to Sandy and

father to Emma and Abbey.

“Wade was very passionate about selfless service to his community,” Arizona State Legislative Director **Scott Jones** said. “One of his most-impressive qualities was how he kept a very calming demeanor when talking with constituents about issues they were very

passionate about.”

Brother Carlisle is survived by Sandy, his wife of 22 years, his two daughters, his mother; two brothers; and many nieces and nephews.

SMART-TD offers its heartfelt condolences to Brother Carlisle’s family and friends and his brothers and sisters of Local 113.

Local 225 President Jason Ruffing passes away from COVID-19

SMART Transportation Division Local 225 (Bellevue, Ohio) is mourning the passing of its president, **Jason Ruffing**, from COVID-19 at age 40 on April 21.

Brother Ruffing was the local’s president for more than six years, served as LCA-687C secretary and was a past trustee of the local.

He hired out with Norfolk Southern as a conductor in 2003 and was a certified remote control operator before becoming an engineer.

“Jason was well respected from his peers and the membership,”



Ruffing Local Chairperson **Michael Bishop** said. “Jason absolutely enjoyed helping anyone whether they needed it or not. He was the type of guy who would drop what he was doing to come help you out at any time. Jason will be missed dearly by his railroad brothers and sisters. “Godspeed, Jason.” President Ruffing loved to cook and grill during the local’s annual picnic, and never shared the

secret ingredients of his special recipe spice mix.

A favorite pastime was camping at Tall Timbers campgrounds in Port Clinton, Ohio, and he taught CCW classes in his spare time, his obituary stated.

He also served as a volunteer firefighter in Willard and Attica, was a supporter of Second Amendment rights and of the rights and freedoms we all have as Americans.

Brother Ruffing is survived by his parents, sisters, brothers and a number of other relatives.

Thurman Wheeler, Local 1348 member

Member **Thurman Wheeler**, 47, of Local 1348 (Centralia, Wash.) passed away April 30 after being hospitalized for nearly two weeks with COVID-19. He was a Union Pacific conductor on the Portland east to Hinkle, Ore., pool.

“Thurman was liked and loved by all, and his loss is being felt very hard here in Portland,” said member **Jeff Cubley** of Local 1574. “He was an excellent person to work with, and he worked his tail off to provide for his family.”



Wheeler

Featured photo showcase



Nathan Hatton of Local 168 (Chicago, Ill.) took this picture of this former N&W caboose that has seen much better days as it is dragged westbound by NS B19 train through Dearborn Station toward Wayne Yard in Dearborn, Mich.

Have your photograph featured

SMART-TD seeks images of work-related scenes, such as rail-road, bus or mass transit operations, equipment photos, scenic shots, activities of your local or photos of your brothers and sisters keeping America rolling.

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

High-resolution digital photographs should be in JPEG format and emailed to news_td@smart-union.org. We prefer horizontal photos. Be sure that your camera is set to the large resolution setting when taking the photo or it might not reproduce well.

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

All photographs submitted become property of SMART and can be used in future projects.

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

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